

Judiciary beginning at 10 a. m., on Monday, July 2, 1945, to continue hearings on the bill, H. R. 2788, to amend title 28 of the Judicial Code in regard to the limitation of certain actions, and for other purposes. The hearing will be held in room 346, House Office Building.

#### 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. MAY: Committee on Military Affairs. Report pursuant to House Resolution 20. A report on investigations of the National War Effort (Rept. No. 839). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON of New Mexico: Special Committee to Investigate Food Shortages. Additional report pursuant to House Resolution 195. A resolution to investigate food shortages (Rept. No. 842). Referred to the Committee of the Whole House on the State of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

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

Mr. CHENOWETH: Committee on Claims. H. R. 1955. A bill for the relief of the Revere Sugar Refinery; with amendment (Rept. No. 837). Referred to the Committee of the Whole House.

Mr. HEDRICK: Committee on Claims. S. 311. An act for the relief of Philip Kleinman; without amendment (Rept. 838). Referred to the Committee of the Whole House.

Mr. SPARKMAN: Committee on Military Affairs. H. R. 3607. A bill to authorize the President to appoint Gen. Omar N. Bradley to the office of Administrator of Veteran's Affairs, without affecting his military status and perquisites; without amendment (Rept. No. 840). Referred to the Committee of the Whole House.

#### PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANDREWS of New York:

H. R. 3625. A bill to amend the Mustering-Out Payment Act of 1944, as amended, to provide mustering-out payments for certain persons discharged or relieved from active service in the armed forces to accept employment; to the Committee on Military Affairs.

By Mr. LANDIS:

H. R. 3626. A bill providing direct Federal old-age assistance at the rate of \$40 per month to citizens 60 years of age or over; to the Committee on Ways and Means.

By Mr. RANKIN:

H. R. 3627. A bill to amend parts VII and VIII of Veterans Regulation No. 1 (a), as amended, to liberalize and clarify vocational rehabilitation and education and training laws administered by the Veterans' Administration, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. RANDOLPH:

H. R. 3628. A bill to create a Department of Peace; to the Committee on Foreign Affairs.

By Mr. MALONEY:

H. R. 3629. A bill to authorize the erection of a Veterans' Administration general medical and surgical hospital and domiciliary

facility in or near New Orleans, La., for women veterans of any war; to the Committee on World War Veterans' Legislation.

By Mr. SIKES:

H. R. 3630. A bill to amend the definition of "Veterans' Administration facilities" to authorize generally hospital care under contract; to the Committee on World War Veterans' Legislation.

H. R. 3631. A bill relating to the applicability of the War Labor Disputes Act to railroads and railroad employees; to the Committee on Interstate and Foreign Commerce.

H. R. 3632. A bill to repeal the Hatch Act; to the Committee on the Judiciary.

By Mr. DOUGHTON of North Carolina:

H. R. 3633. A bill to facilitate reconversion, and for other purposes; to the Committee on Ways and Means.

By Mr. RANDOLPH:

H. R. 3634. A bill to prohibit any Government agency from entering into any contract for construction in the United States with an alien or with any corporation, partnership, or other business association any officer of which is an alien; to the Committee on the Judiciary.

By Mr. SIKES:

H. R. 3635. A bill to provide that certain former widows of veterans of World War I and World War II shall be entitled to compensation or pension under the laws administered by the Veterans' Administration; to the Committee on World War Veterans' Legislation.

By Mr. SMITH of Virginia:

H. R. 3636. A bill relating to the sale in the District of Columbia of certain small rockfish; to the Committee on the District of Columbia.

#### PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BUCKLEY:

H. R. 3637. A bill for the relief of Irving Goldberg, a minor; to the Committee on Claims.

By Mr. HARRIS:

H. R. 3638. A bill to confer jurisdiction upon the United States District Court for the Western District of Arkansas to hear, determine, and render judgment upon the claim of Gordie M. Herren; to the Committee on Claims.

By Mr. HÉBERT:

H. R. 3639. A bill for the relief of Alexander D. Irwin and Archibald O. Leighton, trading as Irwin & Leighton; to the Committee on Claims.

By Mr. LESINSKI:

H. R. 3640. A bill for the relief of Joaquim Santos Valente; to the Committee on Immigration and Naturalization.

By Mr. THOMAS of New Jersey:

H. R. 3641. A bill for the relief of Mr. Martin Turpanjian; to the Committee on Claims.

By Mr. WICKERSHAM:

H. R. 3642. A bill granting a pension to J. F. Perfect; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1033. By Mr. ADAMS: Petition from Dorothy J. Littlefield and sundry other residents of New Hampshire, urging the passage of House bill 2082 introduced by Hon. JOSEPH R. BRYSON, of South Carolina; to the Committee on the Judiciary.

1034. By Mr. COCHRAN: Petition of Roy A. Mitchell and 317 other citizens of Missouri, protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

1035. Also, petition of Eldon Maddox and 298 other citizens of Missouri, protesting against the passage of any prohibition legislation by the Congress; to the Committee on the Judiciary.

1036. By Mr. GOODWIN: Petition of Peter A. Meister and sundry other residents of the Eighth Massachusetts Congressional District favoring the Bryson bill, H. R. 2082; to the Committee on the Judiciary.

## SENATE

SATURDAY, JUNE 30, 1945

(Legislative day of Monday, June 25, 1945)

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:

Most high God, who givest unto every people its heritage to enrich the commonwealth of mankind, at the day's beginning we would bow in humble penitence for our part in the fiery terror of the world's tangled tragedy fed by greed and pride and lust for power. Make pure our motives, ridding us as a nation of all base desire for self-advantage which does not include the weal of all lands. Be Thou the companioning Presence of our daily lives, going with us where we go, sustaining, guiding, correcting, empowering until our day's work is over and sunset comes to find us undishonored, undefeated, and unashamed. In the dear Redeemer's name. Amen.

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, June 29, 1945, was dispensed with, and the Journal was approved.

#### MESSAGES FROM THE PRESIDENT— APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on June 23, 1945, the President had approved and signed the act (S. 502) to permit the continuation of certain subsidy payments and certain purchase and sale operations by corporations created pursuant to section 5d (3) of the Reconstruction Finance Corporation Act, as amended, and for other purposes.

#### NOTICE OF PROCEDURE IN THE CON- SIDERATION OF THE UNITED NATIONS CHARTER

Mr. BARKLEY. Mr. President, I wish to make an announcement to the Senate as a result of the meeting of the Committee on Foreign Relations this morning pertaining to the San Francisco Charter. The committee was in session to determine the program to be followed so far as hearings are concerned in connection with the treaty signed at San Francisco, which will be submitted to the Senate next Monday by the President.

In that connection, I wish to state that the President will personally present the treaty to the Senate at 1 o'clock on Mon-

day, in a very brief talk. He wishes to come here, not only in his capacity as President but as a former Member of the Senate, and submit the treaty to his former colleagues without any fanfare or any of the usual appendages of publicity. In a very modest, and what seems to me to be a very appropriate and commendable spirit, he wishes to present it in person in a very brief talk.

In accordance with his wishes, it has been decided that there will be no radio broadcast of what he is to say, and, in order that the newspapers and news reel organizations may also understand, let me say that in accordance with that decision no pictures will be taken of the proceedings when he submits the treaty to the Senate.

The Committee on Foreign Relations decided to begin hearings on the 9th of July, which is a week from next Monday. It was impossible for the committee at its session this morning to determine in advance how many days would be consumed in the hearings, but the committee authorized the appointment of a subcommittee of five to make the necessary arrangements and determine the order in which the hearings would be held. It was the unanimous view of the committee that hearings should be held and concluded as speedily as possible consistent with proper consideration of the treaty.

I wish further to announce, inasmuch as there has been considerable speculation about it, that no recess of the Senate is contemplated or will be taken until the San Francisco Charter has been disposed of by the Senate of the United States. I feel that I should make that statement in order that those who are interested in the matter may understand that we will remain in session until the treaty has been disposed of.

Further than that, Mr. President, I am not able to announce the program of legislation at this time.

#### LEAVE OF ABSENCE

Mr. AUSTIN. Mr. President, I ask unanimous consent to be absent from the Senate next Monday and for a few days following that.

The PRESIDENT pro tempore. Without objection, leave is granted the Senator from Vermont.

#### THIRD QUARTERLY REPORT OF UNRRA—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Foreign Relations, as follows:

#### To the Congress of the United States of America:

I am transmitting herewith the third quarterly report on United States participation in the work of UNRRA and on expenditures and operations under the act of March 28, 1944.

On May 8, 1945, the long, dark years of Nazi tyranny ended and the liberation of millions of Europeans became a reality. The victory in Europe marks the close of a militaristic and barbarous era

that enslaved most of the continent and threatened free nations throughout the world.

Millions of the liberated peoples are emaciated, hungry, and sick, and they are without means of livelihood. Other millions who were ruthlessly commandeered into the Wehrmacht or forced into labor battalions to work on military projects and in the Nazi war factories and farms have been freed by United Nations forces only to find themselves destitute, far from home and country, and without food and shelter.

Even before VE-day, and under the most adverse conditions of supply and shipping shortages during the final offensives against Germany, UNRRA had begun to deliver supplies. UNRRA's year of planning and preparation was paying dividends in the form of mounting supplies and personnel services for the liberated areas, and assistance to our own military authorities in the care and repatriation of the millions of displaced persons.

UNRRA's shipments are now going forward in an increasing volume to Greece, Poland, Yugoslavia, Czechoslovakia, and other nations to relieve the victims of war who have no other source of assistance. With the redeployment of Allied troops in Europe to other theaters of operation and the resulting decrease in European military demands for supplies and shipping, it is now possible for UNRRA to begin to accelerate the flow of needed supplies to the liberated countries. What has been accomplished is only the beginning. This coming winter will be the period of greatest need. The people will require food until their farms can be restored and their food production increased. Clothing and medical supplies will be urgently required. In addition, limited quantities of agricultural, industrial, and transportation equipment will be necessary to enable the liberated peoples to utilize more effectively the resources at their disposal and to assist them in commencing the immense task of repairing the destruction and devastation of the war and to produce for themselves. The United States as a member of UNRRA is determined to do its part in furnishing the ships and supplies required to meet these critical needs.

The period covered by this report preceded the victorious thrust of the Allied armies and the complete defeat of Germany. Today, with hostilities at an end, UNRRA is moving to meet the task for which it has been preparing and putting its plans into operation. UNRRA can now accomplish the purpose for which it was established. The degree of that accomplishment will be a measure of the extent to which we keep faith with those who fought and died in order to bring freedom and relief from suffering to the liberated peoples and a secure peace to the world.

HARRY S. TRUMAN.

THE WHITE HOUSE, June 29, 1945.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House

had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3199) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1946, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 16, 44, and 49 to the bill, and concurred therein; that the House receded from its disagreement to the amendments of the Senate No. 32 to the bill and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House receded from its disagreement to the amendments of the Senate Nos. 48, 50, and 51 to the bill, and concurred therein, severally with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3550) making appropriations for the Military Establishment for the fiscal year ending June 30, 1946, and for other purposes.

The message further announced that the House had passed a bill (H. R. 3587) to provide for the performance of the duties of the office of President in case of the removal, resignation, or inability both of the President and Vice President, in which it requested the concurrence of the Senate.

#### EXECUTIVE COMMUNICATIONS, ETC.

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

#### SUPPLEMENTAL ESTIMATE—WAR DEPARTMENT (S. Doc. No. 60)

A communication from the President of the United States, transmitting an estimate of appropriation submitted by the War Department to pay claims for damages to or loss or destruction of property or personal injury or death, amounting to \$50,210.65, and which require an appropriation for payment (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

#### SUPPLEMENTAL ESTIMATE, PUBLIC ROADS ADMINISTRATION (S. Doc. No. 61)

A communication from the President of the United States, transmitting an estimate of appropriation submitted by the Public Roads Administration to pay claims for damage to roads and highways of States or their subdivisions, amounting to \$33,439.50, and which require an appropriation for payment (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

#### SUPPLEMENTAL ESTIMATE—JUDGMENTS AGAINST UNITED STATES GOVERNMENT BY DISTRICT COURTS (S. Doc. No. 62)

A communication from the President of the United States, transmitting, pursuant to law, an estimate of appropriation for payment of judgments rendered against the Government by United States district courts, amounting to \$14,779.86, together with an indefinite appropriation to pay interest (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATE—JUDGMENT AGAINST THE GOVERNMENT BY A UNITED STATES DISTRICT COURT (S. Doc. No. 63)**

A communication from the President of the United States, transmitting, pursuant to law, a record of judgment against the Government by a United States district court, as submitted by the Department of Justice to the Treasury Department, and which requires an appropriation of \$5,842.50, together with an indefinite appropriation to pay interest (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATE—JUDGMENTS RENDERED BY COURT OF CLAIMS (S. Doc. No. 64)**

A communication from the President of the United States, transmitting, pursuant to law, a schedule of judgments rendered by the Court of Claims which has been submitted by the Treasury Department and requires an appropriation for payment, amounting to \$360,980.86 (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATES—CLAIMS FOR DAMAGES TO PRIVATELY OWNED PROPERTY (S. Doc. No. 65)**

A communication from the President of the United States, transmitting, pursuant to law, estimates of appropriations submitted by the several executive departments and independent offices to pay claims for damages to privately owned property, amounting to \$16,348.21, and which require appropriations for their payment (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATES OF APPROPRIATION—CLAIMS ALLOWED BY GENERAL ACCOUNTING OFFICE (S. Doc. No. 66)**

A communication from the President of the United States, transmitting, pursuant to law, estimates of appropriation amounting to \$142,818.43 to cover claims allowed by the General Accounting Office and for the services of the several departments and independent offices (with accompanying papers); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATE—EXECUTIVE OFFICE OF THE PRESIDENT (S. Doc. No. 67)**

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal years 1945 and 1946, amounting to \$14,500, for the Executive Office of the President, the White House Office (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATE—UNITED STATES SENATE (S. Doc. No. 68)**

A communication from the President of the United States, transmitting a supplemental estimate of appropriation, fiscal year 1945, amounting to \$6,000, for the legislative branch, United States Senate (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

**SUPPLEMENTAL ESTIMATE—DEPARTMENT OF THE INTERIOR (S. Doc. No. 69)**

A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Department of the Interior, amounting to \$490,000, for the fiscal year 1946 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

**COMPENSATION OF CERTAIN POSTMASTERS**

A letter from the Postmaster General, transmitting a draft of proposed legislation to amend section 2 of the act of May 29, 1928, and section 3 of the act of March 29, 1944, affecting the compensation of postmasters (with an accompanying paper); to

the Committee on Post Offices and Post Roads.

**PERSONNEL REQUIREMENTS**

A letter from the Administrator of the Veterans' Administration, transmitting, pursuant to law, a supplemental estimate of personnel requirements for the Administration for the quarter ending June 30, 1945 (with an accompanying paper); to the Committee on Civil Service.

**PETITIONS AND MEMORIALS**

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

By the PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Illinois; to the Committee on Banking and Currency:

"Senate Joint Resolution 28

"Whereas oil is one of the critical materials absolutely required for the successful prosecution of the war effort of the United States and its allies against Germany and Japan; and

"Whereas the war cannot be prosecuted successfully without an adequate supply of oil for the United States and its allies; and

"Whereas the supply of oil for operations within the continental United States is dependent, at least in considerable part, upon the ability of oil operators to produce the same without sustaining a financial loss; and

"Whereas the price of oil as posted in the continental United States remains, with few exceptions, at the same level existing prior to the entry of the United States into the present war, notwithstanding the fact that drilling costs, labor costs, and all other costs incident to the drilling, completing, and equipping of oil wells (with the exception of a few controlled material prices) have increased to such an extent that the cost of developing properties for oil and gas purposes has almost doubled without any corresponding increase in the price of oil; and

"Whereas it appears that the visible and available petroleum resources of the United States are being rapidly diminished without a proper increase in new discoveries and in production with the result that, in the absence of renewed and bigger operations, the United States may shortly be without an adequate supply of oil for itself and its allies in this critical area which would result in disastrous delay in the prosecution of the war, and irreparable injury to the domestic economy of the United States, lessening the ability of the civil population to bear the burdens of taxation for war purposes: Therefore be it

*"Resolved by the Senate of the Sixty-fourth General Assembly of the State of Illinois (the House concurring herein),* That the Congress of the United States and the President are hereby urged and requested immediately to review and reconsider the necessity of fixing a price for crude petroleum commensurate with the increased cost of obtaining new production and to place the industries on a position of fair equality or parity with other industries of the United States which have enjoyed substantial increases in the price of manufactured or crude products, in order to stimulate increased activity in the search for new petroleum reserves and in the effort to increase the production of oil in the United States to meet the growing demand of the Nation's war effort and to prevent the hampering of the war effort and the injury to the domestic economy of the United States which would result from the loss of a sufficient supply of petroleum products for the Nation's need in its civil activities and in the prosecution of its war effort.

"It is the belief of the General Assembly of the State of Illinois that the solution of the problem presented in petroleum prices is of

paramount importance to the entire Nation and not one confined simply to petroleum-producing States, and that the importance of the solution of this question immediately cannot be minimized.

"The President and the Congress are further requested to give due consideration to the relaxation of the rules affecting the drafting of persons engaged in the oil industry, due to the fact that, in addition to the lack of proper adjustment of prices, the industry is being deprived continuously of valuable employees whose services are absolutely essential to the proper prosecution of the war effort, to the end that the industry may not only be stimulated to greater activity by proper adjustment of prices but may be enabled to train the manpower necessary to continue the search for new petroleum reserves and the development of existing and known reserves, with the proper relaxation of priority regulations concerning the furnishing of materials for the drilling of additional wells to increase the present productive capacity of the oil fields of the United States; and be it further

*"Resolved,* That suitable copies of this preamble and resolution be prepared by the secretary of state and forwarded to the President of the United States and to KENNETH MCKELLAR, President of the Senate; SAM RAYBURN, Speaker of the House of Representatives; Senator C. WAYLAND BROOKS and Senator SCOTT W. LUCAS."

A resolution adopted by the Intelligent American Voters League, of Cleveland, Ohio, favoring the enactment of the Bretton Woods agreement; to the Committee on Banking and Currency.

A resolution adopted by the Intelligent American Voters League, of Cleveland, Ohio, protesting against the enactment of legislation providing peacetime universal military training; to the Committee on Military Affairs.

**FAIR EMPLOYMENT PRACTICE COMMITTEE**

Mr. CAPPER. Mr. President, in connection with the consideration of House bill 3368, and more particularly that item in the bill providing funds for the Fair Employment Practice Committee, I ask unanimous consent to present for printing in the RECORD and appropriate reference a telegram dated Washington, D. C., June 24, 1945, signed by 30 organizations representing some 8,000,000 members, in support of the appropriation for the FEPC.

There being no objection, the telegram presented by Mr. CAPPER was received, ordered to lie on the table, and to be printed in the RECORD, as follows:

WASHINGTON, D. C., June 24, 1945.

HON. ARTHUR CAPPER,

Washington, D. C.:

Thirty organizations representing 8,000,000 members have met today in Washington in emergency session concerned about the fate of FEPC. We respectfully ask you to go to the floor of the Senate at the opening of the session on Monday when the war agencies appropriation bill is taken up and to remain throughout each session at all times to vote for restoration of the appropriation of the temporary Fair Employment Practice Committee and to resist any and all legislative trickery to kill or emasculate the present agency.

The record and vote of this measure will be one of the chief determinants of our support in future elections.

Mary McLeod Bethune, National Council of Negro Women; Dr. Charlotte Hawkins Brown, Palmer Memorial Institute; Dr. William M. Boyd,

Fort Valley State College; John H. Sengstacke, the Chicago Defender; Charles A. Collins, Negro Labor Victory Committee; Charles P. Browning, National Nonpartisan League; Eunice Hunton Carter, Lambda Kappa Mu; Benjamin J. Davis, Jr., National Communist Political Association; Mae Wright Downs, Delta Sigma Theta Sorority; Dorothy K. Funn, National Negro Congress; William H. Hastie, National Lawyers Guild; Anna Arnold Hedgeman, National Council for a Permanent FEPC; Perry W. Howard, I. B. P. O. Elks of the World; Thomasina W. Johnson, Alpha Kappa Alpha Nonpartisan Council on Public Affairs; Rayford W. Logan, Alpha Phi Alpha Fraternity; Z. Alexander Looby, Omega Psi Phi Fraternity; Ralph Matthews, Afro-American Newspapers; Harry McAlpin, National Bar Association; J. E. Mitchell, St. Louis Argus; Adam Clayton Powell, Peoples Civic Committee; Gertrude A. Robinson, Phi Delta Kappa Sorority; Mabel K. Staupers, National Association of Colored Graduate Nurses; Mary Church Terrell, National Association of Colored Women; Channing H. Tobias, Social Action Committee of the C. M. E. Church; Robert W. Williams, Interdenominational Ministerial Alliance of D. C.; George L. P. Weaver, Antidiscrimination Committee, C. I. O.; Walter White, National Association for the Advancement of Colored People; Max Yergan, Council on African Affairs; Rosa Gragg, Detroit Association of Women's Clubs; Mordecai W. Johnson, Howard University.

#### UNITED NATIONS CHARTER—RESOLUTION OF AMERICAN VETERANS COMMITTEE

Mr. CAPPER. Mr. President, I have received from Charles G. Bolte, chairman of the American Veterans Committee, with headquarters at New York, a letter embodying a resolution urging prompt ratification of the United Nations Charter recently adopted in San Francisco. I am heartily in accord with the appeal made by this organization. I ask unanimous consent to present Mr. Bolte's letter and that it be appropriately referred and printed in the RECORD.

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

THE AMERICAN VETERANS  
COMMITTEE, INC.,  
New York, N. Y., June 27, 1945.

HON. ARTHUR CAPPER,  
The Senate Building,  
Washington, D. C.

DEAR MR. CAPPER: Whereas the absolute necessity of the international security organization to prevent war and promote justice has been recognized for many years by all thinking Americans, including the Members of the United States Senate; and whereas the representatives of the United Nations meeting in San Francisco under conditions permitting the utmost freedom of discussion have drafted and unanimously approved the Charter of such an organization; and whereas the United States has been represented at the Conference by:

(1) A bipartisan delegation of national leaders including the Democratic chairman and a Republican member of the Foreign Affairs Committee.

(2) By advisers from all departments of the Government, from all branches of the armed forces and from private institutions, and

(3) By consultants representing 42 national organizations.

And whereas the above mentioned delegates and other representatives have fully debated all the issues, stood fast for American ideals and then unanimously agreed to the Charter as finally drafted, now, therefore: Be it

Resolved, That the American Veterans Committee considers it to be of utmost importance that the United States Senate promptly ratifies the United Nations Charter by a unanimous vote without reservation and prior to the meeting between President Truman, Prime Minister Churchill, and Marshal Stalin in mid-July.

CHARLES G. BOLTE,  
Chairman, American Veterans Committee.

#### REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. O'DANIEL, from the Committee on Commerce:

S. Res. 128. Resolution to investigate problems of the commerce of the United States during the postwar period; without amendment, and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

#### ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on June 29, 1945, he presented to the President of the United States the enrolled joint resolution (S. J. Res. 65) to transfer to the Reconstruction Finance Corporation the functions, powers, duties and records of certain corporations.

#### BILLS INTRODUCED

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

By Mr. BILBO:

S. 1212. A bill to amend section 12 of the act entitled "An act to provide for the recording and releasing of liens by entries on certificates of title for motor vehicles and trailers, and for other purposes," approved July 2, 1940; to the Committee on the District of Columbia.

By Mr. WHEELER:

S. 1213. A bill relating to the sale of passenger transportation accommodations; to the Committee on Interstate Commerce.

(Mr. JOHNSTON of South Carolina introduced Senate bill 1214, which was referred to the Committee on the Judiciary and appears under a separate heading.)

By Mr. WALSH:

S. 1215. A bill to reimburse certain Marine Corps personnel and former Marine Corps personnel for personal property lost in the disaster to the steamship *Maasdam* on June 26, 1941; to the Committee on Naval Affairs.

By Mr. CAPPER:

S. 1216. A bill to establish a National Library of Motion Pictures; to the Committee on the Library.

#### AMENDMENT OF PERNICIOUS POLITICAL ACTIVITIES ACT

Mr. JOHNSTON of South Carolina. Mr. President, I ask unanimous consent to introduce for appropriate reference a

bill entitled "An act to amend an act to prevent pernicious political activities," approved August 2, 1939, as amended. It is better known as the Hatch Act.

I do not believe any person should be penalized because he holds a position with the Government and, therefore, should not be allowed to act freely in connection with governmental activities and the selection of persons to hold political office in the United States. I wish to have some of the persons who are appointed to political office in my State have political influence during my term of office.

There being no objection, the bill (S. 1214) to repeal the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, as amended, introduced by Mr. JOHNSTON of South Carolina, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. HATCH subsequently said: I call the attention of the Senator from South Carolina [Mr. JOHNSTON] to what I am about to say. I have just been furnished a transcript of the remarks of the Senator regarding the repeal of the so-called Hatch Act.

Apparently the bill which the Senator has introduced would repeal the act in its entirety. I am quite sure the Senator from South Carolina would not want to do that if he had read the Hatch Act in full. He is striking at one particular feature. The Hatch Act covers many things.

The point I make, Mr. President, is that the Senator asked that the measure be referred to the appropriate committee, and it was sent to the Committee on the Judiciary. The original Hatch Act was considered by the Committee on Privileges and Elections.

I ask unanimous consent that whatever measure the Senator from South Carolina may have introduced, be referred to the committee which considered the original legislation.

Mr. JOHNSTON of South Carolina. Mr. President, I did not ask that it be referred to any particular committee. I shall be delighted to have it referred to the committee the Senator suggests, as I am a member of that committee.

Mr. HATCH. I am very happy the Senator consents, as I am also on the committee.

The PRESIDING OFFICER (Mr. HOEV in the chair). Without objection, the reference will be changed and the bill introduced by the Senator from South Carolina will be referred to the Committee on Privileges and Elections.

#### HOUSE BILL REFERRED

The bill (H. R. 3587) to provide for the performance of the duties of the office of President in case of the removal, resignation, or inability both of the President and Vice President, was read twice by its title and referred to the Committee on Privileges and Elections.

#### AIRPLANE ACCIDENTS

Mr. LANGER. Mr. President, on the 11th day of January 1945, I first brought to the attention of the Senate the matter

of defective, dishonest, and crude inspection of airplanes for use by our armed forces.

I stated then that Gen. H. H. Arnold, Chief of the Army Air Corps, had reported in a War Department release dated October 2, 1944, that up to that time there had been a loss of 17,500 planes in training in this country, which was three times as many as were lost on battle fronts all over the world.

In other words, Mr. President, I stated then that 17,500 air pilots had been killed in this country which was a number three times as great as the number of all air pilots who were killed in the war fronts all over the world. Let me repeat 17,500 Army planes crashed while in training while but 5,600 were lost in actual combat. How many planes crashed while in combat because of faulty construction and defective parts we will never know.

Later on February 1, 1945, and again on April 13, on April 23, on April 25, on May 3, on May 10, on May 17, and on May 31, in pursuance of what I conceived to be my duty to the fathers and mothers and sons and daughters of our beloved country, to the best of my ability I brought the matter to the attention of the Senate and to the Truman-Mead committee as the CONGRESSIONAL RECORD will testify.

Particularly have I emphasized that President Truman, while still a member of the Senate, himself over the radio on the night of October 5, 1943, told the American people the shocking story of his investigation of the Curtiss-Wright plant at Lockland, Ohio.

Again and again—and I cannot emphasize it too strongly—I stated and restated, iterated, and reiterated that on July 11, 1943, Senator Truman while chairman of the Truman committee promised the Senate a report on these airplane crashes. I quote from his report on Aircraft Accidents, page 30:

In addition to the foregoing the committee has been engaged in a study of military plane crashes and at a subsequent date will report on this subject. The committee is concerned about the large number of such casualties, particularly in noncombat operational flights in this country.

And on October 19, 1943, Senator Truman promised me in a letter that he would make a report on his findings. I read his letter as follows:

DEAR SENATOR LANGER: Thank you for your letter of October 14 inquiring concerning the report of my committee on military airplane accidents. The committee has been studying this matter for some time, but due to the difficulty which it has encountered in assembling the necessary information, this inquiry has not been completed. Consequently there will be no report in the immediate future. As soon as the committee's material is fully assembled it will, of course, make a report. I will be glad to advise you as to the approximate time as soon as it is possible to do so.

Sincerely yours,

HARRY S. TRUMAN,  
United States Senator.

Mr. President, I wish to point out that this letter was dated October 19, 1943, and up to the present time the Senate War Investigating Committee has not

released an aircraft accident report and the American people have been kept in abysmal ignorance of the testimony that Senator Truman, now President Truman, promised would be released at a subsequent date. He promised that report approximately 2 years ago, and still we have heard nothing from him regarding this most important matter.

Now, Mr. President, I rise again to state that various inspectors in aircraft plants have testified to conditions. One of them who left the service after several years at a South Pacific base testified that he was horrified at the conditions in which he found planes were being delivered, so when he came home he obtained a job at the Douglas Aircraft Co., near Chicago, Ill., but after he saw what was taking place there he resigned in utter disgust. Needless to say, men and women doing inspection work in our aircraft plants wrote to me from all sections of the Nation corroborating the affidavits furnished me by the brave and courageous men who witnessed this sinister type of sabotage in our war factories.

Of course, there are not as many witnesses as I should have liked to have, but the trouble was that most of them are dead. Thousands upon thousands of them are dead, and, needless to say, they can no longer testify. All they did was to take these death traps and attempt to fly them, and when they crashed their lips were sealed forever.

Mr. President, these young boys are dead, and how many more have died since July 11, 1943, when we were promised this report by the Truman committee, we may never know. This has become one of the top secrets in official Washington.

Mr. President, since the report was promised me, from newspapers in Washington, D. C., I have clipped a few headlines showing how many more pilots of bombers and Navy planes have died. Here are the headlines:

Virginian among 10 killed in bomber crash, San Rafael, Calif., July 26, 1944.

Bomber hits house, two children killed, Kansas City, Mo., July 26, 1944.

Aviation Cadet Rowland killed in Texas crash, Washington, D. C., August 2, 1944.

Army identifies four dead in bomber crash, Alexandria, La., August 2, 1944.

Eight fliers killed in Army bomber crash, Lake Charles, La., August 4, 1944.

Officer and two cadets killed in Colorado crash, La Junta, Colo., August 11, 1944.

Two Navy fliers killed, Boston, Mass., August 4, 1944.

Air cadet dies in crash, Williams Field, Ariz., August 24, 1944.

Twenty-two killed in Scotland as plane crashes with wounded Yanks, London, July 28, 1944.

Hospital plane lost at sea, Washington, D. C., July 30, 1944.

Pilot sticks to plane and dies in crash, Lunenburg, Mass., August 9, 1944.

Lieutenant Know killed in plane crash at Texas field, Washington, D. C., August 27, 1944.

Twenty-four pilots listed among 28 dead in plane crash, Atkinson, Nebr., August 4, 1944.

Air crash kills husband of train murder victim, Seattle, Wash., September 29, 1944.

Two Army fliers die in Nebraska crash, Fairmont Army Airfield, Nebr., September 25, 1944.

Bomber crashes near Potomac River, Washington, D. C., September 21, 1944.

District of Columbia marine flier killed in North Carolina crash, Norfolk, Va., September 16, 1944.

Instructor and student killed in plane crash, Huntington, W. Va., September 11, 1944.

Eight 'chutists, four fliers killed in C-47 crash, Camp Mackall, N. C., September 25, 1944.

Air victims unidentified, Wilmington, N. C., September 30, 1944.

Two Army fliers killed, Pocatello, Idaho, September 30, 1944.

Wasp killed, one hurt in Arizona plane crash, Tucson, Ariz., October 4, 1944.

Ex-navy-yard worker dies in Navy plane crash, Norfolk, Va., October 7, 1944.

Fourteen Army fliers killed in Texas plane crash, Dallas, Tex., October 8, 1944.

Instructor and British cadet killed in plane crash, Bunker Hill, Ind., October 12, 1944.

General Ent hurt in plane crash, Fort Worth, Tex., October 13, 1944.

Two Army fliers killed in Virginia crash, Camp Lee, Va., October 14, 1944.

Army plane crash kills officer, New York, N. Y., October 16, 1944.

Fourteen airmen killed in Louisiana plane crash, Lake Charles, La., October 17, 1944.

Navy reveals pilot died in crash in home town, Seattle, October 17, 1944.

Helicopter expert, four others die in crash, Dayton, Ohio, October 19, 1944.

Six fliers die, four others parachute to safety in plane crash, El Paso, Tex., October 21, 1944.

Corporal Smith, Gonzaga athlete, among those killed in crash, Russel, Kans., October 22, 1944.

Flight Officer Gilbert, architect's son, killed, Greenwich, Conn., November 4, 1944.

Two Camp Springs fliers killed in plane crash, Washington, D. C., November 7, 1944.

Army identified two dead, two lost, three hurt in crash, Homestead, Fla., November 10, 1944.

Sons of legislator, general die in crash, Washington, D. C., November 13, 1944.

This referred to the son of Representative BALDWIN of Maryland.

Seventeen killed in crash of big Army transport, Honolulu, November 15, 1944.

Five Army fliers die in Mississippi crash, Monroe, La., November 16, 1944.

Twenty-six Americans killed as troop plane falls, London, November 20, 1944.

Army identified two killed in plane crash, Madison, Wis., November 28, 1944.

Three in Ferry Command die in bomber crash, Memphis, November 28, 1944.

Fourteen men, three women killed in ferry pilot plane crash, Omaha, December 8, 1944.

Five killed, two hurt in crash of Army medium bomber, Raleigh, N. C., December 15, 1944.

Bomber wrecks train, Amarillo, Tex., December 19, 1944.

Mamaddad Navy pilot injured in crash, San Francisco, December 23, 1944.

Nine soldiers killed, 18 injured in Army plane disaster, Harrisburg, Pa., December 25, 1944.

Two killed in bomber crash in California, Long Beach, Calif., January 1, 1945.

Five killed, two hurt in crash, Indianapolis, Ind., December 26, 1944.

Plane explodes in air, two fliers die, Norfolk, Va., January 11, 1945.

Army list six killed in crash, Indianapolis, January 9, 1945.

Five missing, seven rescued in bomber crash, Grand Island, Nebr., January 17, 1945.

Wake Forest coach's son killed in plane crash, Wake Forest, N. C., January 19, 1945.

Six Army fliers killed in crash, Memphis, Tenn., January 8, 1945.

Boy is hero in pilot's rescue as crash kills three and injures three, Memphis, December 18, 1944.

Army cargo plane crash kills three veteran fliers, Romulus, Mich., January 27, 1945.

Four fliers are killed in Army transport crash, Birmingham, January 27, 1945.

Five fliers are killed, one hurt in South Carolina crash, Greenville, S. C., February 3, 1945.

Crash in England kills veteran test pilot, Dayton, Ohio, February 3, 1945.

Two Navy fliers killed in Maryland crash, Washington, D. C., February 3, 1945.

Two die as bomber crashes in Cuba, Habana, February 8, 1945.

Pilot gunner killed in light bomber crash, Florence, S. C., February 10, 1945.

Pilot killed, five of crew injured in B-29 crash, Oklahoma City, February 10, 1945.

Aircraft engineer died in Maryland crash, Washington, D. C., February 10, 1945.

Mother sees hero son killed when plane crashes, Morgantown, W. Va., January 12, 1945.

Seventeen bodies recovered in C-47 plane, Yuma, Ariz., January 3, 1945.

Thirteen die in crash of plane returning from Aleutians, Adak, Aleutians, January 4, 1945.

Bomber crash in Georgia kills four fliers, injures six, Savannah, Ga., January 20, 1945.

Two marine fliers die, January 20, 1945, Norfolk, Va.

Lieutenant Doyle, flier, killed, son of House Member, Myrtle Beach, S. C., January 25, 1945.

Crash kills Lieutenant Coleman, son of Federal judge, Melbourne, Fla., January 26, 1945.

Six killed, four injured in bomber crash, Salina, Kans., January 12, 1945.

Seven marine planes crash, 8 die, 9 rescued, San Diego, February 16, 1945.

Lieutenant Helfrich killed in Navy bomber crash, Washington, D. C., February 18, 1945.

District of Columbia airman dies in crash, Washington, D. C., January 28, 1945.

Crash injures Virginia airmen, Washington, D. C., January 28, 1945.

Maryland fliers killed in crash, January 30, 1945, Washington, D. C.

Twenty-four killed in Navy plane crash, Alameda, Calif., February 13, 1945.

Army captain and five others die in crash, Atlanta, Ga., February 17, 1945.

Missing bomber found with 10 aboard dead, Walla Walla, Wash., February 20, 1945.

Two from District of Columbia area die in Alabama crash, Washington, D. C., February 25, 1945.

Memorial mass arranged for bomber-crash victim, Hartsville, Ala., March 1, 1945.

Commander Harrel killed in Florida plane crash, Miami, Fla., March 8, 1945.

Six Army fliers killed, three hurt in bomber crash, Grand Island, Nebr., March 8, 1945.

Captain Foster, Navy expert, killed in plane crash, Washington, D. C., March 9, 1945.

Instructor saves eight from burning plane, Fort Worth, Tex., March 8, 1945.

Three killed, nine missing in New York bomber crash, Montauk Point, Long Island, March 12, 1945.

Ten bomber crewmen die in crash in Louisiana, Alexandria, La., March 12, 1945.

Two killed, 12 hurt, in bomber crash, Clovis, N. Mex., March 22, 1945.

Five Navy fliers lost in crash off coast, Martha's Vineyard, Mass., March 20, 1945.

Seven killed in Navy crash, San Francisco, March 15, 1945.

Flier's body, wreckage of three Navy planes found, Philadelphia, March 16, 1945.

Son of Colonel Rich, two other fliers killed, Washington, D. C., March 27, 1945.

Ensign Sturtevant, 20, dies in plane crash, Washington, D. C., March 27, 1945.

Ryan chief test pilot dies in crash, San Diego, March 27, 1945.

Navy bomber crashes, killing three fliers, San Francisco, April 4, 1945.

Two Navy fliers killed, Pensacola, Fla., April 4, 1945.

Eleven officers, 14 men die in plane crash, Sweetwater, Tex., April 20, 1945.

Observer dies in crash of bomber in Potomac, Washington, D. C., April 7, 1945.

Mr. President, all these individuals were killed in Army or Navy planes within the last few months.

The Mead committee took no action in the matter of plane crashes until I protested on the floor of the Senate and then on the 24th day of April 1945, the Mead committee announced that they were sending some of their personnel to make a preliminary investigation at the Curtiss-Wright plant at Buffalo, N. Y. Whatever investigation they made, as far as I know, has been kept secret. I do know this, however, that their chief investigator went to Buffalo and set himself up in a suite of rooms in a downtown hotel and announced through the local press that he was in town and urged Curtiss-Wright employees or anyone else who had pertinent information regarding conditions at this plant to call upon him.

Imagine, Mr. President, how many of these workers felt free to transmit information to the Mead committee inspector. I have been informed that the hallways leading to the chief inspector's hotel suite were lined with Curtiss-Wright spotters, and no Curtiss-Wright employee would have dared go near that hotel unless he was a man of extraordinary courage. The Mead committee was under no obligation to consult me, because, after all, I am only a Senator representing a lot of poor fathers and mothers and sons and daughters and could not be expected to be taken into their confidence.

By a strange coincidence on the very day when I, as ranking Republican member of the Senate Civil Service Committee, had a conference on Senate bill 807 dealing with the livelihood of millions of Federal employees—the committee set their hearings at that hour; and whether or not they knew that on the next day I was attending a conference of the Committee on Post Office and Post Roads at which time the livelihood of 357,000 postmasters, messengers, rural carriers, clerks, and other postal employees was at stake, I was notified that I might attend an executive session of the committee to hear witnesses from the War Department and Curtiss-Wright.

Shortly thereafter I received a letter from the Mead committee inviting me to attend meetings of the Mead committee to be held at Buffalo on the 5th and 6th of July. I accepted the invitation—only to be notified that the date had been changed to the 9th of July, because one of the committee members had a speaking engagement on the Fourth of July and that it would be very inconvenient for him to be at Buffalo the next day. I talked with that Senator and found that to be the case. When I endeavored to make arrangements to attend the Buffalo sessions on the 9th of July I was late notified by Mr. Flannagan, chief inspector of the Mead committee, that I would be expected to pay all my expenses. He told me that there was no money available to pay my rail fare or

my hotel bill. Upon informing committee members that I expected to go up there 2 days ahead of the time to interview nine witnesses whom I wished to produce, I was told that the Army was going to fly a plane to Buffalo on the 9th and that I could get a ride up there and a ride back; but, that they were not going up there on the 6th or 7th of July. Remembering that the Senate had appropriated a hundred thousand dollars presumably for this investigation, among others, I was frankly nonplussed that a Member of this body wishing to produce witnesses should be obliged to pay his own expense. In addition, I would like to add that Mr. Flannagan brought me a message that the distinguished senior Senator from Illinois [Mr. Lucas] had stated that as chairman of the Committee to Audit and Control the Contingent Expenses of the Senate he would not approve the necessary expense involved.

The Mead committee was perfectly willing to have me come to the hearing. The distinguished junior Senator from Michigan [Mr. FERGUSON] gave me a warm personal invitation to attend, but, of course, in view of the fact that he is not a member of the Committee to Audit and Control the Contingent Expenses of the Senate, it was impossible for him to arrange to pay my expenses in connection with the hearing.

Of course, Mr. President, being a man of simple tastes, I had not expected to occupy a huge senatorial suite in any of the leading hotels in Buffalo, nor had I expected to go to Buffalo on a special train or eat in a special car. It is even possible that I might have gotten a room for two or three dollars a day at the YMCA, or it might have been that the Salvation Army would have donated a room where I could have spent the nights. But, to me, this entire procedure of a Senator paying his railroad fare from Washington to Buffalo and back, and providing for his hotel bill and meals, while there seems to be so insignificant as to cost, that I have accepted the attitude of the Mead committee at its full value and will not intrude myself upon the distinguished members of that committee, fully confident that after 2 long years of preparation they will ultimately make their report to the American people.

In response to Mr. Flannagan's request that I give him the names of the nine witnesses, I very regretfully had to decline because they were names that had been given me in confidence, as men who were willing to testify in corroboration of the allegations and charges previously made by numerous workers and inspectors whom I named on the floor of the Senate.

Mr. President, I have received a letter which in a way is an anonymous letter and in a way is not. It is a most interesting letter. It is dated June 28 and is as follows:

JUNE 28, 1945.

THE HONORABLE WILLIAM LANGER,  
United States Senate,  
Washington, D. C.

DEAR SENATOR: As a New York-Washington newspaper correspondent, I've followed closely your exposé of Curtiss-Wright production

of defective planes in Senator MEAD's home town of Buffalo. This past week I read in Wayne Parrish's American Aviation Daily that Col. Robert L. Scott had testified before the Mead committee—and I laughed like hell. (For Scotty is a personal friend of Curtiss-Wright's Burdy Wright and has press agented the P-40 with two books and a movie.)

If somebody hasn't already told you, Senator, C. W. is all set to battle you. At the aviation writers association's convention on June 7 to 9 in Chicago, Curtiss-Wright must have had 10 press agents circulating; and its cocktail party for the press must have cost the taxpayers at least \$1,000. Ask your Chicago Tribune press reps.

Right after President Truman (then Senator) took Curtiss-Wright to the cleaners for producing defective planes and engines, President Vaughan of C-W fired his long-time public relations director, Larry Lawrence and employed Jess W. Sweetser, the ex-golf champion and Wall Street bond salesman "because Jess knows and plays golf with everybody who is anybody in Washington."

Sweetser was and is reported to be getting between \$25,000 and \$30,000 a year—all because he knows a lot of your colleagues and because he knows his way around Washington's offices and golf courses.

At the same time Curtiss-Wright employed Sweetser they also employed T. J. "Tom" Ross of the famous public relations specialists of T. J. Ross and Ivy Lee (who represents the Pennsylvania Railroad, Chrysler, etc.) in a consulting capacity. From all the signs, these are the boys who are masterminding against you.

Under Sweetser's direction, Curtiss-Wright cocktail parties and flying junkies have been something to talk about. For example, he lined up at least 40 Washington and New York newspaperman and magazine writers last October and flew them from New York out to St. Louis and back in an Army C-46 transport plane for the fanciest 2-day brawl I've ever seen, all to mark the announcement of Curtiss' new peacetime Commercial Commando plane.

In St. Louis we stayed at the Jefferson Hotel where Curtiss gave us a full dress party—12 course dinner—a rare demonstration of strip tease art by one Dawn Carroll imported from Chicago—made feminine companions available, and as Sid Fish of the New York Journal of Commerce said "provided us with everything except ———."

Bob Wood, editor of Aviation News; Bob Farr, of Science Service; Cliff Guest, of the American Aviation Daily, or for that matter, anybody covering aviation in New York, Washington, Buffalo, etc., can tell you quite an interesting story about Curtiss-Wright.

In fact, Senators, when you tire of investigating Curtiss-Wright's production of planes—defective or not—I'm sure the Curtiss-Wright public relations department—ranging from Sweetser right down to its Washington representative, Richard Cowell, formerly of the St. Louis Globe-Democrat—will provide you and the American taxpayer a real story.

Since I make my living by working for a newspaper which carries Curtiss-Wright advertising, I'm sure you'll understand my reluctance to identify myself as anything but AN AMERICAN NEWSPAPERMAN.

So, Mr. President, I hand this letter also to the Mead committee, and suggest that in connection with the Curtiss-Wright investigation, the committee also investigate whether Curtiss-Wright, in order to advertise a peacetime commercial plane to be sold after the war is over, used an Army plane, at the expense of the taxpayers of this country, to take 40 newspaper and magazine writers to St. Louis and give them the kind of a time

described. I have the original of that letter in my hand, and will be glad to hand it to the distinguished Senator from Michigan [Mr. FERGUSON], who is one of the members of the Mead committee.

Mr. President, I make these observations here today so that the record may be complete, and so that in my own conscience I can feel that I have given the Members of this body the full record as it stands as of this date. This is the eleventh time I have spoken on the matter of airplane accidents. I will speak again whenever I feel I can render service to this body.

To provide for an investigation of the alleged use of an Army transport plane by Curtiss-Wright at the expense of the taxpayers, I send to the desk a resolution providing that the Committee on Military Affairs shall ascertain, either directly or through a subcommittee thereof, whether the plane was used, as alleged in the letter which I have received, at the expense of the American taxpayer.

The PRESIDING OFFICER (Mr. HOEY in the chair). Without objection, the resolution will be received and appropriately referred.

The resolution (S. Res. 149) submitted by Mr. LANGER was read and referred to the Committee on Military Affairs, as follows:

*Resolved*, That the Committee on Military Affairs, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to the use of an Army transport plane to carry a group of newspaper and magazine writers from New York City to St. Louis, Mo., in October 1944, in connection with the announcement of a new peacetime commercial Curtiss-Wright airplane, including the manner in which such Army transport plane was made available for such purpose, the source from which gasoline was obtained for such trip, the manner in which and the persons by whom the expenses were paid for such trip, and all other pertinent facts and circumstances; and such committee or subcommittee is further authorized and directed to make a full and complete investigation with respect to any other similar incidents of the use of Army transport planes. The committee shall report to the Senate as soon as practicable the results of its investigation, together with such recommendations as it may deem desirable.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed \$5,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

JEFFERSON DAY DINNER ADDRESS BY SENATOR TUNNELL

[Mr. GUFFEY asked and obtained leave to have printed in the RECORD a Jefferson

day dinner address delivered by Senator TUNNELL, at Fort Wayne, Ind., on June 23, 1945, which appears in the Appendix.]

EDITORIAL ENDORSEMENT OF WAGNER-MURRAY-DINGELL SOCIAL SECURITY BILL

[Mr. WAGNER asked and obtained leave to have printed in the RECORD three editorials endorsing provisions of the Wagner-Murray-Dingell social security bill, which appear in the Appendix.]

THE WAGNER LABOR ACT—EDITORIAL FROM THE CLEVELAND NEWS

[Mr. BURTON asked and obtained leave to have printed in the RECORD an editorial entitled "At Last—The Needed Wagner Law Reform," on the subject of the Wagner Act, from the Cleveland News of June 21, 1945, which appears in the Appendix.]

PROPOSED FEDERAL LABOR RELATIONS ACT—EDITORIAL FROM THE CLEVELAND NEWS

[Mr. BURTON asked and obtained leave to have printed in the RECORD an editorial entitled "A Phony Argument," on the subject of the so-called Burton-Ball-Hatch bill, from the Cleveland News of June 25, 1945, which appears in the Appendix.]

SPECIAL STUDY OF BLACK-MARKET CONDITIONS BY STANLEY KREUTZER

[Mr. MEAD asked and obtained leave to have printed in the RECORD a report of a special study of black-market conditions, by Stanley Kreutzer, chairman of the Committee to Investigate Black Markets of the New York Board of Trade, which appears in the Appendix.]

ARTICLE FROM MAGAZINE PM IN TRIBUTE TO COL. BENJAMIN O. DAVIS, JR.

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article from the June 27, 1945, issue of PM in tribute to Col. Benjamin O. Davis, Jr., which appears in the Appendix.]

CITATION TO HON. FRANK C. WALKER, POSTMASTER GENERAL OF THE UNITED STATES

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD as a part of my remarks a citation to the Honorable Frank C. Walker, Postmaster General of the United States.

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

UNITED STATES TREASURY DEPARTMENT,  
Washington.

CITATION TO HON. FRANK C. WALKER, POSTMASTER GENERAL OF THE UNITED STATES (SEPTEMBER 11, 1940, TO JUNE 30, 1945)

This citation is awarded in recognition of outstanding public service as Postmaster General of the United States.

Through watchful care and prudent management of the postal revenues and expenditures, the postal service, during your term of office, has covered into the Treasury of the United States a net surplus of \$169,147,319.64. During your administration as Postmaster General the amounts paid into the Treasury as surplus revenue exceeded the sum total of all previous postal surplus revenue deposited in the United States Treasury since the formation of the Government.

Given under my hand and seal, the 30th day of June 1945.

HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

ACHIEVEMENT OF GRAVES COUNTY, KY.,  
IN SEVENTH WAR LOAN DRIVE

Mr. BARKLEY. Mr. President, the Senate will recall that heretofore I have announced with some pride that my native county in Kentucky, Graves County, was the first county in the State to attain and exceed its quota in the war bond drives which heretofore have been made.

I have received a telegram from Mr. Jess Anderson in connection with the Seventh War Loan drive in that county, and I should like to read it:

MAYFIELD, KY.

United States Senator ALBEN W. BARKLEY:

I am pleased to announce that Graves County was again first in the State to exceed war-loan quotas in seventh drive. Over-all quota nearly doubled and E quota substantially oversubscribed.

JESS ANDERSON.

I make this announcement and I request that the telegram be printed in the RECORD at this point, not only as a matter of pride in the achievement of my native county, but as a further encouragement to them in any other similar drives which may be made.

TRIBUTE TO DR. HARRY A. MILLIS

Mr. WAGNER. Mr. President, I rise to pay brief tribute to a great public servant, Dr. Harry A. Millis, who retires today from his post as Chairman of the National Labor Relations Board. From 1934 to 1935, Harry Millis served as a member of the old National Labor Relations Board. His thorough knowledge of the problems that faced the country in the field of labor relations at that time, his distinguished competence as one of the leading economists of the country, and his mature wisdom enabled him to contribute in an outstanding manner to the work of that Board. When he was appointed Chairman of the National Labor Relations Board in 1940, all of us who knew Dr. Millis were confident that he would administer the National Labor Relations Act during the troublesome times that lay ahead with great ability, wisdom, and vision. His distinguished record during the 4½ years in which he has served in that post confirmed the confidence that was placed in him.

Now that Dr. Millis is retiring from public life he carries with him the good wishes of all his friends and the gratitude of his fellow countrymen for the great service he has rendered to the Nation in his capacity as chairman of one of our most important Government agencies. I hope that after he has enjoyed the rest which he so richly deserves, Dr. Millis will be consulted from time to time and his great abilities enlisted in the solution of the difficult problems of industrial relations which may face us in the future.

Mr. President, I ask unanimous consent to have printed in the RECORD as part of my remarks a letter addressed by Dr. Millis to the members of the staff of the National Labor Relations Board on the occasion of his retirement.

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

NATIONAL LABOR RELATIONS BOARD,

Washington, D. C., June 25, 1945.

To Each and Every Member of the NLRB Staff:

I write this letter to each member of the NLRB staff, including those on transfer to serve Uncle Sam under the colors or as civilians. I write it because I cannot see and talk to all of the members of the team, due to travel limitations and health conditions, personal and otherwise, which alone have caused me to sever my connection with the NLRB prior to August 26. Of course, everyone has known or could readily have guessed that I never had any interest in continuing beyond that date when I was all but conscripted out of my retirement in 1940 and when young, vigorous men are needed as Board members if the act is to have the timely, considerate, objective, and neutral administration it calls for in troubled as well as at other times.

The same letter to each of hundreds of team mates cannot, of course, include those purely individual observations I would insert in individual notes as circumstance, emotion, and personal association would dictate in many, many cases. To supply these Frank (perpetually youthful) Bowen, Howard Myers, Ben Schaffler, Jim Shields, Hugh Sperry, Dr. Elliott, Tommy Graham, my five legal assistants beginning with Ivar Peterson and now ending with Mervin Bachman, my secretaries, Meta Phillips and Bessie Sweet, and several score of others, I must leave to memories or imaginations to write in. Of many things on my mind, which reach occupationally from bat boy to the General Counsel and the Director of the Field Division, and geographically from the Atlantic to the Pacific and on to Honolulu and Puerto Rico as well, I limit myself to two matters of first importance to me.

The first of these may be introduced by reference to the nausea I had more than 53 years ago when at 18, with high school and 2 years of country school teaching behind me, I left the family home on a farm to ride 58 miles to enter college. I was homesick before I reached the front gate. My present feeling is akin to that. For, in spite of the great turn-over in its personnel that the Board has experienced since 1941, familiar faces disappearing and new ones appearing, I feel a closer and more appreciative bond than I have ever developed in any other relationship, though my connections through the years have been fortunate, indeed.

Of course, at times some of you and I have disagreed on certain matters; most important, that of seniority as a factor in Board consideration. I may have at times spoken in Board conferences in very, possibly too, strong language concerning the necessity of keeping off any highway tending to lead to mediocrity, whether it be the result of emphasis on seniority, influence, or personal favoritism. In any event, the area of agreement has been overwhelmingly larger. You and I, with an occasional exception of someone in a hurry who has desired to use his own devices, have agreed to the fundamental assumptions of the Civil Service Act, under which all of us, save the three Board members, have been placed. We have had a statutory and representative merit-rating system with the right of appeal, and further appeal, even to the Commission itself. We have agreed that tried and approved service with the Board stoutly supports the principle of promotion from within so long as the best manpower and service can thus be obtained.

It has been with general acceptance of this scheme of things and with careful instruction and training in jobs, most of which call for professional training, plus the neutrality and objectivity inculcated and generally observed, that we have had a wonderful team, in spite of drafts into this and that,

a changing job with defense and then war, and now the early stages of reconversion. We have worked courageously as a heads-up team in an exceedingly difficult branch of administration. You have helped me, as one of your leaders, to remain young in spirit and zeal, though I have now surpassed the allotted threescore years and ten. Thus it is with regret that I must write "Auf Wiedersehen" to all, and perhaps farewell to most of you, and, after an ordered rest, spend my working hours at my desk in my library at the University of Chicago, with perhaps some arbitration cases if and when I am consulted about problems of industrial relations it is desired to resolve.

The other, a matter of greater significance, relates to the Wagner Act as it fits into industrial relations and has within its operations the possibility of far-reaching byproducts in this land of the free.

The National Labor Relations Act is without precedent in scope or promise in the history of our Nation. In fact, there has been no similar enactment on the statute books of any other country. It is the product of experience, a fertile mind, and social vision. Both mind and vision belong to Senator ROBERT F. WAGNER and those he selected to work with him. It is indeed proper and fitting that this law is popularly known as the Wagner Act.

While this most significant piece of legislation was without precedent, it was not foreign to our American way of life. On the contrary, it was in close harmony with the historical traditions of our land. Even the date of its passage demonstrates its basic kinship to these traditions: In 1935, the lights of freedom were going out all over the world. Life and liberty were either being suppressed or surrendered in behalf of promised gains. Our government might have then decided, as others did, that official fiat was the means to eradicate our industrial ills; it could have decreed that improper conditions or lack of standards must be remedied by official regulation. After all, would not administrative bounties distributed by a friendly government be best calculated to serve the needs of workers? Or, the Government could choose to risk the perils of self-determination by the workers themselves as to what those standards should be. This course would neither eliminate costly mistakes, nor the danger of false leaders; it might also mean that the fruits of self-determination might weigh less than government largesse. This was the choice to be made. And, as we now know, the proposal of Senator WAGNER and his associates avoided the Charybdis of liberty's surrender and instead patterned itself after Magna Carta, a magna carta for American labor.

The Wagner Act, like all charters, was a promise, a foundation. I like to think of it as a foundation—a foundation on which can be built either a rude shanty or a beautiful edifice. Either structure will be largely of our own making.

The edifice, however, is again in the best American tradition. The Wagner Act, with its full endorsement of collective bargaining and freedom of association, if and when desired, contemplates an edifice designed and buttressed by the best that freemen can contrive. True, there are the dangers of accidents of construction—self-perpetuating overseers, self-seeking leaders, those who will attempt makeshift short-cuts, also noncooperative employers, as well as honest mistakes in figuring stresses and strains. However, the history of our Nation shows, if it shows anything at all, that the common man, once given full opportunity to construct, will usually plan and build well. That is the story of America—whether you turn to Plymouth, the Declaration of Independence, the

Jacksonian era, Gettysburg, the Westward trek, or TVA.

The edifice premised on the foundation of the Wagner Act normally houses values to our Nation in economic, social, and communal terms. For this law, to be fully appreciated, must be assessed in the light of a developmental, remedial, and educational instrument. Its ramifications are, at any rate, with imagination, courage, and good faith, many and varied.

As an economist, I am fully aware of the body of literature on the economic implications of the Wagner Act and will not deign to add to it. Suffice it to point out in passing that the operation of the law—through its remedy of unfair labor practices and determination of collective bargaining representatives—leads to collective bargaining and collective bargaining is ordinarily concerned with better wages, shorter hours, protection in matters of discipline, and good working conditions in general. The collective agreement, however, means more than wages, hours, and working conditions. It means diminished turn-over, increased stability, and job security. And, beyond this, industrial democracy or real representative government in industry, when workers and employers leave off talking "rights" and talk of, measure, and resolve their plant and industrial problems. Progress is made only by solving problems, with insight and in good faith.

This participation of the worker in the government of his industry is a basic fruit of collective bargaining. It is a fruit which must accompany the blossoming and continued growth of our industrial and democratic society. For, in our political life, stable and efficient representative government cannot be realized and maintained unless the great mass of the electorate become experienced in a joint solving of the many common problems. In our economic life, where lie the most immediate and continuous interests of the common man, collective bargaining through trade-unionism can contribute mightily in training and in seeking for the democratic way. In short, unless collective bargaining is developed and is successful in industry, it is unlikely that the masses of the people will receive that training in discussion, patience, tolerance, and acceptance of majority decision necessary for the development of a stable and efficient representative government.

This edifice, thus, is not concerned with economic ends alone; it is training and experience in representative government. Collective bargaining does not halt here: Once the working force is assured of economic security, as it matures in the ways of representative government, just as soon will it express itself on community problems—stability of population, strong neighborhood groups, good schools, good streets, places of worship, recreation centers, and meaningful elections to office. These are the concern of freemen in a democratic society, and these are the things unreachable unless we stand and build on the foundation which exiles the labor spy from the industrial community, rejects antiunion discrimination, and encourages collective-bargaining covenants openly and honestly arrived at.

And, I venture, where collective bargaining is the accepted rule and the trade union is an accepted institution in the community, public officials will find this to be true: Whenever they will honestly try to do their duty and make war upon a labor racketeer, they will find such action popular among the mass of union people. Moreover, public officials will soon learn that trade unions are one of the most important political supports of representative government. Labor organizations have a stake in the perpetuation of a free-enterprise economy and in the perpetuation of the democratic process. A free-enterprise economy is, in fact, the only kind

in which they can really bargain with employers and function as the representatives of the workers' free choosing; and a democracy is the only form of government in which they can have effective voice in securing political and social gains for themselves and their members. In a well-organized, well-led, and experienced trade unionism and successful collective bargaining with forward-looking and able employers, I see the chief bulwark of the mode of life and the type of government we cherish and are determined to maintain and improve.

With these two thoughts, the one largely personal, the other quite different, I wish you young folks every success merited by ability, industry, and conscience and that you will live to see many more impossibles accomplished than I have seen in the several decades in which I have lived and tried to do my bit.

H. A. MILLIS.

#### FUNCTIONS OF OFFICE OF WAR INFORMATION

Mr. HILL. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a statement of mine relative to the OWI, dealing particularly with the fact that the OWI does not formulate or interpret American policy, and also dealing with the men and women of the staff of OWI who hold key positions with it.

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

##### STATEMENT OF HON. LISTER HILL ON OWI

A serious misunderstanding and an even more serious injustice manifested themselves several times during the Senate debate on the appropriation for the Office of War Information.

The misunderstanding involved the notion that the OWI somehow "formulated" and "interpreted" according to its own lights and prejudices; American policy.

The injustice was the repeated intimation that OWI was staffed with men who were not "the type of people" nor the "American type of men," to be entrusted with the task of conducting American propaganda toward our enemies or disseminating American information to our friends.

The record should be set straight on both these matters.

OWI is an operating agency. It does not make, formulate, devise or control policy. In its character of a Government propaganda agency it is at all times under the immediate and final direction of the Chiefs of Staff and their responsible deputies. In its character of a Government information agency abroad, it is at all times under the immediate and final direction of the Department of State and its experts on various desks.

OWI officials make daily visits to the War, Navy, and State Departments for guidance. War, Navy, and State Departments have officers who act as constant liaison with the top officials of OWI. Representatives of these three Departments sit on the Overseas Planning Board which finally reviews and clears every weekly directive under which OWI operates. On every issue of policy which arises—as it arises—OWI officials go immediately to these Departments for guidance.

As for the character and qualifications of OWI's top personnel, the Senate can be satisfied that these men are "the type of people" to put out such information under the direction of the responsible heads of the War, Navy, and State Departments.

The reputation of Mr. Elmer Davis as one of America's foremost newspapermen and radio commentators is too well known to

enlarge on his qualifications or the esteem in which he is held by his profession.

The Associate Director of OWI is Mr. Edward Klauber. Mr. Klauber achieved his reputation in the newspaper world as night city editor of the New York Times. He came to OWI—on a dollar-a-year basis—from his post as executive vice president of the Columbia Broadcasting System.

The Director of the Domestic Branch is Mr. Neil Dalton, one-time managing editor and later assistant to the president of the Louisville Courier-Journal, one of the most distinguished of American newspapers.

The Director of all overseas operations is Mr. Edward W. Barrett, one-time Washington correspondent and national-affairs editor of Newsweek magazine and later an associate editor of that publication.

The Executive Director of the Overseas Branch is Mr. Thurman L. Barnard, who came to OWI from the N. W. Ayer Advertising Agency, of which he was vice president.

The Overseas Branch is subdivided into three areas, each under the direction of a deputy director. The Deputy Director for area 1—comprising western and central Europe, north Africa, and the Balkans—is Mr. Wallace Carroll. Mr. Carroll was formerly manager of the London bureau of the United Press, a post for which he was eminently well qualified by long service as UP foreign correspondent throughout Europe.

The Deputy Director of area 2—embracing the United Kingdom, the British dominions, Russia, the Near and Middle East—is Mr. Ferdinand Kuhn, Jr., formerly a member of the editorial board of the New York Times and before that chief of the Times London bureau.

Area 3—comprising the Far East, exclusive of British regions—is under the direction of Mr. George Taylor, who was formerly professor and executive officer of the far eastern department in the University of Washington. Mr. Taylor has also served on the faculties of both Yenching University and the Central Political Institute at Nanking, and knows his area and its problems intimately.

The chiefs of outposts abroad have equal qualifications in past experience for the responsible positions which they hold. Mr. Herbert Agar is not only Chief of the British Division in the London outpost but serves also as assistant to Ambassador Winant. Mr. Agar was formerly editor of the Louisville Courier-Journal and is the author of several distinguished books on American history and politics.

Mr. Cass Canfield, Chief of the Paris outpost, is president of the publishing house of Harper & Bros. Mr. Canfield has also had Government experience as Chief of the Blockade and Supply Branch in the Bureau of Economic Warfare.

Mr. Francis Fisher, Chief of outpost at Chungking, knows the Orient at first hand through his experience as chief of the United Press bureau in Free China. Mr. Frederic S. Marquardt, Chief of OWI operations in the Southwest Pacific area, was for years associate editor of the Philippines Free Press.

This brief list does not nearly exhaust the roll of highly competent officials whom Mr. Davis has selected to carry out OWI operations in conformity with policies laid down by the Chiefs of Staff and the State Department, but it will suggest the caliber and professional standing of the men who have been responsible for achieving what the House Committee on Appropriations termed "a remarkably efficient administration on one of the most difficult assignments in connection with the war program."

A good part of OWI personnel is made up of trained newspapermen, and it might be well to cite a newspaperman's opinion on the efficiency of OWI. One of the jobs which Supreme Headquarters assigned to OWI was to arrange the coverage of the western front

during those first days following D-day, until communications were set up to handle all press copy. The arrangements for this "pooled" copy were made by Mr. George Lyons, OWI liaison with SHAEF. Before going to London, Mr. Lyons had been Chief of OWI's Domestic News Bureau. Previously he had been editor-in-chief of the Buffalo Times and city editor of the New York World-Telegram.

Mr. Lyons not only won the praise of Brig. Gen. T. J. Davis, Chief of SHAEF Public Relations Division, for his "assistance and guidance in handling press matters;" he also earned the commendation of newspapermen in London who were responsible for seeing that news of the Normandy landings reached the American people. Mr. Robert Bunnelle, head of the London Bureau of the AP and president of the Association of American Correspondents in London, conveyed to Mr. Davis the appreciation of the AP and the American correspondents for the "untiring efforts" of Mr. Lyons "in behalf of assuring that this great story might be adequately and promptly reported to the American people."

It was largely due to the "able operation" of Mr. Lyons, wrote Mr. Bunnelle, that "many a difficulty was composed with a minimum of fuss," and that the pooling of news copy—"a distasteful thing to every real newspaperman"—was "quickly discontinued so that initiative and individual enterprise in journalism could be restored."

It was this kind of operation that led Brendan Bracken, former Minister of Information in the British Cabinet and now First Lord of the Admiralty, to say at a press conference in New York that, while he was not acquainted with OWI operations as a whole, he could say its London office was the most efficient organization he had ever seen. That estimate would hold wherever OWI men are working with our armed forces against the enemy, or telling the American story to our friends.

The Senate need have no fear that the American bill of goods is not in safe hands.

This recital, however, would not be complete without giving the Senate some idea of the character of those OWI men in the lower ranks, who have worked directly under the military command in the field—often under combat conditions. To single out for special mention some of those men who have been variously labeled "crackpots," "do-gooders," "draft-dodgers," and "fifth-rate newspapermen":

There were four OWI men—Willard Hess, Robert Kleiman, Neil McIntyre and Edward Paxton—among the assault troops who hit the beaches on D-day at Leyte. Kleiman went in at H-hour plus one, and the LST on which he rode was shelled and hit six times. McIntyre was pinned down in a beach fox hole when Jap shells set off an ammunition dump. Hess was wounded in the Jap bombing attack which killed Asahel Bush of the AP, Stanley Gunn of the Fort Worth Star Telegram, and John Terry of the Chicago Daily News. Hess got the Purple Heart. Yet this OWI team put the Voice of Freedom on the air in a daily radio news program the first week, and 9 days after they went ashore the first copies of "Free Philippines" came off a captured press.

There is Charles P. Rockwood, a specialist in the preparation and dropping of leaflets. Rockwood received the Air Medal for 25 combat missions in all kinds of weather over Jap-held territory in Burma without escort protection. Mr. Rockwood incidentally is lame and a IV-F.

There is John Caldwell. For more than a year in Fukien Province Caldwell dodged the Japanese who were on three sides of him. On the fourth side was the sea from which came some of his supplies—delivered by Chinese pirates in the pay of the Japanese.

Caldwell, among other things, put up news posters within two blocks of the Jap military headquarters. He received his pay by radio.

There is Robert Morris Pierce, radio technician, who conceived the plan and rigged the radio which called in the Italian fleet—a story you are all familiar with. The same Pierce, after preliminary reconnoitering in a jeep, had tanks detailed to him for the capture of the powerful Luxemburg radio station. It was captured very nearly intact, and in a short time it was on the air with tactical propaganda to the German troops and SHAEF messages to the German people. Pierce was commended by the military commander.

At Salerno OWI men went in with the troops, and on the third day, before the beachhead was secure, were publishing papers in English and Italian. At Bari six OWI men with 20 Rangers captured the radio station, persuaded the mayor that the city was surrounded and held the city for 3 days until the Army arrived. At Palermo OWI men captured the radio station and repaired the station in 12 days.

Col. C. R. Powell, assistant for psychological warfare to Gen. Robert A. McClure, commended OWI man Robert Colwell for "outstanding meritorious service" as Chief of the Radio Section, Psychological Warfare Branch, of the Twelfth Army Group. The work of the radio unit under Colwell, Colonel Powell wrote, has "had a profound effect upon enemy soldiers and civilians as is amply proven by interrogation reports." To this commendation Brigadier General McClure, Chief of the Psychological Warfare Division, added his own appreciation for a job well done.

Lt. Gen. Hoyt S. Vandenberg commended Leo Hochstetter and John Rawson for their assistance to the Ninth Air Force. Hochstetter, incidentally, is still in a serious condition in an Army hospital. The cub plane in which he was making an observation flight over the lines in Germany was shot down by Nazi anti-aircraft fire. Maj. Gen. Samuel Anderson, Commanding General of the Ninth Bombardment Division, ETO, commended Arnold K. Beauchemin, William A. Brady, and William I. Elliott for helping in setting up radio-telephoto transmissions which "greatly facilitated our operational activities."

In a ceremony attended by George Merrell, United States Commissioner to India, seven OWI men received the Asiatic-Pacific campaign ribbon for their assistance to the military. Six were members of the Assam Psychological Warfare team. The seventh was Victor Rankin, whose body lies in the Burma jungle, where he died after a plane crash on May 25, 1944, while on a military mission. Rankin also received the Bronze Star, awarded posthumously.

It is the work of men like these which has led American military commanders to praise the effectiveness of psychological warfare against the Italians and Germans and to ask that it be stepped up—as it is being stepped up—against the Japanese.

#### THE HUNGRY HORSE PROJECT, FLATHEAD RIVER, MONT.

Mr. WHEELER. Mr. President, the past Congress authorized the postwar construction of the Hungry Horse project on the South Fork of the Flathead River in Montana. This project will be of tremendous importance to the development of the State of Montana, and I have done much work in connection with it. But this is not merely a Montana project. It was made clear in the hearings on the bill authorizing the project that the Hungry Horse Dam and Reservoir will make an important contribution

to the entire Columbia River system and will be of great benefit to the other States of the Northwest. In other words, the Hungry Horse Dam is not an isolated project which should be treated as a separate entity; it is part and parcel of a plan for the unified development of the greatest irrigation and power river in the country. It should not be considered separately, any more than Norris Dam in the headwaters of the Tennessee River system should be considered as a single independent project. That type of thinking on our watersheds has, fortunately, been outgrown. Hungry Horse Dam is a sound unit of a sound multiple-purpose treatment of the Columbia.

For that reason the Secretary of the Interior has wisely requested funds for making studies and for scheduling power lines that would link Hungry Horse Dam with the other projects on the Columbia River so that the Northwest may have an integrated power grid connecting all the projects and making low-cost power available throughout the region, just as the various dams on the Tennessee River system are linked together in a common transmission system. This is sound planning and good business for the Government and for the people of the Northwest. This is what we in Montana want to see done, and what the people and representatives of the other States of the Northwest want to see done.

The Senate has repeatedly expressed itself regarding the necessity of providing for the integration of public power facilities and for outlets from Government power plants to market in order to effectuate our historic policy of giving preference to public agencies and cooperatives in the sale of power and of preventing monopolization of publicly financed power developments by a few big corporations. Only last fall we settled that policy with respect to the dams built by the Army engineers throughout the country.

We cannot legislate such sound public policies and then negative them by withholding funds that are necessary to carry them out. That is nonsense. It is not playing fair with the people who have applauded the sound policies we have enunciated.

I am aware that the distinguished Senator from Arizona [Mr. HAYDEN] and his committee have done their best to hold to the Senate's position in this matter, and I compliment him on the courage and vigor with which he has upheld his responsibilities. But I am chagrined that action in the House of Representatives, at a time when this appropriation must be passed, makes it impossible for the Senate to demand that the funds for continuing the work on the interconnection of Hungry Horse with the other dams on the Columbia be retained in this appropriation bill. We in Montana will insist that a deficiency appropriation be sought in order to rectify this terrible mistake, and I am sure that the members of the committee who voted for this item in the current bill will uphold our request again. But I cannot help being concerned that the delay, short as it may be, will only give aid and

comfort to the interests which seek to destroy the soundness of our Federal developments by isolating them and by interfering with their integration and with the building of transmission outlets. I know that selfish and powerful interests do not want to see these Government plants handled on the sound businesslike basis that the Congress has repeatedly directed. I want them to realize that we know what their game is, and we will vigorously uphold the position we have taken. The appropriation for transmission-line studies of the Bonneville Power Administration must be augmented at the appropriate time by supplemental funds to assure the integration of Montana's Hungry Horse project with the other plants on the Columbia River. This must be done soon, so that this great project in my State can make its proper contribution to the solution of the postwar economic problems of the Northwest.

**SUGGESTED AMENDMENTS OF SURPLUS PROPERTY ACT BY CHAIRMAN GILLETTE**

Mr. O'MAHOONEY. Mr. President, approximately a week ago a subcommittee of the Committee on Military Affairs held a hearing at which all the members of the Surplus Property Board were present. The committee was considering the affairs of the Surplus Property Board, and the manner in which the Surplus Property Act has been functioning. During the course of the hearing I asked the Chairman of the Surplus Property Board whether he had any suggestions to make with respect to an amendment to the act. He said he did have some personal suggestions to make, and would submit them to me. I am now in receipt of a letter from Chairman Gillette of the Surplus Property Board, enclosing a list of suggestions which he has submitted in his personal capacity, and not at all in the capacity of speaking for the Board. I ask unanimous consent that his letter, which has been addressed to me, together with the list of suggestions, be printed in the RECORD at this point as a part of my remarks.

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

SURPLUS PROPERTY BOARD,  
Washington, D. C., June 29, 1945.

HON. JOSEPH C. O'MAHOONEY,

United States Senate, Washington, D. C.

MY DEAR JOE: I had promised you and two or three of the other Senators that I would send them some thoughts that I personally had been thinking in connection with possible amendment of the Surplus Property Act.

I am enclosing such a list of suggestions for thought. These, of course, do not go into the detailed amendment of the act such as would pertain to the field of application of priorities and preferences to be accorded but deal with matters which seem to me to be basic and foundational. In any event, I am sending them for any consideration they may merit. These suggestions are sent on my own personal responsibility and may or may not reflect the opinions of the other

members of the Board. In any event, you are free to use them in any way you see fit.

With personal greetings, I am,

Very sincerely,

GUY M. GILLETTE,  
Chairman.

**SUGGESTIONS FOR CONSIDERATION IN CONNECTION WITH POSSIBLE AMENDMENT OF THE SURPLUS PROPERTY ACT OF 1944**

I have had numerous requests from Members of the Congress on both sides of the Chamber for suggestions with reference to amendment of the Surplus Property Act, passed October 3, 1944.

The act was a comprehensive piece of legislation and went into new fields of legislative thought while covering a wide area of administrative needs. There are many provisions in the act which seem to the members of the Surplus Property Board to require clarification and possible change. However, in view of the fact that the Board did not complete its membership and actually start functioning until about the first of February 1945, it seemed illogical for the Board to suggest amendment without having available the guiding experience on which recommendations for amendment could be predicated. It seemed to the Board that their immediate duty was to try to apply and administer the act as it had been passed by the Congress, and at a later date possibly, in the light of some maturity of experience, make suggestions to the Congress, if requested to do so.

Because, however, my resignation from the Board has been filed and accepted and becomes effective July 15, 1945, it seems that I am justified in complying with the request made of me and call attention to a few matters which I believe should be carefully considered with a view to possible amendatory action. The matters which I shall list seem to me to be fundamental to the success of the legislation and basic enough to be discussed now. It must be understood, however, that these suggestions are made by me personally and do not purport to represent the opinion of the Board membership.

1. I was one of those who concluded that the provisions of the act should be administered by a Board, rather than by one Director or Administrator. This conclusion was based on the very logical premise that the combined thought and judgment of several individuals would be more democratic in procedure and more sound in conclusion than the judgment of one man. I also felt that no one man was omniscient enough to reach judgments in the wide field of activity envisioned by the act. In the light of my few months' experience as a member of the Board, however, I am forced to the conclusion, and I am convinced, that the act should be administered by one person as its head. This head does not need to be omniscient, because he can and must surround himself with division advisers competent to bring him the factual information and technical guidance on which he can base his decision. The decisions made in the administration of the act are of such vital import to the national economy that there should be highly centralized authority to make the decisions, and equally centralized responsibility for those decisions. Under Board procedure there will certainly be in the future, as there have been in the past, differences of opinion, and many of these great decisions will be made by divided vote of the Board membership. It can readily be seen that the import of some of these decisions will be so far reaching that there will be a temptation on the part of minority opinion to disclaim responsibility for decisions made, and this would be especially true if the decisions proved to be faulty in application. Whatever faults might be inherent in a single head for this

agency, it seems to me that they would be far offset by the advantages of centralized authority and responsibility.

2. The Surplus Property Act of 1944, following the pattern set by the late President when he created the Surplus War Property Administration by Executive order in February 1944, established this agency subordinate to the Office of War Mobilization and Reconversion. Section 5 (a) of the Surplus Property Act of 1944 and Section 101 (b) of the War Mobilization and Reconversion Act of 1944 established the Surplus Property Board "in the Office of War Mobilization, and in its successor" and provided that it should "exercise their functions subject to the general supervision of the Director."

This immediately brings the query as to congressional intent embodied in the words, "exercise their functions subject to the general supervision of the Director." Was it the intent of the Congress that such supervision should simply be of such a general nature as to be negligible in its effect, or was it the intention of the Congress that, if a Director so desired, all decisions, all rules, all regulations, and all activities of the Surplus Property Board, including its personnel and financial needs, should be channeled through the Office of War Mobilization and Reconversion and be subject to veto there? The present Director, Judge Vinson, and his predecessor, Judge Byrnes, have been painstakingly considerate in their interpretation of this supervisory function, but even with this attitude on their part, there have been numerous instances where plans and policies of the Board have been vetoed or changed in the Office of War Mobilization and Reconversion. It is needless to cite specific instances, for the fact is apparent that in the disposal of surplus property, the whole transaction is handled on three levels of activity. First is the disposal agency level, which carries out the actual operations of sale and distribution of surplus goods. Over and above this activity level is the Surplus Property Board, clothed by the Congress with broad powers of direction, supervision, and control. Over and above the Board is the Office of War Mobilization and Reconversion, supervising the Board in its turn. If this situation is allowed to continue, some future Director of the Office of War Mobilization and Reconversion might well insist that all activities be channeled through his office and be subject to his absolute supervisory control. It seems to the undersigned that this three level structure is particularly unfortunate, and it might be well to thoughtfully weigh the advantages of creating the Board as an independent agency of the Government.

3. One of the serious problems in connection with the disposal of Federal property has seemed to me to be the sale of property by owning agencies. Section 11 of the act provides that each owning agency has the obligation to survey property under its control and to "determine which of such property is surplus to its needs and responsibilities." It is then provided that the owning agency shall promptly report to the Board such surplus property. Surplus property is defined by the act as "property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with section 11," referred to above. The question arises as to when property becomes surplus. The above language states that it becomes such when it is "determined" to be surplus to the needs of the owning agency, and the declaration is another step to be taken after the determination. There have been instances brought to the attention of the Board where owning agencies had advertised property for sale to the public without declaring it surplus to the Board. In some of these instances, several months had elapsed after a decision had

been made that the property was no longer needed, but no declaration had been made to the Board. The question has been discussed by the Board membership and the Legal Division, and there certainly should be clarification as to what particular action brings to property the quality of "surplus." Does such quality adhere only after the property has been declared to the Board, or does it adhere to the property when it is an inchoate conclusion in the minds of the heads of the owning agency? Put more succinctly, what evidence is necessary to show that a determination has been made other than a mental conclusion? Until the property has become surplus property within the definition of the act, it does not come within the supervision of the Board or under the controls and restrictions of the provisions of the act.

4. Numerous statutes make provision for the disposal of Federal property by owning agencies. These statutes are other than the Surplus Property Act of 1944. In addition, the Surplus Property Act itself provides three situations in section 14 whereby owning agencies may make disposal of Federal property without declaring it surplus and bringing it under the provisions of the act. This has led to some confusion and will inevitably lead to more confusion. It is true that section 34 (a) of the act provides that authority conferred by the act is "in addition to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith." However, the same section provides further that "this act shall not impair or affect any authority for the disposition of property under any other law, except that the Board may prescribe regulations to govern any disposition of surplus property under any such authority to the same extent as if the disposition were made under this act, whenever it deems such action necessary to effectuate the objectives and policies of this act." Attention is directed to two phrases in this saving clause. First is that the regulations to be prescribed by the Board govern only disposition of surplus property under the provisions of these other acts. Again the question arises: What is surplus property? Is it property that they have merely determined to be surplus, or is it property that has been declared to the Board? The second phrase to which attention is directed is that this control of property sold under these other statutes is only when the Board deems it necessary to effectuate the objectives and policies of the act. The Board has, through its Legal Division, tried to list the multitude of statutes under which disposals can be made by owning agencies. Unless such a list is readily available and there can be some knowledge on the part of the Board of disposals under these other statutes, or intended disposals, there cannot very well be a determination by the Board that such disposals or contemplated disposals contravene the objectives of the act. The whole situation is thus left in a condition where, unless fully clarified, the first knowledge that the Board may have of disposals under these other statutes is when they are an accomplished fact and it is too late to formulate regulations and restrictions.

5. Under the act there has been a failure to legislate clearly in the field of the disposal of industrial real estate and industrial plants. Section 23 of the act legislates in detail relative to the disposal of nonindustrial real property, but in this section, war housing, industrial plants, factories, and the sites thereof, or land which the Board determines is essential to the use of any of the foregoing are expressly excluded from the provisions of this section. There is a dearth of legislation to guide in this most important field.

Substantially the only provisions in the act applying to this class of property are contained in section 19. In this section it was the obvious intent of the Congress to stipulate that no sales of certain classes of industrial plants there enumerated should be made prior to a general report to the Congress and a 30-day period of waiting. It seems equally obvious in reading the list of 12 categories of plants there set forth that the Congress had in mind the retention of some degree of control over the disposal of these plants which might lend themselves to the establishment or continuance of monopolistic control in the specific industry. It would seem that Congress should probably reexamine the legislation safeguarding the disposal of industrial plants and associated real property and should particularly note that the report to Congress provided for by section 19 simply refers to a report as to "the following classes of surplus property" and not to specific plants. Subsection (c) of section 19 clothes the Board with authority to lease plants in these listed categories for a term of not more than 5 years. Thought might well be given to the possible effect of such authority. A lease of these plants for a period of years could very well give an opportunity for the lessee to destroy or curtail the value of the plants by letting it stand idle or changing its physical character or by changes in processes. While provisions could be embodied in the lease terms providing for cancellation by the lessor under certain contingencies, it can readily be seen that unless a strict surveillance is maintained, the damage could well be done before there was knowledge sufficient to justify cancellation, or a situation develop where cancellation would simply be locking the stable door after the horse is stolen.

It would be well also to consider lowering the minimum of \$5,000,000 fixed by section 19 as the cost yardstick to govern the reporting of plants. It might well be lowered to \$1,000,000, which is the figure fixed in section 20 relative to the reporting of contemplated sales to the Attorney General.

6. Careful thought should be given to legislation dealing more specifically with sales of surplus property in foreign areas. Surplus property of the Federal Government will be declared in practically every part of the world. Markets and buyers are strictly limited, as are currency-exchange facilities. The Board has been constrained to make use of an agency known as the Office of the Army-Navy Liquidation Commissioner. It is readily recognized that there are new Federal agencies with offices and personnel and organization comprehensive enough to act as a disposal agency in the various parts of the world. The device of the joint Army-Navy office above referred to seemed to be the only readily available agency to do an immediate job in these fields. But the fact remains that, through the use of this device, owning agencies declare property to themselves as disposal agencies. As a consequence we have a situation where such departments as the War and Navy Departments are disposing of goods in foreign areas, and in these disposals, some sales are made by the owning agency as such under authority of general statute, and other sales are made after the owning agency has declared property to itself as a disposal agency. I think it will be readily conceded that the whole machinery of surplus disposal as contemplated by the Congress envisioned and provided for declarations by an owning agency to the Board and sales under Board supervision by another and different agency of the Federal Government as a disposal group. A reexamination of legislation for sales in these foreign fields would seem to be desirable.

7. The Congress, through the enactment of section 27 of the act, sought to protect the machinery of surplus property disposal from the temptations which would surround personnel previously employed by the Board or a disposal agency from the use of the knowledge and experience gained as such employee for the advantage of private concerns interested or involved in the disposition of Federal surplus property. Section 27 therefore provides that no person employed by any Government agency shall, during the period in which the person is so engaged or for a period of 2 years thereafter, "act as counsel, attorney, or agent \* \* \* in connection with any matter involving the disposition of surplus property by the agency in which such person was employed, if such person during his employment with such agency ratified, approved, or authorized the disposition of any surplus property pursuant to the provisions of this act or recommended any such approval, authorization, or ratification as part of his official duties." This would seem to be an inadequate safeguard. For instance, it would seem that this language would not apply to numerous personnel on the staff or in the employ of the Surplus Property Board, since their employment does not involve the ratification, approval, or authorization of the disposal of surplus property. Neither would it apply to thousands of employees of disposal agencies who might nevertheless be in a position to use knowledge gained through their employment by the disposal agency to the advantage of some later nonofficial employer. Indeed, it would appear that a strict construction of the language employed in this section would not prohibit me, as a former Chairman of the Surplus Property Board, from active participation in many sales of surplus property in the future, because I have not been employed by any of the disposal agencies. It is readily conceded that the congressional purpose was not to curtail future employment of minor employees of the disposal organization, but the fact remains that the abuses which the Congress sought to anticipate and prevent would not be successfully met without amendatory language to this section.

8. Various Members of the Congress have expressed the fear of a repetition of the situation following World War I whereby unscrupulous business houses falsely advertised and misrepresented the sale of goods as being governmental surplus when such was not the case. These Members of Congress have suggested that the act be amended to guard against this possibility. It should be borne in mind, however, that most States have statutes for protection against fraud and misrepresentation of this type. If transactions in interstate commerce are involved, the Federal Trade Commission would of course have jurisdiction in most cases. It would not seem to be a proper obligation of the Surplus Property Board to undertake the task of policing advertisement of all types of property with a view to determining its truth or falsity. It is suggested that Congress might give thought to amendatory provisions relative to the use of such trade names as Army and Navy Stores or trade names indicating that the stock for sale is surplus Government property when in fact it is not. There can be little question that such provisions might be useful where interstate commerce is involved.

G. M. GILLETTE.

JUNE 29, 1945.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of

conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 30) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

ENROLLED BILL AND JOINT RESOLUTION  
SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the President pro tempore:

H. R. 3278. An act to amend section 204 of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940, as amended, to increase the amount authorized to be appropriated therein, and for other purposes; and

S. J. Res. 30. Joint resolution extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

WAR AGENCIES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1945, and for other purposes.

Mr. O'DANIEL. Mr. President, on the 28th of this month I endeavored to submit an amendment to the pending bill, House bill 3368. The parliamentary situation at that time prevented me from submitting the amendment, because the Senator from Mississippi [Mr. Bilbo] had the floor and could not yield for that purpose without losing the floor. I did not wish to take him off the floor. I therefore postponed action. However, later on the same day, out of the kindness of his heart, and in his desire to hasten the enactment of House bill 3368 uncontaminated, the Senator from Mississippi agreed to submit the amendment for me, which he did.

I appreciate the fact that the Senator from Mississippi also thought my amendment was so good that he joined me as a coauthor. I now send the amendment to the desk and ask that it be read and considered at the proper time.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. At the proper place in the bill it is proposed to insert the following: "Provided further, That no part of the funds appropriated in this act or in any other act shall be available for expenditure to carry out the functions vested in the Committee on Fair Employment Practice by Executive Orders No. 8802 and 9346 until, and then only so long as, such Executive orders are so amended as to impose the same prohibitions upon, and remedies to prevent, discrimination against any person because of his membership or nonmembership in, or affiliation or nonaffiliation with, any labor organization as are imposed by such Executive orders with respect to discrimination against any person because of his race, creed, color, or national origin."

Mr. MEAD. Mr. President, under rule XXII I send to the desk, to be read, an amendment which I intend to offer in

connection with the consideration of House bill 3368. A similar amendment is on the desk.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 1, after line 8, it is proposed to insert the following:

COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Salaries and expenses: For all expenses necessary to enable the Committee on Fair Employment Practice to carry out any functions lawfully vested in it by Executive Orders No. 8802 and 9346, including salary of a chairman at not to exceed \$8,000 per annum and six other members at not to exceed \$25 per diem when actually engaged; travel expenses (not to exceed \$63,800); expenses of witnesses in attendance at committee hearings, when necessary; printing and binding (not to exceed \$4,800); purchase of newspapers and periodicals (not to exceed \$500); not to exceed \$694 for deposit in the general fund of the Treasury for cost of penalty mail as required by section 2 of the act of June 28, 1944 (Public Law 364); and the temporary employment of persons, by contract or otherwise, without regard to section 3709 of the Revised Statutes and the civil-service and classification laws (not to exceed \$8,900); \$446,200: Provided, That no part of the funds herein appropriated shall be used to pay the compensation of any person to initiate, investigate, or prosecute any complaint against any defendant where such defendant does not have the same right to appeal an adverse decision of the Committee on Fair Employment Practice to the President of the United States, or to refer said complaint to the President of the United States for final disposition, as is asserted by or allowed the said Committee on Fair Employment Practice in cases where persons complained against refuse to abide by its orders: Provided further, That no part of this appropriation shall be used to pay the compensation of any person to initiate, investigate, or prosecute any proceedings against any person, firm, or corporation which seeks to effect the seizure or operation of any plant or other property of such person, firm, or corporation by Federal authority for failure to abide by any rule or regulation of the Committee on Fair Employment Practice, or for failure to abide by any order passed by the Committee on Fair Employment Practice: Provided further, That no part of the funds herein appropriated shall be used to pay the compensation of any person employed by said Committee on Fair Employment Practice who issues or attempts to enforce any rule, regulation, or order which repeals, amends, or modifies any law enacted by the Congress.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was under the subhead "Office of War Information," on page 15, line 15, after "\$39,670,215", to strike out "reducing the office of War Information by \$17,000,000 to apply to the estimates for activities in Europe and the United States."

The amendment was agreed to.

The next amendment was, on the same page, line 18, after the word "than", to strike out "\$31,135,270" and insert "\$35,583,165."

The amendment was agreed to.

The next amendment was, on the same page, line 20, after the word "than", to strike out "\$1,297,500" and insert "\$1,482,855."

The amendment was agreed to.

The next amendment was, on the same page, line 25, after the word "exceeding", to strike out "\$36,840" and insert "\$42,105."

The amendment was agreed to.

The next amendment was, on page 16, line 11, after the word "exceed", to strike out "\$250,000" and insert "\$285,715."

The amendment was agreed to.

The next amendment was, on page 17, line 7, after the word "and", to strike out "other" and insert "others."

The amendment was agreed to.

The next amendment was, under the subhead "War Production Board," on page 18, line 24, after the word "exceed", to strike out "\$186,300" and insert "\$210,000"; and on page 19, line 4, after the word "airplane", to strike out "\$35,000,000" and insert "\$35,623,700."

The amendment was agreed to.

The next amendment was, under the subhead "Smaller War Plants Corporation," on page 19, line 14, after the word "exceed", to strike out "\$7,000,000" and insert "\$8,000,000"; in line 22, after the figures "\$12,000", to insert "and the salaries of four members of the Board at not exceeding \$9,000 each per annum"; on page 20, line 11, after the word "exceed", to strike out "\$43,750" and insert "\$50,000"; and on page 21, line 5, after the word "said", to strike out "\$7,000,000" and insert "\$8,000,000."

The amendment was agreed to.

The next amendment was, under the subhead "War Shipping Administration," on page 22, line 22, after the word "their" where it occurs the second time, to strike out "first post of duty in a foreign country" and insert "posts of duty outside continental United States (excluding Alaska) and return; payments to employees of per diem allowances in lieu of subsistence during periods after December 7, 1941, while on temporary duty or in training outside continental United States pending assignments to permanent duty stations; necessary advance payments in foreign countries; payment of any final judgment rendered in any suit arising out of the activities of said Administration, under the Suits in Admiralty Act (46 U. S. C. 741-752), the Public Vessels Act (46 U. S. C. 781-789), and section 902 of the Merchant Marine Act, 1936 (46 U. S. C. 1242), including payment of any compromise authorized by law of any such suit."

The PRESIDING OFFICER. That concludes the committee amendments. The bill is before the Senate and open to further amendment.

Mr. JOHNSTON of South Carolina. Mr. President, are there any amendments now pending?

Mr. CHAVEZ. I understand there is an amendment now lying on the desk.

The PRESIDING OFFICER. No amendment is now pending. The Senator from New Mexico [Mr. Chavez] has an amendment now on the desk which has not been offered.

Mr. MEAD. Mr. President, only a moment ago I offered an amendment similar to the amendment which my colleague the Senator from New Mexico [Mr. Chavez] presented.

Mr. BILBO. Mr. President, a parliamentary question.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. BILBO. Has the amendment to which the Senator from New Mexico referred been offered?

The PRESIDING OFFICER. The amendment was presented but not offered.

Mr. BILBO. I make a point of order. Mr. BARKLEY. The presentation of an amendment is not an offer of the amendment.

The PRESIDING OFFICER. The Chair rules that the amendment has been presented but not offered.

Mr. CHAVEZ. Mr. President, I offer the amendment which I have presented, and ask that it be read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 1, after line 8, it is proposed to insert the following:

COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Salaries and expenses: For all expenses necessary to enable the Committee on Fair Employment Practice to carry out any functions lawfully vested in it by Executive Orders Nos. 8802 and 9346, including salary of a Chairman at not to exceed \$8,000 per annum and six other members at not to exceed \$25 per diem when actually engaged; travel expenses (not to exceed \$63,800); expenses of witnesses in attendance at committee hearings, when necessary; printing and binding (not to exceed \$4,800); purchase of newspapers and periodicals (not to exceed \$500); not to exceed \$694 for deposit in the general fund of the Treasury for cost of penalty mail as required by section 2 of the act of June 28, 1944 (Public Law 364); and the temporary employment of persons, by contract or otherwise, without regard to section 3709 of the Revised Statutes and the civil-service and classification laws (not to exceed \$8,900); \$446,200: *Provided*, That no part of the funds herein appropriated shall be used to pay the compensation of any person to initiate, investigate, or prosecute any complaint against any defendant where such defendant does not have the same right to appeal an adverse decision of the Committee on Fair Employment Practice to the President of the United States, or to refer said complaint to the President of the United States for final disposition, as is asserted by or allowed the said Committee on Fair Employment Practice in cases where persons complained against refuse to abide by its orders: *Provided further*, That no part of this appropriation shall be used to pay the compensation of any person to initiate, investigate, or prosecute any proceedings against any person, firm, or corporation which seeks to effect the seizure or operation of any plant or other property of such person, firm, or corporation by Federal authority for failure to abide by any rule or regulation of the Committee on Fair Employment Practice, or for failure to abide by any order passed by the Committee on Fair Employment Practice: *Provided further*, That no part of the funds herein appropriated shall be used to pay the compensation of any person employed by said Committee on Fair Employment Practice who issues or attempts to enforce any rule, regulation, or order which repeals, amends, or modifies any law enacted by the Congress.

Mr. JOHNSTON of South Carolina. Mr. President, I make the point of order that inasmuch as the amendment was not submitted by the Committee on Appropriations, it would be necessary, by a two-thirds vote of the Senate, to suspend rule XVI before the amendment could

be considered. I raise that point of order.

The PRESIDING OFFICER. The point of order is well taken.

Mr. MEAD. Mr. President, a moment ago I presented an amendment to the desk, and I wonder if I may ask to have it read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 1, after line 8, it is proposed to insert the following:

COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Salaries and expenses: For all expenses necessary to enable the Committee on Fair Employment Practice to carry out any functions lawfully vested in it by Executive Orders Nos. 8802 and 9346, including salary of a chairman at not to exceed \$8,000 per annum and six other members at not to exceed \$25 per diem when actually engaged; travel expenses (not to exceed \$63,800); expenses of witnesses in attendance at Committee hearings, when necessary; printing and binding (not to exceed \$4,800); purchase of newspapers and periodicals (not to exceed \$500); not to exceed \$694 for deposit in the general fund of the Treasury for cost of penalty mail as required by section 2 of the act of June 28, 1944 (Public Law 364); and the temporary employment of persons, by contract or otherwise, without regard to section 3709 of the Revised Statutes and the civil-service and classification laws (not to exceed \$8,900); \$446,200: *Provided*, That no part of the funds herein appropriated shall be used to pay the compensation of any person to initiate, investigate, or prosecute any complaint against any defendant where such defendant does not have the same right to appeal an adverse decision of the Committee on Fair Employment Practice to the President of the United States, or to refer said complaint to the President of the United States for final disposition, as is asserted by or allowed the said Committee on Fair Employment Practice in cases where persons complained against refuse to abide by its orders: *Provided further*, That no part of this appropriation shall be used to pay the compensation of any person to initiate, investigate, or prosecute any proceedings against any person, firm, or corporation which seeks to effect the seizure or operation of any plant or other property of such person, firm, or corporation by Federal authority for failure to abide by any rule or regulation of the Committee on Fair Employment Practice, or for failure to abide by any order passed by the Committee on Fair Employment Practice: *Provided further*, That no part of the funds herein appropriated shall be used to pay the compensation of any person employed by said Committee on Fair Employment Practice who issues or attempts to enforce any rule, regulation, or order which repeals, amends, or modifies any law enacted by the Congress.

Mr. McKELLAR. Mr. President, I want to know what is the difference between the amendment offered by the Senator from New York and the amendment offered by the Senator from New Mexico.

The PRESIDING OFFICER. They are identical, the Chair is advised.

Mr. McKELLAR. They are identical. The Mead amendment has not been passed upon by the committee.

Mr. BILBO. The Mead amendment cannot be offered until the Senate votes on the special rule.

The PRESIDING OFFICER. The Chair rules the same point of order would apply to the amendment offered by the

Senator from New York as to the amendment offered by the Senator from New Mexico.

Mr. BARKLEY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BARKLEY. The Senator from New Mexico having given written notice under the rules that he would move to suspend the rule in regard to the amendment which he proposed, and no such notice having been filed, so far as I am informed, with regard to the amendment now offered by the Senator from New York, is it or not true that the Senator from New Mexico is the only Senator who is in position to move to suspend the rule in order that consideration may be given to the amendment he has offered, and which the Chair declared out of order.

The PRESIDING OFFICER. That is correct.

Mr. MEAD. Mr. President, a parliamentary inquiry. It is my opinion that the Presiding Officer in ruling the other evening when we were discussing the cloture rule held that Members could present amendments up until 1 o'clock on Monday, when the cloture petition would be voted upon, and that those amendments would be in order, and pending.

Mr. BARKLEY. Mr. President, I think the Senator from New York, much as I sympathize with what he is attempting to do, is mistaken about the effect of the Chair's ruling. The Chair ruled that any Senator who contemplated offering an amendment must present his amendment and have it read prior to the vote on the cloture motion, but that did not waive other rules in regard to the amendment when offered. In other words, if it would be subject to a point of order now, it would be subject to a point of order after the vote on the cloture motion. So the Chair, as I recall, did not rule that the mere presentation and reading of an amendment prior to 1 o'clock on Monday waived the rule as to the ability of the amendment to be offered without a suspension of the rule. I say that because I think that is the effect of the Chair's ruling.

Mr. MEAD. Mr. President, therefore in order to clear up this situation the amendment now before the Senate is the amendment offered by my distinguished colleague from New Mexico [Mr. CHAVEZ].

The PRESIDING OFFICER. The amendment has been ruled out of order. However, the Chair has stated that the Senator from New Mexico can move to suspend the rule on his amendment, but the Senator from New York cannot make such a motion on his amendment. The Senator from New York can present his amendment to be voted on after cloture, but it cannot be voted on before that.

Mr. MEAD. Therefore, it will remain on the desk and be acted upon after the adoption of the cloture petition.

The PRESIDING OFFICER. Yes.

Mr. RUSSELL. Oh, no; Mr. President. Let us have no confusion about this matter. The mere fact that a cloture motion has been adopted does not in any wise waive the provisions of

rule XVI or the other rules of the Senate.

Mr. BARKLEY. The Chair has so held, and that is the position I am taking.

Mr. RUSSELL. I do not like to have any confusion in regard to that matter, because the mere fact that a cloture motion has been adopted on an appropriation bill, does not waive any other rule which prescribes procedure by which other amendments may be brought before the Senate.

Mr. BARKLEY. I think there is no doubt about that at all.

Mr. RUSSELL. Very well.

The PRESIDING OFFICER. The Chair ruled the other day that the action on the cloture motion would not abrogate rule XVI, and while amendments could be offered, they would still be subject to a point of order. The Chair so holds now.

Mr. MEAD. I desire to speak on the point of order which has been made.

The PRESIDING OFFICER. The Chair has already ruled on that point of order.

Mr. CHAVEZ. I have no objection; but the Chair ruled on the point of order before it could be discussed, and no Senator had an opportunity to discuss it.

Mr. JOHNSTON of South Carolina. Mr. President—

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. JOHNSTON of South Carolina. Is it not true that the Chavez amendment is before the Senate for discussion now, and not other amendments?

The PRESIDING OFFICER. The amendment is not before the Senate, but the Senator from New Mexico has a right to move to suspend the rule.

Mr. CHAVEZ. That is not what I had in mind at all. I know I have the right to make a motion to suspend the rule, but the fact that I can put in my amendment after cloture does not prevent me before that time from presenting an amendment and having the Chair rule whether it is subject to a point of order or not. I presented my amendment so that the Chair could rule on it, but I believe we are entitled to discuss whether or not the point of order properly lies. The Chair did not give an opportunity to anyone on our side to discuss the point of order.

The PRESIDING OFFICER. The Chair stated that the Senator from New Mexico had a right to move to suspend the rule. The Chair has no disposition to prevent any Senator who may wish to speak, but the Chair did rule on the point of order and said the amendment was subject to the point of order, and, therefore, would require a two-thirds vote in order to be considered.

Mr. CHAVEZ. From that decision, I appeal.

The PRESIDING OFFICER. The Chair stated that he would recognize any Senator to discuss this question, and for that purpose the Chair withholds his decision if the Senator wishes that to be done.

Mr. CHAVEZ. I do not wish to discuss it, but since the Chair has ruled, I appeal from the decision.

Mr. MEAD. Mr. President, I should like to discuss briefly the question of the point of order.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MEAD. Mr. President, in the past 2 days I have made a study of the question now before the Senate, and I should like to have the Chair consider the views which I am about to make on the pending question.

I realize the Standing Rules of the Senate forbid the Committee on Appropriations to "report an appropriation bill containing amendments proposing new or general legislation"—rule XVI, paragraph 2. Another paragraph of the same rule—paragraph 4—provides that "no amendment which proposes general legislation shall be received to any general appropriation bill."

Paragraph 4 apparently refers to amendments offered by individual Senators as distinguished from those offered by the Appropriations Committee.

The rule further provides with respect to committee amendments that "a point of order may be made against the bill"—that is, a bill which contains such new or general legislation—"and if the point is sustained the bill shall be recommitted." Apparently, therefore, the inclusion of forbidden matter jeopardizes the entire bill and not merely the offending portion, as is the rule in the House.

Paragraph 4 which seems to me to refer to amendments offered by individual Senators—not to committee amendments—contains no such sanction except apparently the exclusion of the proposed irregular amendment.

While, according to rule XX, all points of order are decided without debate by the Presiding Officer of the Senate, it is also specifically provided that "the Presiding Officer may submit any question of order for the decision of the Senate."

A question of order which is submitted to the Senate is debatable, as stated in Gilfrey's Precedents of the United States Senate, page 407, which I have before me.

When such a question is submitted to the Senate, it is decided by a simple majority vote. That is found in Gilfrey's Precedents on page 67, page 76, page 87.

Although the rules are silent about the size of the vote necessary to overturn a decision of the Chair, the precedents indicate that a simple majority is sufficient. That is found in Gilfrey's Precedents, page 122.

Mr. President, whether a particular amendment is "new or general legislation" under the rule is difficult to determine although the discussion in Gilfrey covers scores of pages on the subject. In 1909, one Presiding Officer, after observing that there "was no well-defined line of decision" on the point, stated—Gilfrey's Precedents, page 120:

Mr. President, in that decision by the Chair is found this language:

The impression created upon the mind of the present occupant of the chair, after a somewhat careful and thorough examination of the subject, is that the Senate has been largely controlled in its interpretations of the

rule for more than a third of a century by a consideration of the public interest involved at the time being, rather than by any regard for its technical meaning or strict application.

Mr. President, an analysis of the precedents is difficult; first, because the latest treatise on the Senate rule was published in 1915; second, because the Senate apparently never, prior to 1915, had to deal with the problem of wartime Executive order agencies—they are something new—and finally, because the various analogous decisions are contradictory.

Yet for what light they may throw upon the question, the following rulings rejecting points of order are noted:

First. In 1912, it was held that an amendment was not general legislation where it simply called for an appropriation. (Gilfrey, p. 169; the details are not given.)

Second. In 1913 the Senate held in order and not general legislation an item authorizing the Secretary of Agriculture to issue regulations protecting wild birds and making violation of any such regulations a misdemeanor—Gilfrey, page 62.

Third. In 1912 an amendment fixing the salaries of the District Commissioners for the fiscal year at \$6,000 was held not general legislation, although their salaries were established by general law at \$5,000. That was an increase, a raise in salary, and that was appropriating additional money. That is found in Gilfrey's Precedents, page 79.

Fourth. In 1913 an amendment creating an excise board for the District of Columbia to issue licenses for saloons was held not general legislation—Gilfrey, page 80.

If the Senate has deemed in order the items above listed, then a mere appropriation for an existing agency should not be deemed legislation. Legislation is more in the nature of a command of the State forbidding the commission of certain acts or directing the performance of certain acts. The proposed appropriation for FEPC does not forbid discrimination or any other act; it merely provides funds to enable the FEPC to carry out functions lawfully vested in it by Executive Order 9346. The "legislation" is contained and will continue to remain in the Executive order, no matter what we do with the amendment offered by my distinguished colleague the Senator from New Mexico [Mr. CHAVEZ].

Therefore, Mr. President, our action here does not repeal, modify, or amend the legislation. Therefore, it is not new legislation, and it is not general legislation.

Mr. President, as I have said, the Executive order will remain in existence regardless of our action on the proposed amendment, and our failure to appropriate funds for the FEPC will not affect the legislation. The statutory authority will remain.

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

Mr. MEAD. As soon as I finish this statement, I shall be glad to yield.

Mr. President, the committee and its staff could theoretically function without

any funds, using voluntary help exclusively.

One provision of the Executive order directs the procurement agencies to include nondiscrimination clauses in all Federal contracts. That obligation continues to exist, it will remain, whether or not the funds carried by the amendment are provided.

In 1901, in overruling a point of order made against an appropriation for rural carriers, the Presiding Officer made this statement:

Clearly it is simply a provision appropriating money—

That is what we are doing—

Clearly it is simply a provision appropriating money for the maintenance of various arms of the service for the next fiscal year. It will be disbursed in accordance with law and in no other way.

And that is the way these funds will be disbursed. The Presiding Officer continued:

This makes no law, but simply makes an appropriation.

The same principle of procedure could, I believe, apply in the pending case. Thus, I hold that our granting FEPC funds does not ipso facto alter any private person's legal rights or duties and is not new or general legislation.

That can be vindicated, in my judgment, Mr. President, by any number of precedents which can be found in the most reliable treatise on the subject.

I now wish to sum up, and in view of the fact that we are dealing with the new subject matter in this amendment, Executive orders growing out of the war, Executive orders which were not acted upon when the last precedents of the Senate were published, back in 1912, in my judgment it is high time that the Senate should guide the Chair in his deliberations, and what I am saying has that in view, and is not because of a desire to appeal from the decision of the Chair or to supplement the request made by my distinguished colleague from New Mexico to take issue with the Chair. It is to guide and assist the Chair by having an expression of the Senate with regard to the rule on this particular subject.

To sum up, let me say that the amendment to the war agencies bill (H. R. 3368), to restore the FEPC appropriation in the amount contained in the Senator's amendment, does not conflict with the Senate rules. Such an amendment is not "new or general legislation" within the meaning of Senate rule XVI, paragraph 2, for the reasons I shall state, and I should like to have the attention of the Senate while I state them.

First. The appropriation item is not "new" since a similar appropriation was voted last year by this body.

Second. The appropriation is not "general legislation," since the appropriation itself does not direct the performance of or prohibit the doing of any act.

Third. The appropriation is not legislation since it in no way affects or impairs the rights or duties of any person.

Fourth. The provisions of Executive Order 9346, establishing the FEPC, retain their theoretical effect whether or not an appropriation is granted, and so

the appropriation itself does not legislate.

I state one more reason why I believe this is not new or general legislation within the meaning of Senate rule XVI, paragraph 2.

Fifth. If it is argued that FEPC has no statutory authority, the same argument can be made against the following war agencies for which appropriations are listed in the bill:

Office of War Information.

We have passed on that approvingly.

War Relocation Authority.

That has received our approval.

Mr. President, it seems to me we are selecting one agency created by the same authority, appropriated for time and again by the same body, and we are going to set it up for particular care and attention, and that, in my judgment, is not following a rule of consistency.

Finally, Mr. President, there is no clear-cut, well-settled line of decisions forbidding appropriations to agencies like the FEPC, and therefore I think it would be eminently fair and right and helpful to the Presiding Officer if the Senate in its wisdom passed upon this matter, which it can do now as a result of the appeal made by the Senator from New Mexico from the decision of the Chair. I urge that that be done, with all respect and in all friendship to the present occupant of the chair.

Mr. BARKLEY and Mr. RUSSELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky, but before the Senator proceeds let the Chair say that he was going to make a statement about the matter.

The Chair has listened with a great deal of interest to the argument of the Senator from New York [Mr. MEAD]. The Chair considered the matter fully before a ruling was made. The amendment, in the opinion of the Chair, does provide new legislation. The Senator has made reference to other amendments. They were amendments which were approved by the committee, and no point of order was made against them. The amendment in question is not a committee amendment, was not adopted by the committee, and was offered from the floor. Therefore the Chair is of the opinion that unquestionably this amendment does come under rule XVI. In order to reassure himself the Chair has consulted the Acting Parliamentarian, and is advised by him that that is so.

The question now arises upon the appeal of the Senator from New Mexico [Mr. CHAVEZ], and the question to be decided by the Senate is: Shall the decision of the Chair stand as the judgment of the Senate?

The Chair recognizes the Senator from Kentucky.

Mr. RUSSELL. Mr. President, I shall not appeal from the recognition made by the Chair, but I am quite sure I addressed the Chair and asked for recognition some time ago.

The PRESIDING OFFICER. The Chair recognized the Senator from Ken-

tucky, and then the Chair proceeded to state his decision.

Mr. BARKLEY. Mr. President, I wish to discuss in just a word the appeal from the decision of the Chair. I think I need not reiterate the fact that I have supported from its inception the Fair Employment Practice Committee. I approved of the action of the previous President, the late lamented President Roosevelt, when he created the Committee. I felt that it was created for the purpose of serving a worthy and laudable and, in my judgment, a necessary function as a part of the war program. I think it has done excellent work. I think there is much that it can still do, and I hope that Congress will, regardless of the controversies that now prevail, provide it with funds so that it may continue to function, at least as a war agency.

The question of providing by legislation for its permanent status beyond the war is another matter, and will be, I presume, discussed here on its merits when it is taken up. If it comes to a vote I intend to vote for the full \$446,000 provided for in the amendment offered by the Senator from New Mexico.

Mr. President, I made an effort the other night in the Senate, in all good faith, to reach an understanding with respect to an appropriation in an amount that would permit this Committee to function during the coming fiscal year, and I said, as I recall, and as I think the RECORD will show, that if those on both sides would be willing to accept that suggestion, that it should involve the proposal that no point of order would be made against the amendment. Of course that part of the suggestion no one was bound to agree to, and we recognize the fact that any Senator has the right to make a point of order, and it has been made. The Chair has sustained it.

Rule XVI, paragraph 1, provides:

All general appropriation bills shall be referred to the Committee on Appropriations, and no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation—

Which this amendment does—

unless it be made to carry out the provisions of some existing law or treaty stipulation.

The only way by which I could justify myself—let me have the attention of the Senate, please, because what I am about to say goes to the merits of the Chair's ruling—the only way I could justify myself in voting to overrule the decision of the Chair would be to convince myself that the Executive Order No. 8802, as amended by a subsequent Executive order, constitutes "the provisions of some existing law." If the Executive order does not constitute what this rule speaks of as "the provisions of some existing law", then the Chair's ruling is correct. If the Executive order can be construed to constitute "the provisions of some existing law", then the Chair would be in error in his ruling.

The President in the Executive order set out the fact that he was issuing the order in accordance with the Constitution and the statutes of the United States,

without stipulating the provision of the Constitution and without stipulating the statutes. We have assumed here that all Executive orders which set up agencies such as the War Labor Board, the War Production Board, the Office for Emergency Management and in the beginning the Office of Price Administration, were issued in consequence of some inherent authority possessed by the President in time of war.

No one has contested that theory except the Senator from Ohio, I think, when a year or two ago we had under consideration legislation dealing with the OPA.

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

Mr. BARKLEY. I will yield in a moment if the Senator will permit me to finish the sentence. The Senator from Ohio took the position that he had some doubt whether the President had authority to issue the order creating the Office of Price Administration; that although there might have been color of authority under the Second War Powers Act, there was never any decision with respect to it.

I yield now to the Senator from Ohio.

Mr. TAFT. I only want to say that I think the President has power to do this, but not under the War Powers Act; simply because of the fact that when we give the President very extensive powers at different times he is entitled to have assistants. So far as I can see, the only justification for a committee of this kind is that it is composed of individuals whom he appoints to assist him in the exercise of his duty. I do not think the committee was created by authority of law. The members of the committee are no more than the President's executive assistants in the White House. It seems to me that is his justification for appointing them. Consequently, in my judgment, such a thing can be done in time of peace as well as in time of war. I certainly would hesitate to set aside rule XVI of the Senate simply because I think it would open up a means of creating an indefinite number of executive agencies in time of peace as well as in time of war.

Mr. BARKLEY. I appreciate the force of the Senator's argument, and I am not disagreeing with him about the matter.

Mr. President, I suppose I might as well come to the crux of my attitude on this question. As I have said, much as I sympathize with this amendment, much as I favor the total amount provided in the amendment of the Senator from New Mexico, I do not believe—

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I will yield in a moment. I do not believe that Executive Order No. 8802, or the order issued by the President modifying that order, Order No. 9346, are to be interpreted as provisions of law coming under this rule. And because I do not believe that the Executive orders can be substituted for a statute passed by Congress, which no doubt this rule contemplated, I cannot vote to overrule the decision of the Chair. I am not willing to vote to overrule the decision of the Chair made in harmony with decisions and precedents of the Senate in order that we may accom-

plish by a majority vote what we would be required to accomplish by a two-thirds vote. In consonance with that viewpoint, for my part I am compelled to vote to sustain the ruling of the Chair, however much I sympathize with and favor the appropriation involved in the amendment.

I wanted to make that explanation, because I intend to vote to sustain the ruling of the Chair.

Mr. O'MAHONEY. Mr. President, will the Senator yield for a question?

Mr. BARKLEY. I yield.

Mr. O'MAHONEY. I desire to ask the Senator if I correctly understand him to contend that the Senate or the Congress cannot pass an appropriation to make it possible for the Government to carry out an Executive order unless there is a specific statute dealing with the precise subject-matter contained in the Executive order.

Mr. BARKLEY. Or unless it appears from the general terms of the statute that there is no doubt about the intention of Congress to authorize the President to create the agency referred to.

Let me say in that connection that if a point of order had been made heretofore against appropriations or against amendments offered on the floor of the Senate in cases in which no item was contained in the bill sent over by the House with respect to any of the agencies created by the President under his general authority, the Chair would have been compelled, under the precedents, to have ruled as he has ruled in this case. However, no points of order were made; but the fact that no points of order were made does not in any way affect the decision we must reach with regard to this point of order.

Mr. O'MAHONEY. The question I am asking the Senator are prompted by the fact that it seems to me that the inevitable result of the position which the Chair has taken, and which the Senator from Kentucky now takes, is that no Executive order can be made effective by an appropriation if a point of order is raised against it. That is tantamount to a declaration that Executive orders are not law. It is not at all clear to me that this rule was intended to provide that only statute law should be supportable by an appropriation reported by the Appropriations Committee, or by an appropriation moved by a Member from the floor. I believe its purpose was to prevent the establishment of new policy by appropriation bill except by two-thirds vote.

Mr. BARKLEY. In that connection I will say to the Senator that if this bill or any other bill providing appropriations had come over from the House of Representatives containing an item in support of any of the war agencies created by general authority of the President, an amendment had been offered from the floor to increase the amount, I think this rule would have applied; and I think that when the Senate made this rule it undoubtedly contemplated the provisions of a law which had been enacted by Congress. That law need not necessarily stipulate that the President may create a Fair Employment Practice Committee; but it would have to be in such terms as to make it possible to feel that the Con-

gress contemplated the creation of such an agency under his general authority.

Mr. O'MAHONEY. But the Senator does not deny that the President has the right to issue an Executive order, does he?

Mr. BARKLEY. Certainly I think the President has the right to issue Executive orders.

Mr. O'MAHONEY. If the President issues an Executive order, does he not act in accordance with law?

Mr. BARKLEY. He may act in accordance with a law specifically enacted by Congress, or he may act in accordance with his general authority as President or Commander in Chief. In a general way, that may be said to be in accordance with statute.

Mr. O'MAHONEY. If the President has lawfully issued an Executive order, is it not altogether lawful for the Congress, by ordinary appropriation, to give him the money to carry out his Executive order?

Mr. BARKLEY. In my judgment, it is lawful for Congress to appropriate money for any purpose; and frequently it appropriates money for a purpose which is not necessarily lawful, because no point is made against the appropriation. But when a point is made, my position is that we in the Senate must decide, in determining whether we shall overrule or sustain the ruling of the Chair, not whether we have the right to appropriate money for the agencies which the President might create by Executive order, but whether, if the point is made, the creation of the agency is in pursuance of a provision of law, which I think the Senate contemplated when it adopted the rule.

Mr. O'MAHONEY. Does not the Senator agree that from the position which he takes, the ruling of the Chair can be sustained only on the contention that this amendment proposes new or general legislation?

Mr. BARKLEY. No; I do not. It does not propose new or general legislation. To my mind new or general legislation constitutes general law—not necessarily an appropriation. If an amendment were offered authorizing the creation of 6, 8, or 10 new positions of secretaries to the President, not now authorized by law, a point of order might lie against it. If on an appropriation bill it were desired to provide for the enactment of a statute dealing with some other subject—we have never adopted the rule of germaneness in the Senate, and I think this rule was adopted in order to keep extraneous matters out of appropriation bills—such an amendment would be subject to a point of order. But the point I make, and the consideration which controls my vote—of course other Senators will vote as their own consciences dictate—is that an Executive order made in pursuance of the general powers of the President in time of war does not constitute "provisions of some existing law," which are supposed to be permanent, in such a way as to relieve the amendment from the requirements of rule XVI.

Mr. O'MAHONEY. Will the Senator be good enough to point out to me the precise language in the rule on which he bases his conclusion?

Mr. BARKLEY. I attempted to do so at the outset, but I shall be glad to do so again. This rule provides that unless the appropriation—whether it be an increase of some item in the bill or whether it be a new appropriation, as this is— is made to carry out the provisions of some existing law, it is subject to a point of order. My own conviction is that the creation of this or any other commission to aid the President in the war effort does not constitute an existing law within the terms of the rule, because in my judgment an existing law is permanent law, until it is repealed by Congress.

Mr. O'MAHONEY. Mr. President, I renew my request of the Senator to cite the specific paragraph to which he refers. I wish to have this question clearly before the Senate.

Mr. BARKLEY. I am referring to the clause which says that "unless it be made to carry out the provisions of some existing law—"

Mr. O'MAHONEY. To what paragraph of rule XVI is the Senator referring?

Mr. BARKLEY. I am referring to the middle of paragraph 1, which provides that an amendment shall not be in order if its effect will be "to increase an appropriation already contained in the bill or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law." My belief is that there is no existing law on this subject.

Mr. O'MAHONEY. I thank the Senator for responding.

Mr. BARKLEY. That is all I have to say. That is the position I take. For that reason I feel compelled to vote to sustain the ruling of the Chair.

Mr. O'MAHONEY. Mr. President, in response to my question, the Senator from Kentucky stated that the position which he takes is based upon the provision of paragraph 1 of rule XVI, which provides that—

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

It seems to that the position which the Senator from Kentucky takes leads inevitably to the conclusion that no amendment may be received to carry out a lawful Executive order. It seems to me clear that that is an utterly untenable position, because it compels us to say that Executive orders issued by the President are illegal.

Mr. BARKLEY. No.

Mr. O'MAHONEY. It also constitutes a threat to every single Executive order which has been issued by the President in this emergency.

We should not forget, Mr. President, that long before we got into the war, when we were struggling with the effects of the depression, many Executive orders were issued and Congress sustained those Executive orders by voting appropriations.

There has not been any challenge to the lawful character of such activities. Of course, there have been occasions

when Members have asserted that Executive orders were going beyond the proper power of the Executive, and that great care should be exercised in the issuance of Executive orders. But it seems to me that the inevitable result of the action taken here today will be to draw into question the legal effectiveness of every Executive order that cannot be sustained by a two-thirds vote. I do not believe that should be done, and I do not believe that the rule should be so interpreted. A lawful Executive order, in my opinion, can be supported by an appropriation without violation of this rule. Congress can refuse funds to carry out such an order just as it can refuse the money to carry out a law by a mere majority. It can support a lawful Executive order in the same manner.

Mr. BARKLEY. Mr. President, I do not wish to argue the point made by the Senator from Wyoming. My position is simply that the rules of the Senate are supposed to be of permanent and consistent application. The precedents of the Senate, insofar as I have been able to examine them, sustain the Chair in his ruling. Much as I favor the continuation of this organization, much as I favor the appropriation of the total amount involved in the amendment, nevertheless, looking to the future application of the rule, as we must go on in the future, I am not willing to attempt to override the ruling of the Chair and the precedents in order that I may vote on the amendment. Such an action might arise to plague us in connection with other matters in the future.

Mr. President, I did not wish to take up so much time, and I now yield to the Senator from Maine.

Mr. WHITE. Mr. President, I have a very modest idea of my knowledge as a parliamentarian; nevertheless, I should like to say that under the circumstances I think the Chair is sound in his ruling, and that the views expressed by the Senator from Kentucky and the Senator from Ohio are founded in good sense and the real purpose of rule XVI. I think we should not overlook the fact—and this is what I intended to call to the attention of the Senator from Kentucky—that this rule has been in the Manual of the Senate for probably half a century or more, and these modern Executive orders, now issued with great frequency and in great numbers, were almost unheard of in the day when this rule was written into the Manual. I do not believe the drafters of the rule ever had in contemplation, when they wrote the rule, or that the Senate of the United States had in mind when it adopted the rule, the practice of the issuance of Executive orders, or that Executive orders were to be legislation, as is now claimed.

I think the Senator has been absolutely correct in his interpretation of the rule.

Mr. BARKLEY. Mr. President, I thank the Senator from Maine. I wish merely to state in conclusion that in my judgment the Senate of the United States, when it framed this rule, contemplated some existing law which had been passed in the process of legislation by both Houses of Congress and been

signed by the President of the United States. I do not believe an Executive order issued either in this case or in other cases complies with that requirement, namely, that it is existing law.

The fact that points of order have not heretofore been made has no bearing, it seems to me, upon the legitimacy of the Chair's ruling or the action of the Senate at this time on the appeal.

The PRESIDING OFFICER. The Senator from Georgia is entitled to the floor if he wishes it.

Mr. RUSSELL. Mr. President, I appreciate the consideration of the Chair.

I think perhaps it would be very unwise for me to undertake to debate this subject, because I have been so staggered by the contentions of those who have argued that with propriety the Senate by majority vote might not only repeal the rules of the Senate but, in effect, might set aside the Constitution of the United States, that I fear I might not express myself altogether clearly.

However, I must express my utter amazement that Members of the Senate would take the position that any Chief Executive, any President of the United States might have the power by Executive order to create an action agency, vested with all the rights and powers of an agency which might be created by the Congress of the United States through the method of legislation which our country has always known. If the President of the United States could create an action agency and could endow it, by Executive order, with statutory authority, this Congress should adjourn sine die, should forever close down, and should go back home, because it would be an utterly useless expense to the American taxpayers. If the President of the United States has the power to create an action agency endowed with all the powers with which the Congress has a right to vest an agency, the President has the right by Executive order to create courts, and to appoint judges, and to prescribe the penalties to be imposed on those who might be punished in those courts for any violation of those Executive orders. It is utterly the most amazing contention that I have ever heard made on the floor of the Senate.

Mr. President, the President of the United States has wide powers; but the Congress, until the last few years, has had sufficient self respect to undertake to reserve to itself the power to pass laws affecting the American people, proceeding upon the basis of the old idea that there were three coordinate branches of the Government and that the legislative branch might be recognized as somewhere in the proximation of the judicial, which has a tendency in these days to legislate, and the Executive. We find now the Members of the Senate contending that the President has the power to legislate by Executive order and some Members of the Congress are disposed to favor such a contention. That would seem to me to be an utter confession before the American people of our impotency and our uselessness.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. O'MAHONEY. I wish to be sure that the Senator's statements which have just been made are not based on the opinion which I attempted to make clear a while ago. I am not one of those who would contend that the President of the United States by Executive order has the right to set up any sort of an action agency which he might decide would be for the welfare of the people.

Mr. RUSSELL. The Senator would not blind himself to the fact that an action agency is involved in the pending amendment; would he?

Mr. O'MAHONEY. Certainly not; there is no question about that.

Mr. RUSSELL. Very well.

Mr. O'MAHONEY. But I wish to make my position perfectly clear. I think there are boundaries—certainly, there are boundaries—to the authority of the President to act by Executive order. I myself have challenged Executive orders upon the floor of the Senate.

Mr. RUSSELL. Mr. President, if the Senator will pardon me at this juncture, I should like to say that I almost fell out of my chair—to use the colloquial expression—when the Senator made his statement a moment ago with respect to the position of the Senator from Kentucky on the appeal from the point of order, because I have observed with pride that the Senator from Wyoming has at all times undertaken to maintain the dignity, prestige, and power of the Congress of the United States, and that he has not lent his counsels and advice to those, even in this body, who have constantly attempted to whittle away the powers of the Congress within the last decade.

Mr. O'MAHONEY. And I hope I shall continue to do so.

Mr. RUSSELL. I share that hope.

Mr. O'MAHONEY. My only point is that there are lawful Executive orders.

Mr. RUSSELL. There is no question about that.

Mr. O'MAHONEY. I contend, and it seems to me to be a matter of common sense, that where this rule uses the word "law," it must be interpreted to include a lawful Executive order. That is the whole gist of my position, Mr. President. A lawful Executive order should not be handicapped by a ruling that would deny it an appropriation save by a two-thirds vote.

Mr. RUSSELL. Of course, Mr. President, Executive orders are of two types. There are Executive orders which are issued by the President of the United States to implement laws which have been passed by the Congress. The Congress often directs that such orders be issued in the administration of a law by the Chief Executive.

The legality of such an Executive order, of course, cannot be successfully challenged. But, to assert that the Chief Executive of this Nation has any power, however remote, to issue an Executive order endowing any agency with plenary powers in the absence of an act of Congress authorizing him to do so would strike down the system of government which our forebears founded, and which some of us fear is already being jeopardized. No Member of the Senate can assert that this Executive

order was predicated upon any legislative authority. An attempt may be made to hang it onto some of the war powers. However, the attempt must be futile.

Mr. President, I feel very keenly with regard to this matter, but I shall not belabor the Senate with further remarks. I know that the specific issue before the Senate is one with regard to which any remarks which I might make on any phase of it would not appeal very strongly to Members of the Senate who view the merits of the controversy from a different standpoint than that from which I view them. However, I ask my colleagues who will vote on the amendment please to look carefully at both sides of the controversy before they vote. If they strike down the rules of the Senate which have applied to the deliberations of the Senate for many years in connection with appropriation bills coming before it for consideration, their act will plague us not only in the years to come but in the weeks to come. If we say by our vote that a Member of the Senate may offer from the floor of the Senate an amendment which is legislation on an appropriation bill we will open the floodgates to all kinds of legislation which may be proposed, and to all manner of useless appropriations. If the Senate wishes to change its rule which, to my mind is a very clear one—and I never heard it challenged until just recently when the Senator from New York referred to a long treatise by some man named Gilfrey, whom he has selected as his expert with regard to parliamentary law—then it may do whatever it wishes about changing the rule.

No Member of the Senate who has served here for more than 3 or 4 years can say conscientiously that a vote to override the ruling of the Chair would not mean the abrogation and the striking down of rules of the Senate which have governed it in connection with appropriation matters for at least the past four or five decades.

#### APPROPRIATIONS FOR THE DEPARTMENT OF LABOR, FEDERAL SECURITY AGENCY, ETC.—CONFERENCE REPORT

Mr. McKELLAR. Mr. President, I submit the conference report on the Department of Labor and Federal Security Agency appropriation bill, and ask for its immediate consideration.

The legislative clerk read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3199) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1946, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 8, 9, 12, 13, 19, 34, and 35.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 14, 18, 20, 21, 23, 24, 25, 26, 27, 30, 31, 36, 42, 43, 52, and 53, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the State numbered 1, and agree to

the same with an amendment, as follows: In lieu of the sum proposed insert "\$395,691"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$167,502"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,058,200"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$294,790"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$2,356,876"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$379,365"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"Salaries: For personal services in the District of Columbia, \$386,955."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment amended to read as follows:

"General expenses: For general expenses of the Office of Education, including lawbooks, books of reference, and periodicals; and for the operation, maintenance, and repair of one passenger-carrying automobile; purchase, distribution, and exchange of educational documents, motion-picture films, and lantern slides; collection, exchange, and cataloging of educational apparatus and appliances, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same, \$39,650."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "Provided further, That no school or school system shall be required to surrender possession or use of any property or equipment which it is using in its educational or training program"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, amended to read as follows: "and the development and prosecution of a program for the control of communicable diseases."; and the Senate agree to the same.

Amendment Numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "\$1,688,000, of which \$100,000 shall be available for grants-in-aid in accordance

with the provisions of Public Law 410, section 301 (d)"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$2,735,-000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the matter stricken out and inserted by said amendment insert the following: "and purchase and distribution of educational films (not to exceed \$30,000); \$427,-988"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$61,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,780,-000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$464,000"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$210,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$473,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$192,500"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$1,116,-666"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$11,732,-000"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$550,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 16, 32, 44, 48, 49, 50, and 51.

KENNETH MCKELLAR,  
JAS M. MEAD,  
ABE MURDOCK,  
CARL HAYDEN,  
HAROLD H. BURTON,  
JOSEPH H. BALL,

*Managers on the Part of the Senate.*

BUTLER B. HARE,  
M. C. TARVER,  
ALBERT THOMAS,  
MICHAEL J. KIRWAN,  
ALBERT J. ENGEL,  
FRANK B. KEEFE,  
H. CARL ANDERSEN,

*Managers on the Part of the House.*

Mr. MCKELLAR. I move the adoption of the conference report.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. MCKELLAR. I yield.

Mr. LA FOLLETTE. I hope the Senator from Tennessee will explain what was done with reference to the Senate amendments.

Mr. MCKELLAR. The conferees of the House accepted all Senate amendments with the exception of Nos. 32, 48, 50, and 51. In other words, the appropriation with regard to community war service was reduced from \$900,000 to \$450,000.

With regard to the United States Employment Service, the appropriation was reduced from \$65,332,000 to \$54,091,363.

The item in relation to the program for training within industry was reduced from \$1,200,000 to \$600,000.

In regard to the migration of workers the appropriation was reduced from \$1,-600,000 to \$800,000.

Mr. President, I move that the conference report be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 3199, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,  
June 29, 1945.

*Resolved*, That the House recede from its disagreement to the amendments of the Senate numbered 16, 44, and 49 to the bill (H. R. 3199) making appropriations for the Department of Labor, the Federal Security Agency, and related independent agencies, for the fiscal year ending June 30, 1946, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 32 to said bill and concur therein with an amendment as follows: In lieu of the sum of \$900,000 proposed in said amendment insert "\$450,000";

That the House recede from its disagreement to the amendment of the Senate numbered 48 to said bill and concur therein with amendments as follows: In lieu of the sum inserted by said amendment insert "\$54,091,-363"; and in lines 2 and 3, page 53, of the House engrossed bill, strike out "(except section 602)" and insert "section 602,";

That the House recede from its disagreement to the amendment of the Senate numbered 50 to said bill and concur therein with amendments as follows: In the sixth line of the matter inserted by said Senate engrossed amendment after "personnel;" insert: "including the final liquidation of the service by December 31, 1945"; and in lieu of the sum of "\$1,200,000" proposed in said amendment insert "\$600,000";

That the House recede from its disagreement to the amendment of the Senate numbered 51 to said bill and concur therein with amendments as follows: In lieu of the sum of "\$1,600,000" proposed in said amendment insert "\$800,000"; and in the last line of the matter inserted by said Senate engrossed amendment, after "373)" insert "Provided, That no part of the funds herein appropriated shall be available for any transportation of railroad workers."

Mr. MCKELLAR. I move that the Senate concur in the amendments of the

House to the amendments of the Senate numbered 32, 48, 50, and 51.

The motion was agreed to.

MILITARY ESTABLISHMENT APPROPRIATIONS—CONFERENCE REPORT

Mr. HAYDEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3550) making appropriations for the Military Establishment for the fiscal year ending June 30, 1946, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the Senate recede from its amendments numbered 1 and 3.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 5, and 6, and agree to the same.

ELMER THOMAS,  
CARL HAYDEN,  
JOHN H. OVERTON,  
ELBERT D. THOMAS,  
CHAN GURNEY (excepting amendment No. 3),

C. WAYLAND BROOKS,  
HAROLD H. BURTON,  
*Managers on the Part of the Senate.*

J. BUELL SNYDER,  
JOHN H. KERR,  
GEORGE MAHON,  
W. F. NORRELL,  
JOE HENDRICKS,  
D. LANE POWERS,  
ALBERT J. ENGEL,  
FRANCIS CASE,

*Managers on the Part of the House.*

Mr. HAYDEN. This is a complete report. The Senate was compelled to yield on two amendments relating to conscientious objectors and attendance in medical schools.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

WAR AGENCIES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1945, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	George	Mitchell
Austin	Gerry	Moore
Bailey	Green	Morse
Ball	Guffey	Murdoch
Bankhead	Gurney	Murray
Barkley	Hart	Myers
Bilbo	Hatch	O'Daniel
Bridges	Hayden	O'Mahoney
Brooks	Hill	Overton
Burton	Hoey	Radcliffe
Bushfield	Johnson, Calif.	Russell
Butler	Johnson, Colo.	Smith
Byrd	Johnston, S. C.	Stewart
Capehart	Kilgore	Taft
Capper	La Follette	Thomas, Utah
Chavez	Langer	Tunnell
Connally	Lucas	Vandenberg
Cordon	McClellan	Wagner
Donnell	McFarland	Walsh
Downey	McKellar	Wheeler
Eastland	McMahon	Wherry
Ellender	Maybank	White
Ferguson	Mead	Wiley
Fulbright	Millikin	

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

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. PEPPER], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from Idaho [Mr. TAYLOR] are absent as members of the committee attending the funeral of the late Senator Scrugham.

Mr. WHERRY. The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate.

The Senator from Kansas [Mr. REED], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Iowa [Mr. WILSON] are absent on official business.

The Senator from Idaho [Mr. THOMAS] is absent because of illness.

The Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Maine [Mr. BREWSTER], and the Senator from Delaware [Mr. BUCK] are necessarily absent.

The Senator from Wyoming [Mr. ROBERTSON] is absent on official business by direction of the President pro tempore of the Senate.

The Senator from North Dakota [Mr. YOUNG] is absent on official business of the Senate attending the funeral of the late Senator Scrugham.

The Senator from West Virginia [Mr. REVERCOMB] is necessarily absent from Washington.

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

Mr. JOHNSTON of South Carolina. Mr. President, I did not know that the fact that rule XVI was being enforced would call for so much discussion especially when it is so plainly written and has been ruled upon time and time again in the Senate of the United States.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for a moment?

Mr. JOHNSTON of South Carolina. I yield to the Senator from New Mexico.

Mr. LA FOLLETTE. Mr. President, I ask that debate be suspended until order can be obtained in the Chamber.

The PRESIDING OFFICER. Let there be order in the Chamber. Senators will please cease conversation.

Mr. CHAVEZ. The Senator from South Carolina has yielded to me.

Mr. JOHNSTON of South Carolina. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I withdraw the appeal from the decision of the Chair, and send to the desk a motion of which I gave notice in writing heretofore, and ask that it be read.

Mr. WHITE. Mr. President, I renew the request of the Senator from Wisconsin that debate be suspended until order is restored in the Senate.

The PRESIDING OFFICER. Senators will please take their seats and cease conversation. The Senate cannot trans-

act business until there is order in the Senate.

The Senator from New Mexico has withdrawn his appeal from the decision of the Chair, and now moves, in accordance with notice previously given by him, that the rule be suspended so as to make in order the amendment which he has previously offered and which requires a two-thirds vote for adoption.

The Senator from South Carolina. Mr. JOHNSTON of South Carolina. Mr. President, things being in that position, of course, it is not necessary for me to make any further remarks.

Mr. CHAVEZ. Mr. President, I demand order.

The PRESIDING OFFICER. The Senate will please be in order. Senators will kindly take their seats. If they desire to converse they will please retire to the cloakrooms. The business of the Senate will not proceed until there is order.

The Senator from New Mexico. Mr. CHAVEZ. Mr. President, the pending matter has been debated now for 3 or 4 days. Both Senators from Mississippi have occupied the floor on this question.

Mr. President, I demand order. The PRESIDING OFFICER. Senators will please take their seats and cease conversation.

Mr. CHAVEZ. Mr. President, for 3 or 4 days both Senators from Mississippi have taken the time of the Senate in order to express their views, but it appears that every bit of their effort was along the line of opposing pending basic legislation and not devoted or addressed to the item under discussion, namely, whether or not there shall be placed in the pending appropriation bill an item for the continuation of an agency which was created by Executive order. That is the question before the Senate. The basic legislation, its merits or demerits, is not a topic of discussion. But inasmuch as both the Senators from Mississippi did discuss the basic legislation, I also might desire to do so. The reason that I shall do so is that I happen to be one of those who like a united country. I happen to be one of those who feel that legislation should not be based upon sectionalism or the caprices and whims of anyone from any particular section of the United States.

When the casualty lists come from the War Department, when a telegram is sent to a worrying and grieving mother about the death of her child on a foreign field of battle—a boy who perhaps may have had his throat cut by a Japanese bayonet—it matters not whether he happens to have been from the South or the North or anywhere else. Death on the battlefield does not differentiate between the Jew, the Negro, the Mexican, and the so-called Anglo-Saxon.

Mr. President, we are in a great war, and it is not over. I wish it were over for many reasons, including personal reasons, but it is not over. We still have much work to do. This agency, which was created by President Roosevelt, has done very fine work for the war effort. It has done well without having any authority whatsoever to enforce its or-

ders. It has helped the manpower situation, and we know that it was necessary to obtain all the help possible in order to produce munitions and materials of war. But due to the intolerance of people who call themselves Americans, due to the hatreds of humans, war manpower was practically at a standstill, and thousands of Americans—indeed, millions—who do not have to ask anyone else's permission to be an America, and who were willing to toil and work and sweat, could not obtain employment because they happened to be of Jewish extraction, or possibly Mexican extraction, or possibly because they happened to come from an area where Negroes live.

Mr. President, that was not a good condition. We had to produce arms and ammunition; we had to construct airplanes; we had to construct ships, naval vessels, submarines, and many other things. But some persons were so intolerant that they were willing to jeopardize the boys in the front lines in order to keep a Negro or a Jew, and in places a Catholic, from working in the war effort.

As a result, the conditions became so acute that the President, in carrying out his duty as the head of the Government, found it necessary to issue the Executive order which created the Fair Employment Practice Committee, which has been objected to so strenuously and violently, and at times without that characteristic of fair play and chivalry which we in the South all love so much.

Mr. President, when one of my colleagues, the senior Senator from Mississippi [Mr. BILBO] was addressing this body day before yesterday, I heard him make some remarks about Mrs. Roosevelt, and I was tempted to ask a question, but the Senator at that time was not in a mood to answer questions. If he had yielded to me at the time I would have asked him whether if the late President had still been alive he would have made the remark about Mrs. Roosevelt he did make, and if he had said "yes," I would have asked him if southern chivalry in some instances had not been forgotten.

Mr. President, I am one of those who believe in America for all of us. I do not happen to be of Anglo-Saxon extraction, I am not even a Nordic, but I am not asking anyone's permission to be an American. I just happen to be one, and I believe I understand and know what an American is. I know the history and the background of this country. I know why the Huguenots left Europe, I know why the Pilgrims left Europe, I know why the Dutch left Europe, and why they came to what is now the United States. They were trying to get away from intolerance, the effects of which we are trying to avoid by a little appropriation of \$446,000.

Talk about Americanism, talk about English civilization, and the culture of the white race. I believe in it, and I deny that all the white race is intolerant. This body shows that. Let us have a straight vote. The majority of my colleagues happen to be of Anglo-Saxon stock. Oh, no; the opposition want to wait until they have possibly one more than a third, I do not think they have,

and we are going to give them an opportunity to show whether they have at least one more than a third.

Before proceeding to call the attention of my colleagues to the petition from Georgia, which the Senator from Mississippi discussed, let me digress for a moment. I have just stated that I think I know what an American is. As the result of the coming of the Pilgrims, the Dutch, the English, and many other races from the European theater, we finally created a Government in this country. We all love to go to Philadelphia and see the Liberty Bell, and we talk about the Declaration of Independence. Why was the Declaration of Independence signed? Why did the people of the American Colonies want to form a union? In order to create a good world, to follow the pursuit of happiness, not for one race of people here, but for Americans, if they were Americans, irrespective of their racial background or their religious background.

Was the Revolutionary War fought by Protestants only? Have we ever heard of Commodore John Barry? Was it fought by English only? An examination of the history of the Revolutionary War will disclose that Jews died for that cause, and that Irishmen died for that cause, Irish Catholics, at that. I know that once in a while some think that an Irish Catholic cannot be a good American, but they are good enough to fight for the country. There are English of all classes, Catholics and Protestants. Then the Constitution of this country was conceived. Was it for one section of the country, or was it for the United States? Was it applicable to New York and Rhode Island, the Providence Plantations, or was it applicable also to Virginia and the Carolinas? It was for all of us.

Some folks did not believe in that idea, as the country progressed, and as the years passed, with the result that in the best of faith, but with enthusiasm, a great war was fought, a war which was to decide whether we were to have a united country or whether we were to have sectionalism. Senators know the result of that war. They know who was President of the United States at the time that war was fought. The great Lincoln did not carry on filibusters, he would not speak for 2 or 3 days at a time because he did not like a particular group of people in the country. In a very few words he would announce the philosophy of a great people, of a free people. After the Battle of Gettysburg, Mr. Lincoln went to that shrine and made a little talk, not a filibuster, just a short talk that will live forever. But there are those who think that Lincoln's Gettysburg speech is dead. It is not dead, Mr. President.

I desire to read it now, and I only wish that those who are opposed to fair employment practice in this country would be here and listen to it. This is what Mr. Lincoln said in a few words—and I again commend his speech to those who would have a divided country. I would not commend it to any tory; I would not commend it to anyone who thinks that white civilization is helped, or that its

greatness is proved by the fact that one might read in some newspaper "Unknown Negro lynched last night." I do not think that proves a thing. Mr. Lincoln spoke as follows:

Four score and seven years ago—

Speaking about the origin of the country—

our fathers brought forth on this continent a new nation, conceived in—

What, Mr. President? In sectionalism, in racial discrimination, in intolerance? No—

conceived in liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here. It is for us, the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this Nation, under God, shall have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.

Mr. President, the words of Lincoln were inspired by God. The words of Lincoln will live forever. And now, just about the time when we are to begin our work in an effort to carry out his basic idea, by considering the San Francisco Charter, we find people in this country who would object to and who would not themselves permit fair play to the relatives of those who died in Tunisia, of those who died on Anzio Beach, or at Salerno. There was no discrimination as the boys got off the ships and tried to reach the beaches. There is no discrimination or separation in the military graveyards all over the world. There is no discrimination by the Jap when he is trying to reach an American boy, be that boy Hebrew, Mexican, Irish, Negro, or what. The Jap would cut the throat of that boy if he had a chance to do so.

In this our own country, a country which preaches decency for all the world, which preaches fair play for all the world, which wants to adopt the San Francisco Charter, in this country we still find those, as was stated on the Senate floor yesterday, who object to doing something which would provide that a Negro, or a Pole, or a Catholic might have a job after the war. Remember the words of Lincoln—and he was murdered a long while ago.

Mr. President, a few days ago the Senator from Mississippi read to the Senate a letter he had written in reply to one

received from the Reverend William Holmes Borders. I do not know that gentleman. He comes from Georgia. The name indicates that his ancestors could not have come from the southern Mediterranean area. It was also signed by a man named Armand May. But what the Senator from Mississippi did not do was to read the petition, and tell the Senate what was wrong with it. I am going to read that petition so that Senators and others who read the CONGRESSIONAL RECORD will not only be acquainted with the letter which the Senator from Mississippi answered, but also with the petition itself. Why should not Americans petition the Congress of the United States? Denial of the right of petition would be opposed by many people in this country including some from the Southern States.

This is the petition to which the Senator from Mississippi so much objected:

*To the Members of the Congress of the United States;*

With farsighted vision, the founders of our Republic laid for its foundation stone the divine principle of human dignity.

That is all we are trying to maintain by the use of the small amount of money contained in this measure. We are trying to carry out the very idea of recognizing the principle of human dignity.

In a shrine in the Library of Congress—

The Senator from Mississippi did not mention that—

revered by all the people of the United States, rests that document which enunciates the basic philosophy of this Nation.

That is the Declaration of Independence, to which I referred a short while ago. That document reads in part as follows:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

In support of that declaration is pledged "our sacred honor."

The signers of the Declaration of Independence pledged their sacred honor.

Within a generation, two devastating wars fought in defense of democracy have impressed its meaning and implications upon the people of the world.

Today, two schools of thought are in conflict: democracy with its philosophy of individual rights and dignity; fascism with its ideology of force, built on discrimination against racial and religious minorities.

Such discrimination has no place in American life; by its very nature it is fascistic. Yet such discrimination exists in our country and mocks our words before the world. It has handicapped us in making maximum use of our manpower for war production. It has been used effectively in the propaganda of our enemies. If continued, it will weaken our leadership in the council of nations; it will lessen the chances for a durable peace.

The petition continues:

Here in the South we have experienced the unwholesome consequences of discrimination in employment. A large segment of our people held at a low wage level has depressed the income of all and has stunted the progress of the area.

In 1941, the late Franklin D. Roosevelt, in order to make full use of the Nation's manpower and to demonstrate on the home front the principles of democracy for which we are fighting abroad, created by Executive order, under the war powers granted him by the Congress, the President's Committee on Fair Employment Practice as a temporary war agency. It is a significant fact that in his last campaign for office, Mr. Roosevelt singled out by name the Committee on Fair Employment Practice from among all the war agencies, and advocated its continuance in peace.

Legislation to establish a permanent Fair Employment Practice Commission is now before the Congress. The act recognizes that in matters of employment the practice of discriminating against properly qualified persons because of race and creed "forces large segments of the population permanently into substandard conditions of living, thereby creating a drain upon the resources of the Nation."

So spoke the late President of the United States.

Passage of the act would be in line with other Federal legislation, for in the past 10 years Congress has enacted 23 laws which forbid discrimination in their administration, and the Supreme Court of the United States has repeatedly condemned discriminatory employment practices. Furthermore, the administrative procedure of the proposed commission is not new, since it would be like that of the Interstate Commerce Commission, the Federal Trade Commission, and a number of other administrative agencies, with orders enforceable only by the courts.

Establishment of a permanent Fair Employment Practice Commission is supported by some sixty-odd national organizations. Both the Republican Party and the Democratic Party are committed to such legislation by their party platforms, as well as by the fact that the Presidential nominees of both parties promised support to this legislation in the last national campaign.

We are approaching the end of our military war. Events are moving swiftly. We cannot afford to permit our actions to lag behind the tempo of irresistible forces.

We join with President Truman in calling upon the Congress to fulfill the pledges of their parties by enacting S. 101—H. R. 2232, setting up a permanent Fair Employment Practice Commission to prevent economic discrimination based on race, creed, national origin, or ancestry.

Mr. President, that is the petition to which the Senator from Mississippi referred. That is the petition which he answered, but he did not read the petition to the Senate so that the Senate might come to some conclusion as to whether or not there was any necessity for the kind of letter which the Senator wrote in reply.

Mr. President, that petition came to Members of Congress from the State of Georgia. The people of that State have their representatives in this body. I do not know a single signer of that petition, but there are several hundred of them. In looking over the names I find names which sound familiar to me, names of some of the finest old families of the South, names such as Gaillard, Cox, Spencer, Montgomery, Mason, Alexander, Ballard, Folger, Stephens, Spears, Livingston, Highower, Overstreet, Van Buren, Pope, and so forth. They include members of all the various faiths and denominations—Baptist, Methodist, Jewish, Catholic, and so forth. They form a cross section from all walks of life—

leading businessmen, members of school and college faculties, clergymen, authors, editors, and radio commentators. In short, the signers of this petition are typical representatives of the sound progressive thinking of the now rapidly advancing progressive South.

Mr. President, not only are thousands and thousands of fine citizens of the South in favor of the idea discussed by Lincoln, the idea of the Declaration of Independence, but there also are newspapers in the South which are trying to unite this country by showing that we are all Americans. I am not acquainted with the newspapers of North Carolina, but I hold in my hand an editorial published in the Asheville Times of June 20, only last week, entitled "A Necessary Mediator." It reads as follows:

#### A NECESSARY MEDIATOR

Because in the past the Fair Employment Practice Committee has made some mistakes of judgment, President Truman's appeal for the extension of the committee's legal life has not been sufficient as yet to bring the bill out of the House and Senate committees for a vote.

Southern legislators particularly have uneasy memories of FEPC policies in the South that at one time stirred up no little controversy. The Committee claimed that its attitude had been misunderstood, but the breach in good feeling had been made.

But regardless of blunders, the record of this Committee in abating tension in race relations during the wartime period of tremendous mingling of racial groups on war jobs—this, on the whole, fine record justifies the extension of the Committee's work. Testimony before congressional committees is impressive, for it reveals that FEPC as a mediator in the adjustment of difficult relationships has much more than a little on the plus side of its account.

In the coming postwar period there may be for a while a competition for jobs which might result in the bitter race conflicts and race riots that occurred in 1919. FEPC or a similar mediating and persuading agency will be imperatively necessary when that period of industrial reconversion arrives.

Mr. President, that is the whole question on this item of appropriation. The question whether we should have a permanent Fair Employment Practice Commission has nothing whatsoever to do with the pending matter. There are two schools of thought which would differentiate as to the necessity of having a permanent Fair Employment Practice Commission, but in the present instance this agency which was created by Executive order has its appropriation included in a bill which also carries an item of \$39,000,000 for OWI, which was created by Executive order. Many persons are now surprised, and they wish to keep the Committee from functioning, because it was created by Executive order. However, the same bill also carries an item of several million dollars for the Committee on Inter-American Relations, which was created by Executive order. The same bill also carries an item of several million dollars for the War Relocation Authority, which was created by Executive order.

Now, there are those who would object to the appropriation of \$446,000 for an agency which is described in the editorial I just read from a southern newspaper as one which gave "testimony before con-

gressional committees," which "is impressive, for it reveals that FEPC as a mediator in the adjustment of difficult relationships has much more than a little on the plus side of its account."

That is all it can do, Mr. President. It can mediate; it can try to persuade a group which is likely to make trouble—whether such group be made up of white people or colored people, those of the Jewish faith or those of the Catholic faith, or those who belong to any of the so-called minority groups in the country. All this agency and its representatives can do is to go to the place of trouble, try to make peace, and get those people to work in the interest of unity and good government. Mr. President, the record of the FEPC is extremely impressive.

The Chairman of the Committee on Fair Employment Practice is a person by the name of Malcolm Ross. I did not recommend the appointment of Mr. Ross as Chairman of the Committee. Probably I would not recommend a single one of the personnel connected with the agency. But merely because some persons do not like the personnel of a particular agency which is doing good work is no reason whatsoever for denying it an appropriation. The agency has done good work. I shall read to the Senate some of the statements made by Mr. Ross before the Committee on Appropriations. First I read a letter which Mr. Ross wrote to the acting chairman of the Committee on Appropriations:

EXECUTIVE OFFICE OF THE PRESIDENT,  
OFFICE FOR EMERGENCY MANAGEMENT,  
PRESIDENT'S COMMITTEE ON  
FAIR EMPLOYMENT PRACTICE,  
Washington, D. C., June 9, 1945.

HON. KENNETH MCKELLAR,  
Chairman, Committee on Appropriations,  
United States Senate, Washington, D. C.

DEAR SENATOR MCKELLAR: On March 21, 1945, an estimate for appropriations for the national war agencies was submitted by President Roosevelt. Included in this estimate was an item in the amount of \$599,000 for the Committee on Fair Employment Practice. The House Appropriations Committee, in reporting the bill, noted that legislation was pending before that body to create a permanent Fair Employment Practice Commission and omitted all appropriations for the Fair Employment Practice Committee on the ground that "the only logical course is to await legislative development before making a recommendation."

In his letter of June 5, 1945, to Chairman SABATH, of the House Rules Committee, President Truman said:

I quote now from the letter written by President Truman:

The war is not over. In fact, a bitter and deadly conflict lies ahead of us. To abandon at this time the fundamental principle upon which the Fair Employment Practice Committee was established is unthinkable.

I wish my colleagues to listen to what President Truman said in that connection:

Even if the war were over, or nearly over, the question of fair employment practices during the reconversion period and thereafter would be of paramount importance. Discrimination in the matter of employment against properly qualified persons because of their race, creed, or color is not only un-American in nature but will lead eventually to industrial strife and unrest. It has a

tendency to create substandard conditions of living for a large part of our population. The principle and policy of fair employment practice should be established permanently as a part of our national law.

Mr. ROSS continued in his letter, as follows:

In view of the expressed desire of the President, I feel it my duty to request your committee that it restore the item of \$599,000 appearing in the Budget estimate. I also respectfully request the opportunity of appearing before your committee to justify the budgetary request.

Respectfully yours,

MALCOLM ROSS, *Chairman.*

The committee held its hearings. Even then the proponents of an appropriation for the FEPC were willing and anxious to bring about some kind of understanding and compromise.

I agreed in the committee to reduce the item from \$599,000, which had been approved by the Bureau of the Budget, to approximately \$446,000, as provided in the bill last year. I agreed in an attempt to come to a meeting of the minds with some of the members of the committee who apparently did not wish to agree. Nevertheless, on a recorded vote the members of the committee voted 14 to 4 to include this item in the appropriation by the proper parliamentary method.

Mr. ROSS made a statement before the committee. I ask my colleagues to listen to what he said as applying to the result of the FEPC activities in stabilizing labor matters. I read:

We feel that the FEPC during this period has been a great stabilizing force to keep relations with industry on an even keel.

The situation of hundreds of thousands of Negroes migrating to congested industrial centers, where wartime conditions are likely to fray nerves, is one where anything might happen.

Mr. Chairman, it has not happened. There was some dire prophecies last year when the question of giving this committee an appropriation was debated. It was thought that the committee's activities would disrupt war industry. Nothing of the kind has happened. Negroes and Mexican-Americans have given their best to the war effort. Among American minorities they are the largest economic groups that have been trained for the use of their skills in war industry. Their contribution has been of great advantage to the war.

The Army and Navy are realists in those matters. Where working difficulties have arisen we have been invited by them into the situation, and we have settled situations which otherwise might have been dangerous.

The Army and the Navy have called upon the Fair Employment Practice Committee to settle, by persuasion and by proper handling of labor matters, the questions involved.

Mr. ROSS stated further:

I think there is an assumption that there has been a change since the surrender of Germany which would make the work of this committee unnecessary. We feel to the contrary. We feel the next few months will be very critical, because a large proportion of Negro war workers, and to a lesser degree Mexican-Americans, are being concentrated in these four prime industries, making them very vulnerable to cut-backs.

I call your attention to this because, when they are cut back, they will have less seniority. They will be in competition for jobs in the permanent consumer-goods reconverted plants.

It so happens we are still at war with Japan, and our Executive order only extends to the war industries. When a plant is wholly reconverted we will not assume jurisdiction; but that is just the point where the minority workers will most need help. In this siphoning-off process many hundreds of thousands of minority group workers, released from prime war industry, will find that there are barriers of discrimination against them in the reconverted plants. I fear that there is going to be trouble during the hot weather of this summer; I think we should look forward with some degree of anxiety and take some precautions to see that these things are done in an orderly way.

We have been orderly, sir. We have some 15 regional offices around the country. We only act on complaints.

I believe there is some confusion on the part of various Members of this body with regard to that particular point. They think that the agency acts on its own initiative. It does not. It acts only after a complaint has been made.

Mr. ROSS continued:

During the last year there were some 1,400 complaints made to us which, on their face, we did not feel had any validity.

And yet, some think that this agency tries to impose upon others its slight power and authority.

We did not carry them through. We did not go out aggressively seeking trouble. Trouble is in the situation and comes to us.

Whenever trouble arises the War Department, the Navy Department, management, or perhaps labor, makes a complaint before this agency and only then does it try to do something with reference to the condition about which a complaint has been made. That is as far as it can go. It can only try. The record of its accomplishments shows that it has done a very fine piece of work.

I continue reading:

Of those 1,400 complaints, there were some 800 employers who never knew the complaints were filed because the committee in screening them saw there was no merit in them and so dismissed them without giving notice to the employers.

That is one purpose in having a Government agency on hand to screen complaints and prevent needless controversy.

Merely because the agency had received a complaint it did not rush in to make trouble. It first endeavored to ascertain the facts, and whether there was a real basis to the complaint which had been made.

Last year a number of cases were dismissed for lack of evidence. On this point Mr. ROSS said:

Of the 5,000 cases docketed last year, 64 percent were dismissed for lack of merit, insufficient evidence, lack of jurisdiction, or other causes.

Of the 36 percent satisfactorily adjusted cases, all were settled by informal persuasive methods. We have no penalties to assess on anyone. Our people talk to trade-unions, workers, and employers, and they managed to settle those cases.

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

Mr. CHAVEZ. I yield.

Mr. TUNNELL. So far as the Senator knows has any complaint been made with reference to the fairness of this committee at any time?

Mr. CHAVEZ. No complaint whatsoever has been made with regard to the fairness of the committee except that based on hearsay. So far as actual cases are concerned which have been acted upon by the committee, no complaints have been made.

Mr. TUNNELL. I have received mail from persons who protested against the passage of a permanent FEPC bill on the ground that it would result in many lawsuits. Has any legal proceeding been instituted at any time with reference to the subject?

Mr. CHAVEZ. There have been no legal proceedings of any kind whatsoever. At best, if this agency cannot get the parties together, if it cannot get both sides to agree to settle their difficulties, all it can do, if it finds one side has merit, is to report the case to the President of the United States; but in the entire history of the Committee's work only two cases have been reported to the President. The others have been settled without any trouble.

Mr. TUNNELL. So, out of 5,000 different cases, there have been only two taken to the President, as I understand the Senator?

Mr. CHAVEZ. No. Five thousand cases were docketed last year alone. The only two cases that went to the President occurred during the entire history of the agency.

Mr. TUNNELL. I listened to the Senator from Mississippi, and I gathered from his statement that a part of this Committee were Communists and part were Negroes, and, I do not know, but I suppose the rest must be Hottentots, from what he said.

Mr. CHAVEZ. Mr. President, I dislike to inject religion into any debate. I hate to talk about my own religion or discuss it.

Mr. TUNNELL. I do not think there has been much religion in this discussion so far.

Mr. CHAVEZ. There has not been. But in order to answer the question properly, let me say that I happen to be a Roman Catholic. I never complain about the religion of anyone else. Some of the finest people in the world are not of my own faith, and I never doubt their sincerity of purpose or discuss their religion. That is their business. I feel that Americanism and religion are very personal. Either a man has religion and Americanism or he has not. But if there is any one group of people who are against communism, if there is one religion that is bitterly opposed to communism, as the Senator knows, it is the Catholic church, and some of the finest testimony given before the Committee on Education and Labor was given by persons such as Monsignor Ryan, Archbishop Lucey, of San Antonio, Tex.; Archbishop Byrne of my own diocese, the Diocese of Santa Fe, which is the oldest Catholic diocese in the entire country. Not only that but Bishop Oxnham, of the American Council of Churches, representing millions of the Protestant faith, who are bitterly opposed to communism, are in favor of the philosophy of the legislation. The

legislation which we shall debate in due time probably needs amending, but its general philosophy is endorsed by Catholics, Protestants, Jewish rabbis, women and women's organizations from the South, the Council of Churches, a Protestant organization, none of whom are communistic.

I am not defending communism at all; I could not do so; but this is what happens: Once in a while, when someone dares to take sides with a class of people who might need help under the law, when he undertakes to work for the little fellow, and to help the man who is hungry and who is trying to support his family on \$15 a month, he is accused of being a Communist. If such a person is a Communist, then I must be one.

Mr. TUNNELL. As the Senator knows, I am not a member of the particular committee that makes appropriations. I was asking for information—and the Senator from New Mexico has given it to me—along this line, as to whether or not past experiences would lead us to believe that there would be either unfairness or a great deal of litigation and confusion growing out of this Committee. The Senator does not think there would be.

Mr. CHAVEZ. No; there has been no litigation; everything has been settled by persuasion, mediation, and conciliation, the way I tried to settle this matter here.

Mr. JOHNSTON of South Carolina. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Mexico yield to the Senator from South Carolina?

Mr. JOHNSTON of South Carolina. We are ready to vote on the amendment of the Senator from New Mexico.

Mr. CHAVEZ. I want my colleagues, including my good friend from South Carolina, to be fully informed as to the merits of my amendment.

Mr. JOHNSTON of South Carolina. We would like to vote now.

Mr. CHAVEZ. I know you would.

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

Mr. CHAVEZ. I yield.

Mr. TUNNELL. Is not this desire for a vote a rather newborn eagerness?

Mr. CHAVEZ. I do not know what causes the Senator to be so desirous of having a vote.

Mr. TUNNELL. I wonder if the Senator from South Carolina has been consulting the two Senators from Mississippi as to haste.

Mr. JOHNSTON of South Carolina. I should like to answer that by saying that never in my life have I seen a man who wanted to pass anything who was not willing to go ahead and vote if he had the votes.

Mr. CHAVEZ. Much has been said about the South being against this measure. I want to read from the committee hearings—and this is especially dedicated to my good friend from South Carolina.

Here is the statement of Rev. Charles McCoy, United States Navy. To me his does not sound like a Jewish name, nor it does not sound Mexican or Polish.

Statement of Rev. Charles McCoy, United States Navy, Duke University, Durham, N. C.

He does not come from Brooklyn College.

Said Reverend McCoy before the Appropriations Committee:

Reverend McCoy. I am, Mr. Chairman and gentleman of the committee, a minister of God.

Ministers from the Southern States who do not think we are doing the right thing by our fellow men by giving them \$15 a month and a little pork on the side and perhaps something more, feel a little different about this question.

My name is Charles McCoy, and I am in training to be a Navy chaplain at Duke University, Durham, N. C.

I represent only myself here this morning. But, I have talked to a good many men in the service, Navy and Army, Negro and white. And I wanted to tell you some of the things that they told me.

First of all, I may tell you that I live in the South, my home is in the small town district of North Carolina, Laurinsburg, where the race ratio is about half and half, white and Negro, so I do not come from a background that would make me naturally nonprejudicial.

But, from having studied the principles of democracy, and having studied the plain teachings of the Christian faith, the teachings of Jesus—as I understand them—I have come to see that there can be no racial discrimination of any sort by any group with the principles that our country and our faith holds to be true.

Mr. MCKELLAR. Mr. President, I am going to ask the able Senator from New Mexico to yield to me for the purpose of reporting to the Senate House bill 3579, the second deficiency appropriation bill, of course without taking him off the floor, and without interfering with the pending bill.

Mr. CHAVEZ. Reserving the right to object—and I shall not object—I should like to have an understanding. After listening for 3 or 4 days to the wonderful addresses which have been delivered, I have an urge this afternoon to proceed, and I wish to proceed.

Mr. MCKELLAR. I shall not interfere with the Senator.

Mr. BANKHEAD. How long does the Senator from New Mexico think his urge will continue?

Mr. CHAVEZ. If necessary, I shall continue until we can prove to the entire country that we have only one country.

Mr. BANKHEAD. Two sets of filibuster, one on each side.

#### SECOND DEFICIENCY APPROPRIATIONS

Mr. MCKELLAR. Mr. President, I ask unanimous consent that I may report from the Committee on Appropriations H. R. 3579 the second deficiency appropriation bill.

The PRESIDING OFFICER. The bill will be stated by title.

The CHIEF CLERK. A bill (H. R. 3579) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1946, and for other purposes.

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

from Tennessee? The Chair hears none, and the report will be received.

Mr. MCKELLAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. MCKELLAR. Mr. President, I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that committee amendments be first considered.

The PRESIDING OFFICER. Is there objections? The Chair hears none, and the clerk will proceed to state the amendments of the Committee on Appropriations.

The first amendment of the Committee on Appropriations was, under the heading "Title I—General appropriations—Legislative," on page 2, after line 5, to insert:

#### SENATE

For payment to Julia M. Scrugham, widow of James G. Scrugham, late a Senator from the State of Nevada, \$10,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, after the amendment just above stated, to insert:

For the payment of 21 pages for the Senate Chamber, at \$5 per day each, for the period July 1, 1945, to December 31, 1945, both dates inclusive, fiscal year 1946, \$19,320.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, after the amendment just above stated, to insert:

The Legislative branch Appropriation Act for the fiscal year 1946 hereby is amended by inserting "and \$1,400 additional so long as the position is held by the present incumbent" immediately following the words "Postmaster, \$3,600," and the necessary amount hereby is authorized to be expended from the appropriation for "Salaries of officers and employees of the Senate," beginning July 1, 1945.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, after the amendment just above stated, to insert:

For an additional amount for expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers of committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding 25 cents per hundred words, fiscal year 1945, \$50,000: *Provided*, That no part of this appropriation shall be expended except in accordance with the provisions of the Subsistence Expense Act of 1926, approved June 3, 1926, as amended.

The amendment was agreed to.

The next amendment was, on page 2, after line 5, after the amendment just above stated, to insert:

Senate restaurants: For payment to the Architect of the Capitol in accordance with the act approved September 9, 1942 (Public Law No. 709, 77th Cong.), fiscal year 1945, \$6,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to insert:

COMMITTEE ON FEDERAL EXPENDITURES

For an amount which is hereby authorized to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the committee, \$10,000; to enable the committee to perform the additional duties required of it for economy studies incident to the reorganization of the executive branch, \$10,000; in all, \$20,000, one-half to be disbursed by the Secretary of the Senate and the other half by the Clerk of the House on vouchers approved by the chairman of the committee.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, after the amendment just above stated, to insert:

NATIONAL MEMORIAL STADIUM COMMISSION

For carrying out the provisions of Public Law No. 523 of the Seventy-eighth Congress, entitled "Joint resolution to consider a site and design for a National Memorial Stadium to be erected in the District of Columbia", approved December 20, 1944, fiscal year 1945, \$5,000, to remain available until June 30, 1946, and to be disbursed by the Secretary of the Senate on vouchers approved by the chairman of the commission.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, after the amendment just above stated, to insert:

GOVERNMENT PRINTING OFFICE

Working capital and congressional printing and binding, 1945: The amount available for the printing, binding, and distribution of the Federal Register is hereby increased to \$520,000 for the fiscal year 1945: *Provided*, That no increase is thereby made in the existing appropriation for working capital and congressional printing and binding.

The amendment was agreed to.

The next amendment was, under the heading "Executive Office of the President," on page 3, after line 4, to insert:

THE WHITE HOUSE OFFICE

For all expenses incident to the death and burial of Franklin Delano Roosevelt, including undertakers' charges and expenses of transportation from Warm Springs, Ga., to Washington, D. C., and thence to Hyde Park, N. Y., fiscal years 1945 and 1946, \$14,500, to be expended under the direction of the President: *Provided*, That no payment shall be made from this appropriation to any officer or employee of the Government for personal or professional services.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Price Administration", on page 5, line 10, after the word "exceed", to strike out "\$7,949,700" and insert "\$7,000,000"; and in line 20, after the numerals "1946", to strike out "\$174,500,000" and insert "\$176,050,300."

The amendment was agreed to.

The next amendment was, under the subhead "Office for Emergency Management—Foreign Economic Administration," on page 9, line 20, before the word "and", to insert "one Deputy Administrator at \$10,000 per annum."

The amendment was agreed to.

The next amendment was, on page 10, line 18, after the word "exceeding", to strike out "\$90,000" and insert "\$115,-

000", and in the same line, after the numerals "1946", to strike out "\$16,500,000" and insert "\$17,000,000."

The amendment was agreed to.

The next amendment was, under the heading "Federal Works Agency—Public Roads Administration," on page 18, after line 15, to insert:

For carrying out the provisions of the Federal Highway Act of November 9, 1921, as amended and supplemented, \$25,000,000, being a part of the \$100,000,000 authorized to be appropriated by section 2 of the Federal-Aid Highway Act of 1944 (Public Law 521), and to become available in accordance with said section 2 and to remain available until expended; and in addition thereto authority is hereby granted to enter into contracts in an amount not to exceed \$75,000,000 for the purposes hereof.

The amendment was agreed to.

The next amendment was, on page 18, line 24, after the word "in", to insert "Senate Document No. 61, and"; and in line 25, after the name "Congress", to strike out "\$178,674.60" and insert "\$212,114.10."

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 24, after line 13, to insert:

CONSERVATION AND USE OF AGRICULTURAL LAND RESOURCES

For an additional amount for conservation and use of agricultural land resources, fiscal year 1946, for compliance with programs under the Agricultural Adjustment Act of 1938, as amended, including the measurement of burley tobacco acreages, to be consolidated with the sum of \$22,911,200 made available for salaries and other administrative expenses under this head in the Department of Agriculture Appropriation Act, 1946, \$408,000.

The amendment was agreed to.

The next amendment was, under the subhead "Rural Electrification Administration," on page 24, line 20, after the word "newspapers", to strike out "\$400,000" and insert "\$650,000."

The amendment was agreed to.

The next amendment was, under the heading "Department of the Interior—Bureau of Reclamation," on page 29, after line 16, insert:

Reclamation fund, special fund, Rio Grande project, New Mexico-Texas: Rio Grande project, New Mexico-Texas, \$490,000, to be expended from the reclamation fund, special fund, construction, and to remain available until expended.

The amendment was agreed to.

The next amendment was, under the heading "Department of State," on page 36, after line 6, to insert:

FOREIGN SERVICE

Contingent expenses, Foreign Service: The appropriation "Contingent expenses, Foreign Service," for the fiscal year 1946, is hereby made available for the maintenance and operation of not to exceed two airplanes: *Provided*, That the State Department may acquire not to exceed two surplus airplanes from any disposal agency of the Government without reimbursement or transfer of funds.

The amendment was agreed to.

The next amendment was, on page 36, after line 19, to insert:

Arbitration of claim, by the United States and the Netherlands: For the expenses of the arbitration under the convention be-

tween the United States and the Netherlands, signed March 18, 1938, of a claim which arose in November 1917, as a result of the requisition by the Government of the United States of certain military supplies of the Government of the Netherlands, including the share of the United States of the honorarium of the neutral arbitrator and of other joint expenses of the two governments; stenographic reporting and translating services, by contract if deemed necessary without regard to section 3709 of the Revised Statutes; books and documents; official cards; fiscal year 1946, \$17,000.

The amendment was agreed to.

The next amendment was, under the heading "War Department—Office of the Secretary," on page 39, line 15, after the word "in", to insert "Senate numbered 60, and"; and in line 17, after the name "Congress", to strike out "\$212,553.59" and insert "\$262,764.24."

The amendment was agreed to.

The next amendment was, under the heading "War Department—Flood control," on page 40, line 6, before the word "For", to insert "Flood control, general."

The amendment was agreed to.

The next amendment was, on page 40, after line 10, to insert:

Flood control, Mississippi River and tributaries: For an additional amount, fiscal year 1946, for "Flood control, Mississippi River and tributaries," including the objects specified under this head in the War Department Civil Appropriation Act, 1946, to be available until expended, \$12,500,000: *Provided*, That this sum shall be available for the prosecution of work when materials, equipment, and manpower become available.

The amendment was agreed to.

The next amendment was, under the heading "Title III—Judgments and authorized claims—Property damage claims," on page 43, line 15, before the word "for", to insert "(a) "

The amendment was agreed to.

The next amendment was, on page 44, after line 20, to insert:

(b) For the payment of claims for damages to or losses of privately owned property adjusted and determined by the following respective departments and independent offices, under the provisions of the act entitled "An act to provide a method for the settlement of claims arising against the Government of the United States in the sum not exceeding \$1,000 in any one case," approved December 28, 1922 (31 U. S. C. 215), as fully set forth in Senate Document No. 65, Seventy-ninth Congress, as follows:

Executive Office of the President;  
Office for Emergency Management;  
War Shipping Administration, \$484.36;  
Office of Price Administration, \$15;  
Federal Security Agency, \$114.09;  
Department of Agriculture, \$150;  
War Food Administration, \$221.50;  
Department of Commerce, \$60.34;  
Department of the Interior, \$211.48;  
Navy Department, \$15,091.44;  
In all, \$16,348.21.

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, United States courts," on page 45, line 3, after the word "in", to insert "Senate Document numbered 63, and"; in line 7, after the word "Administration", to strike out "\$1,000" and insert "\$6,842.50"; in line 15, after the word "In all", to strike out "\$13,653.87" and insert "\$19,496.37"; on

page 46, line 2, after the word "in", to insert "Senate Document numbered 62, and"; in line 6, after "Navy Department", strike out "\$996.10" and insert "\$15,775.96"; and in line 8, after the words "In all", to strike out "\$5,332.10" and insert "\$20,111.96."

The amendment was agreed to.

The next amendment was, under the subhead "Judgments, United States Court of Claims," on page 46, line 22, after the word "in", to insert "Senate Document numbered 64, and"; and on page 47, line 2, after the word "Administration", to strike out "\$5,667.50" and insert "\$18,422.75."

The amendment was agreed to.

The next amendment was, on page 47, after line 2, to insert:

National Housing Agency, Federal Public Housing Authority, \$9,636.44.

The amendment was agreed to.

The next amendment was, on page 47, after line 3, to insert:

Agriculture, \$3,575.40.

The amendment was agreed to.

The next amendment was, on page 47, line 4, after the word "Interior", to strike out the colon and "Fish and Wildlife Service, \$1,361.29" and insert a comma and "\$4,611.84."

The amendment was agreed to.

The next amendment was, on page 47, line 5, after "Navy", to strike out "\$10,963.85" and insert "\$11,009.76."

The amendment was agreed to.

The next amendment was, on page 47, after line 6, to insert:

Treasury, \$331,433.13.

The amendment was agreed to.

The next amendment was, on page 47, line 7, after the word "Establishment", to strike out "\$28,335.32" and insert "\$28,619.50."

The amendment was agreed to.

The next amendment was, on page 47, line 9, after the words "in all", to strike out "\$69,562.71" and insert "\$430,543.57."

The amendment was agreed to.

The next amendment was, under the subhead "Audited claims," on page 42, line 2, after the word "in", to insert "Senate Document No. 66, and"; in line 3, after the word "of", to strike out "\$2,041,481.81" and insert "\$2,178,988.57"; in line 8, after the word "and" where it occurs the second time, to strike out "\$2,275.65" and insert "\$7,587.32"; and in line 9, after the words "in all", to strike out "\$2,043,757.46" and insert "\$2,186,575.89."

The amendment was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. MCKELLAR. Mr. President, by direction of the committee I offer an amendment, which I send to the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 50, after line 8, it is proposed to insert the following:

SEC. 405. The amount of funds authorized to be expended by Commodity Credit Corporation pursuant to section 3 of the act of April 12, 1945 (Public Law 30, 79th Cong.) shall be increased by such amounts as may

from time to time be determined by the Secretary of Agriculture, as follows: (1) not to exceed with respect to livestock and livestock products, \$595,000,000; (2) not to exceed with respect to wheat and wheat products, \$190,000,000; and (3) not to exceed with respect to butterfat and butter, \$100,000,000: *Provided*, That the amounts authorized to be expended pursuant to section 1 of the act of June 23, 1945 (Public Law 88, 79th Cong.) for subsidy payments on meat, butter, and flour shall be reduced correspondingly.

The amendment was agreed to.

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

The bill (H. R. 3579) was ordered to a third reading, read the third time, and passed.

Mr. MCKELLAR. Mr. President, I move that the Senate insist on its amendments, ask for a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MCKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. OVERTON, Mr. BROOKS, Mr. BRIDGES, and Mr. GURNEY conferees on the part of the Senate.

#### WAR AGENCIES APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 3368) making appropriations for war agencies for the fiscal year ending June 30, 1945, and for other purposes.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. CHAVEZ] has the floor.

Mr. BILBO. Mr. President, will the Senator yield to me for a moment?

Mr. CHAVEZ. If the Senator addresses me as the Senator from New Mexico, I will.

Mr. BILBO. Will the Senator from New Mexico yield to me?

Mr. CHAVEZ. I yield.

Mr. BILBO. Mr. President, I have spoken to the majority leader and the minority leader about bills pertaining to the District of Columbia. There are four District bills which should be passed before the end of the fiscal year. They are emergency measures. One is of particular importance. They are all House bills. House bill 3201 is a bill passed by the House. I have introduced a similar measure in the Senate. The House bill is now on the Senate Calendar. It would extend for another year the law to prohibit the Commissioners from carrying out their duty of throwing out of the alley dwellings of Washington about 30,000 people which they morally would be obliged to do beginning Monday morning if we do not pass this measure. And I ask that the four bills dealing with the District of Columbia be acted on at the present time.

Mr. BARKLEY. Mr. President, I hope the Senator from Mississippi will wait until we dispose of the matter now before the Senate.

Mr. BILBO. That is perfectly all right.

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

Mr. CHAVEZ. I shall yield after I have made an observation respecting

what the Senator from Mississippi has just stated. If the Senator from Mississippi has any legislation he desires to have passed today, I am willing to compromise with him and let it be passed, provided he does something which I have heretofore suggested.

Mr. BARKLEY. The bills referred to by the Senator from Mississippi are important, but I should like to have the Senator wait with them until we can dispose of the matter now pending.

Mr. BILBO. Will the Senator permit me to respond to the Senator from New Mexico before he proceeds?

Mr. BARKLEY. Certainly.

Mr. BILBO. I appreciate the kindness and interest of the Senator from New Mexico in helping to have passed the bills dealing with the District of Columbia, but, so far as compromising on another measure is concerned, I cannot do it, because I cannot compromise with wrong, since that would make me wrong.

Mr. BARKLEY. Mr. President, will the Senator from New Mexico yield?

Mr. CHAVEZ. I yield.

Mr. BARKLEY. I hope that a suggestion I wish to make to my friend the Senator from New Mexico and other Senators who are interested in this subject will not be regarded as an effort to induce anyone to compromise with wrong or to do anything that is wrong. We are all anxious to dispose of this appropriation bill which is now the pending business, the only one now left undisposed of, which ought to pass before tonight in order that none of the agencies affected shall find themselves without funds.

Night before last I made a suggestion which I thought was fair to both sides and to every one. I am going to repeat that suggestion, if the Senator from New Mexico will permit me, and I do not believe that it involves any unwise yielding on the part of either side or on the part of anyone. It is in the interest of legislation. All of us or any of us cannot always have our way here in regard to legislation. My suggestion is still that we accept the proposal I made the other night of \$250,000 for this agency for the fiscal year. In order that that may be offered the Senator from New Mexico would have to withdraw his motion to suspend the rule, which he can renew at any time immediately if we cannot accomplish anything by my suggestion.

If the Senator from New Mexico will withdraw his motion to suspend the rule, I myself will offer, if he does not wish to do it—if he does not feel like he can do it—I myself will take the responsibility of offering an amendment in the language of his amendment, except to change the amount from \$446,000 to \$250,000. If no point of order is made against that amendment, we can immediately obtain a vote on it, and I can assure Senators on both sides that we will have a yeand-nay vote on that amendment and dispose of it.

I still feel that that proposition is fair and that it will enable us to dispose of this bill tonight, and we will have no hiatus with respect to the agencies that need the funds which the bill appropriates.

Would the Senator from New Mexico be willing to withhold or to withdraw his motion to suspend the rule temporarily while I can offer such an amendment, and I will say that if a point of order is made against the amendment, I will immediately withdraw it?

Mr. CHAVEZ. Yes, Mr. President. The same kind of a proposition was made night before last, to which I agreed, provided that the proponents of different ideas would also agree. I am inclined to feel that something should be done about this matter, but before I withdraw my motion I should like to have the strict understanding that I would not lose any rights under the parliamentary situation by which, if the proposal is not agreed to by the other side, I can again submit my motion to suspend the rule.

The PRESIDING OFFICER. The Senator from New Mexico has that right.

Mr. CHAVEZ. This is the second time there has been an indication from our side that we are willing to do the right thing. I should like to obtain an indication from some of our opponents—

Mr. BARKLEY. If the Senator will permit me, I think the Senator from New Mexico can rely on my assurance that if the point of order is made I will withdraw the amendment.

Mr. CHAVEZ. Unless something else is compromised here, I will withdraw my motion.

The PRESIDING OFFICER. The Senator from New Mexico withdraws his motion.

Mr. BARKLEY. Mr. President, I offer the amendment which I send to the desk, with the change in line 10, on page 2, that instead of \$446,200, the amount be fixed at \$250,000. Inasmuch as the amendment has already been read, and the Senate understands it, I ask merely that that part of it changing the amount be read, and not the entire amendment.

The PRESIDING OFFICER. The clerk will read the change which the Senator speaks of.

The CHIEF CLERK. On page 2 of the amendment, in line 10, it is proposed to strike out "\$446,200" and to insert in lieu thereof "\$250,000."

Mr. BARKLEY's amendment is as follows:

COMMITTEE ON FAIR EMPLOYMENT PRACTICE

Salaries and expenses: For all expenses necessary to enable the Committee on Fair Employment Practice to carry out any functions lawfully vested in it by Executive orders Nos. 8802 and 9346, including salary of a chairman at not to exceed \$8,000 per annum and six other members at not to exceed \$25 per diem when actually engaged; travel expenses (not to exceed \$63,800); expenses of witnesses in attendance at committee hearings, when necessary; printing and binding (not to exceed \$4,800); purchase of newspapers and periodicals (not to exceed \$500); not to exceed \$694 for deposit in the general fund of the Treasury for cost of penalty mail as required by section 2 of the act of June 23, 1944 (Public Law 364); and the temporary employment of persons, by contract or otherwise, without regard to section 3709 of the Revised Statutes and the civil-service and classification laws (not to exceed \$8,900); \$250,000: *Provided*, That no part of the funds herein appropriated shall be used to pay the compensation of any person to initiate, investigate, or prosecute any complaint against

any defendant where such defendant does not have the same right to appeal an adverse decision of the Committee on Fair Employment Practice to the President of the United States, or to refer said complaint to the President of the United States for final disposition, as is asserted by or allowed the said Committee on Fair Employment Practice in cases where persons complained against refuse to abide by its orders: *Provided further*, That no part of this appropriation shall be used to pay the compensation of any person to initiate, investigate, or prosecute any proceedings against any person, firm, or corporation which seeks to effect the seizure or operation of any plant or other property of such person, firm, or corporation by Federal authority for failure to abide by any rule or regulation of the Committee on Fair Employment Practice, or for failure to abide by any order passed by the Committee on Fair Employment Practice: *Provided further*, That no part of the funds herein appropriated shall be used to pay the compensation of any person employed by said Committee on Fair Employment Practice who issues or attempts to enforce any rule, regulation, or order which repeals, amends, or modifies any law enacted by the Congress.

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

Mr. BARKLEY and Mr. BILBO asked for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. WAGNER (when his name was called). I have a general pair with the junior Senator from Kansas [Mr. REED]. I transfer that pair to the senior Senator from Washington [Mr. MAGNUSON] and will vote. I vote "yea."

Mr. CAPEHART (when Mr. WILLIS' name was called). My colleague [Mr. WILLIS] is necessarily absent from the Senate today. If he were present he would vote "yea."

The roll call was concluded.

Mr. BRIDGES. I have a general pair with the Senator from Utah [Mr. THOMAS]. I understand that if present he would vote as I intend to vote. Therefore I am at liberty to vote. I vote "yea."

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

The Senator from Florida [Mr. ANDREWS] is necessarily absent.

The Senator from Missouri [Mr. BRIGGS], the Senator from Kentucky [Mr. CHANDLER], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. PEPPER], the Senator from Oklahoma [Mr. THOMAS], the Senator from Utah [Mr. THOMAS], and the Senator from Maryland [Mr. TYDINGS] are absent on public business.

The Senator from Nevada [Mr. McCARRAN] and the Senator from Idaho [Mr. TAYLOR] are absent as members of the committee to attend the funeral of the late Senator Scrugham.

I further announce that the Senator from Florida [Mr. ANDREWS] is paired with the Senator from Massachusetts [Mr. SALTONSTALL]. If present and voting I am informed that the Senator from Florida would vote "nay" and the Senator from Massachusetts would vote "yea."

The Senator from Missouri [Mr. BRIGGS] is paired with the Senator from Idaho [Mr. THOMAS]. If present and voting the Senator from Missouri would vote "yea" and the Senator from Idaho would vote "nay."

I am advised that if present and voting the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. PEPPER], the Senator from Maryland [Mr. TYDINGS], the Senator from Idaho [Mr. TAYLOR], the Senator from Utah [Mr. THOMAS], and the Senator from Nevada [Mr. McCARRAN] would vote "yea."

Mr. WHERRY. The Senator from Vermont [Mr. AUSTIN], who would vote "yea," has a pair on this question with the Senator from Wyoming [Mr. ROBERTSON], who would vote "nay."

The Senator from Massachusetts [Mr. SALTONSTALL], who would vote "yea," has a pair on this question with the Senator from Florida [Mr. ANDREWS], who would vote "nay."

The Senator from Missouri [Mr. BRIGGS], who would vote "yea," has a pair on this question with the Senator from Idaho [Mr. THOMAS], who would vote "nay."

The Senator from Minnesota [Mr. SHPSTEAD] and the Senator from Iowa [Mr. WILSON] are absent on official business. Both of these Senators would vote "yea" if present.

The Senator from Maine [Mr. BREWSTER] and the Senator from Indiana [Mr. WILLIS] are necessarily absent. Both of these Senators would vote "yea" if present.

The Senator from Iowa [Mr. HICKENLOOPER] is absent by leave of the Senate.

The Senator from Delaware [Mr. BUCK], the Senator from New Jersey [Mr. HAWKES], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The Senator from West Virginia [Mr. REVERCOMB] is necessarily absent from Washington.

The Senator from Kansas [Mr. REED] and the Senator from New Hampshire [Mr. TOBEY] are absent on official business.

The Senator from North Dakota [Mr. YOUNG] is absent on official business of the Senate attending the funeral of the late Senator Scrugham.

The Senator from Wyoming [Mr. ROBERTSON] is absent on official business by direction of the President pro tempore of the Senate.

The Senator from Idaho [Mr. THOMAS] is absent because of illness.

The Senator from Vermont [Mr. AUSTIN] is absent by leave of the Senate.

The result was announced—yeas 42, nays 26, as follows:

YEAS—42

Alken	Gerry	McFarland
Ball	Green	McMahon
Barkley	Guffey	Mead
Bridges	Gurney	Mitchell
Brooks	Hart	Murdock
Burton	Hatch	Murray
Butler	Hayden	Myers
Capehart	Johnson, Colo.	O'Mahoney
Capper	Kilgore	Radcliffe
Chavez	La Follette	Smith
Cordon	Langer	Taft
Downey	Lucas	Tunnell

Vandenberg  
Wagner

Walsh  
Wherry

White  
Wiley

NAYS—26

Balley  
Bankhead  
Bilbo  
Bushfield  
Byrd  
Connally  
Donnell  
Eastland  
Ellender

Ferguson  
Fulbright  
George  
Hill  
Hoey  
Johnson, Calif.  
Johnston, S. C.  
McClellan  
McKellar

Maybank  
Millikin  
Moore  
Morse  
O'Daniel  
Overton  
Russell  
Stewart

NOT VOTING—27

Andrews  
Austin  
Brewster  
Briggs  
Euck  
Chandler  
Glass  
Hawkes  
Hickenlooper

McCarran  
Magnuson  
Pepper  
Reed  
Revercomb  
Robertson  
Saltonstall  
Shipstead  
Taylor

Thomas, Idaho  
Thomas, Okla.  
Thomas, Utah  
Tobey  
Tydings  
Wheeler  
Willis  
Wilson  
Young

So Mr. BARKLEY's amendment was agreed to.

Mr. MORSE. Mr. President, I wish to make a statement in explanation of my vote on the appropriation for the FEPC. The RECORD shows that I voted "nay." I did so because in my opinion the compromise was a most unjust one and violated some basic principles of fairness and right. The issue in connection with the FEPC appropriation involves some very fundamental questions of civil rights, and minority group rights, which the people of America are going to have to face realistically in the years immediately ahead.

I think it most unfortunate, Mr. President, that the Senate saw fit with one hand to pay a gesture to those principles, and then with the other hand to strike a blow which makes it impossible for the FEPC to do the work which must be done if it is to handle successfully the important job which has been assigned to it. I, for one, will never be a party to the type of compromise agreed to by a majority of the Senate this afternoon, because I am satisfied that the RECORD is perfectly clear that the FEPC made out a case for every dollar for which it asked in the appropriation bill.

By decreasing the appropriation for FEPC to the amount which finally was granted in the unreasonable compromise proposed by leaders on the other side of the aisle, I think the FEPC was dealt a mortal blow. That is what was done by the compromise. I speak about it in order to make perfectly clear for the record and to the people of the country the true nature of this compromise.

I will not be a party to such a compromise, because I would rather meet this issue head on. I prefer to do what I can to see to it that we give adequate support during the critical adjustment period ahead to FEPC in its great work of maintaining and protecting in America economic justice for all our people. The compromise just adopted is the product of a type of expediency which I will never support.

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

Mr. MORSE. I yield.

Mr. FERGUSON. I should like to have my remarks—and I ask unanimous consent for that purpose—printed in the RECORD immediately following the vote taken on the FEPC.

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

Mr. FERGUSON. Mr. President, it is not often that I rise in the Senate to explain my vote. But in this particular case I wish to explain why I voted "nay" on the amendment.

I agree with the Senator from Oregon that it was not a case in which I could agree to a compromise. After hearing the testimony before the Appropriations Committee, I believe that this particular agency is entitled to the full amount which was proposed in the committee, namely, \$446,000; that to give it only the compromise amount of \$250,000 is a death blow to the agency; and that we have in effect compromised principle in order to obtain a vote today.

I do not believe we can afford to face issues in this way at this critical time in America. In my humble opinion, the time has come when we must stand firm and must vote according to our conscientious beliefs, instead of compromising upon the issues. My vote "nay" was not a vote that I did not want this agency to continue. I voted "nay" merely because I would not compromise and vote for an appropriation of \$250,000 for the agency when, in my opinion, the evidence clearly showed that the agency was entitled to an appropriation of \$446,000. For that reason I voted "nay." I did not do so because I did not want to continue the agency. I wanted to continue it. I wanted it to continue, so that it could perform the function it was supposed to perform and has to perform.

Mr. MORSE. Mr. President, I wish the RECORD to show that I share completely the views expressed by the Senator from Michigan. I also ask unanimous consent to have my remarks appear in the RECORD immediately after the recording of the vote.

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

Mr. MEAD. Mr. President, in connection with the parliamentary situation which confronted this body in the consideration of the amendment presented by my distinguished colleague the Senator from New Mexico [Mr. CHAVEZ], we must take into consideration the fact—as well as the rulings of the Chair in respect to it—that no item of appropriation came to this body from the other House. Therefore, according to the ruling of the Chair, if a point of order had been made, it would have been necessary for the Senate to vote by two-thirds majority to suspend the rule before the Senate could consider the amendment on this subject. If there had been a failure to secure a two-thirds majority vote, the amendment could not have been considered, and the life of the FEPC, together with all the appropriation for it, would have been eliminated.

I think the sponsor of the amendment, after consideration and conference, had in mind keeping the FEPC alive by securing for it the maximum appropriation which he could secure under present circumstances, and I think he had in mind the necessity of receiving the approval of this body, either by way of a two-thirds vote to suspend the rule or by way of a majority vote upon a question which would not be challenged under the rule.

Mr. LUCAS. Mr. President, may we have order? It seems to me this matter is rather important, in view of the statements made by the two preceding speakers.

The PRESIDING OFFICER. The Senate will be in order. Conversations will cease.

Mr. MEAD. Mr. President, my distinguished colleague the Senator from New Mexico went as far under parliamentary procedure as he could go. He challenged the rule. He even attempted to overrule the Chair in one of his decisions.

This can be said in favor of the position taken by the Senator from New Mexico: He secured an appropriation without jeopardizing his chances by an attempt to secure a two-thirds vote of the Senate. He has now secured legislative authority to continue the FEPC for 12 months.

From time to time there will be deficiency appropriation bills which will be considered in the House of Representatives; and if this amendment stands, the inclusion in such an appropriation bill of an item for this agency will be in order. In that event, only a majority vote of both Houses of Congress will be required, either to support such an item of appropriation which comes here from the House of Representatives or to increase the amount of the appropriation.

So, Mr. President, we are better off by far than we were when this measure came to the Senate. We have an appropriation and, better than that, Mr. President, we have authority continuing the FEPC for the next fiscal year. Therefore we have not forfeited any of our rights because, with every deficiency appropriation we shall be afforded another opportunity to increase the amount in order to maintain the existence of the agency.

Moreover, there is on the calendar of the Senate a measure which would authorize the permanent establishment of the FEPC, and under the rules of the Senate that measure may be called up at any time.

So, Mr. President, I commend the Senator from New Mexico for the able and courageous fight which he made. I regret that he did not succeed in obtaining the full appropriation which had been requested by the Bureau of the Budget. I myself favor the full appropriation. If the amendment shall not be retained in conference, when it comes back to the Senate I for one will not support any conference report which will eliminate the appropriation. I can see where our chances are enhanced because we have an appropriation, and we have authority to continue the agency for the next fiscal year. The fight has just begun, and we will eventually succeed in getting the remainder of the money.

Mr. BILBO. Mr. President, I shall not try to explain my vote. It does not need explanation because I have spent considerable time in endeavoring to make clear my position with regard to the measure. Personally I would not vote for 1 cent for a temporary or a permanent FEPC. I express the belief that the distinguished Senator from Oregon, and the distinguished Senator from

Michigan not only are gentlemen of veracity, but are prophets of the Isaiah type. Both of them declared that the passage of the bill containing the amount which has been agreed to will mean the end of the FEPC. The Senator from Oregon said that it was a mortal blow. That means death. The Senator from Michigan said that it meant a death blow. So I have derived a great deal of consolation from the explanation of their votes.

Mr. President, I think our fight on the floor of the Senate has not been in vain. We have saved the taxpayers of the country \$196,000. For my 2 days' work, that means \$98,000 a day. I am satisfied with that rate of compensation.

I do not want the country to believe for one minute that the statement made by the distinguished Senator from New York [Mr. MEAD] is true, namely, that any attempt to obtain additional appropriations through the deficiency bill for the fiscal year 1945-46 will not be subject to a point of order, and will not require a two-thirds vote of the Senate. He made a statement which will go out to the country that at any time a desire is felt to make provision in a deficiency bill for an additional appropriation on behalf of the FEPC it can be accomplished without submission to the rule of the Senate which requires a suspension of the rules by a two-thirds vote of the Senate. I do not want such erroneous information disseminated among the friends and foes of this un-American, unconstitutional, unthinkable, and unreasonable legislative monstrosity.

I have further remarks which I shall make within the next day or so. I am now anxious to have the bill passed and sent to conference.

Mr. BARKLEY. Mr. President, before the bill is disposed of, I have a technical amendment to which I think the Senator from Tennessee will agree.

The House reduced the appropriation for travel expenses for the War Labor Board, and the Senate committee reduced the amount carried in the House text from \$720,000 to \$500,000. I have a letter from the Secretary of the Navy and the Secretary of War in which it is stated that such a reduction would cripple the War Labor Board in dealing with labor matters which are now very important. The War and Navy Departments emphasize the fact that the appropriation for this purpose is needed now and will be needed during the remainder of the year, even to a larger extent than heretofore. The Senator from Tennessee has read the letters.

I move that the vote by which the committee amendment on page 2, line 4, reducing the amount from \$720,000 to \$500,000, was agreed to, be reconsidered, and also that the vote by which the committee amendment on page 3, line 7, reducing the amount of \$13,320,000 to \$13,100,000 was agreed to, be reconsidered.

Mr. MCKELLAR. Mr. President, I shall not object to the Senator's motion. One of the reasons for my action is the splendid work which the Senator from Kentucky and other Senators have done today in bringing about an adjustment so that we could pass this much-needed bill. So far as I am personally concerned—I

cannot speak for the whole committee—I have no objection.

The PRESIDING OFFICER. Without objection—

Mr. McMAHON and Mr. OVERTON addressed the Chair.

Mr. BARKLEY. Mr. President, I ask the Senators to wait just a moment until the motion is disposed of.

Mr. OVERTON. I wish to object to it.  
Mr. BARKLEY. I have moved that the votes by which the amendments were agreed to be reconsidered.

Mr. OVERTON. I have no objection to having the votes reconsidered.

Mr. BARKLEY. Very well.  
The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the votes by which the amendments were agreed to.

The motion was agreed to.

Mr. BARKLEY. Mr. President, I now ask unanimous consent that at this point in the RECORD there be printed a letter signed by Judge Robert P. Patterson, Acting Secretary of War, and by Mr. H. Struve Hensel, Acting Secretary of the Navy.

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

JUNE 23, 1945.

HON. ALBEN W. BARKLEY,  
*United States Senate.*

DEAR SENATOR BARKLEY: Because of the War and Navy Departments' strong interest in the work of the National War Labor Board, we are addressing this letter to you concerning the appropriation requested by the Board for the fiscal year 1945.

As you know, the effect of labor disputes on war production is a matter of deep concern to our Departments. Industrial disputes have seriously threatened the production and distribution of items which are critically needed by the armed forces. This threat is far greater now than it ever has been in the past and we are concerned about the possibility that current and future disputes may materially interfere with war procurement.

The War Labor Board is one of the principal agencies of Government charged with the responsibility for the settlement of such disputes and its effective discharge of this responsibility is essential if the War and Navy Departments are to meet their procurement schedules. Without its timely intervention, many difficult situations which have endangered war production in the past months could not have been solved. Moreover, it prevented the development of acute situations as well as settling them. In the absence of an effectively operating War Labor Board in the coming year, we are convinced that the ability of the Army and Navy to procure materials vitally needed by our troops will be seriously jeopardized.

For these reasons, the War and Navy Departments are very disturbed over the prospective inability of the War Labor Board thoroughly to discharge its important functions as a result of serious curtailment in funds available to it for travel purposes. Such a reduction is now threatened by the action of the House of Representatives and the Senate Appropriations Committee which have reduced the travel allotment requested by the Board for the fiscal year 1946 by a very large amount. The Board's request merely provided for the continuance of a travel allotment which would permit the Board to operate under substantially the same conditions as at present, but the House of Representatives and the Senate Appropriations Committee have taken action which would necessarily result in a substantial curtailment of travel by Board personnel. Even

assuming that the present heavy work load of the Board does not increase, and we are confident that it will substantially increase, we believe that any such reduction would make it impossible for the Board adequately to carry out its work.

Under these circumstances, the War Department and the Navy Department urge that you take steps to secure a restoration of the amounts for official travel which have been cut from the Budget estimate of the War Labor Board for the fiscal year 1946.

Sincerely yours,

ROBERT P. PATTERSON,  
*Acting Secretary of War.*  
H. STRUVE HENSEL,  
*Acting Secretary of Navy.*

Mr. BARKLEY. Mr. President, the amount involved is \$220,000, to restore the War Labor Board travel expenses appropriation to the figure carried in the bill as it was passed by the House.

Mr. OVERTON. Mr. President, I stated that I would object to the proposal suggested by the Senator from Kentucky; but after reconsidering it, and inasmuch as only \$220,000 is involved, I do not raise any objection.

Mr. BARKLEY. I thank the Senator.  
Mr. President, I now move that the committee amendments on page 2, in line 4, and on page 3, in line 7, be rejected.

The amendments were rejected.

Mr. BURTON. Mr. President, as a matter of information, I wish to understand whether the rejection of the amendments means that on page 2 of the bill the allowance for travel expenses shall not exceed \$720,000, which is the figure contained in the bill as it was passed by the House.

The PRESIDING OFFICER. That is correct.

Mr. BARKLEY. That is true.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment.

Mr. McMAHON. Mr. President, I now call up for consideration the amendment which I presented a few days ago and ask to have it read.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. On page 4, line 18, it is proposed to strike out "\$2,500,000" and insert in lieu thereof "\$3,000,000."

Mr. McMAHON. Mr. President, the Senate may rest assured that I shall not indulge in any extended explanation of the amendment. It was with considerable reluctance, and only after much deliberation, that I decided to submit it.

Mr. MCKELLAR rose.

Mr. McMAHON. Does the Senator from Tennessee wish me to yield?

Mr. MCKELLAR. I suggest to the Senator that if the amendment may be agreed to at this time I shall be glad to take it to conference.

Mr. McMAHON. Very well.

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

The amendment was agreed to.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and third reading of the bill.

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

The bill (H. R. 3368) was read the third time and passed.

Mr. MCKELLAR. Mr. President, I move that the Senate insist on its amendments, request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MCKELLAR, Mr. GLASS, Mr. HAYDEN, Mr. TYDINGS, Mr. OVERTON, Mr. BROOKS, Mr. BRIDGES, and Mr. GURNEY conferees on the part of the Senate.

#### LEAVE OF ABSENCE

Mr. HATCH. Mr. President, in a very few minutes the New Secretary of Agriculture will take his oath of office. Mr. Anderson comes from my State. I am very anxious to attend that ceremony. Therefore, I ask unanimous consent that I may absent myself from the Senate from now until that ceremony is completed. I hope the Senate will have completed its labors and recessed by that time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request of the Senator from New Mexico is granted.

#### LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, in order that the two appropriation bills which have just been passed, being the bill making appropriations for war agencies, and the deficiency bill, may be referred to the conference committees, I may say that in the hope that the conferees may agree and that we may dispose of both bills before we adjourn today, it will be necessary for the Senate to take a recess until some hour which will be fixed later. The House has recessed until 5 o'clock this afternoon for the same purpose, and it may be necessary for us to recess until some time later. I shall fix the hour when I make the motion. I merely wish Senators to understand that these measures must go to conference, and that necessary time must be afforded the conferees in which to consider the amendments. I hope their work may be completed without too much delay.

#### REDUCTION OF CERTAIN APPROPRIATIONS

Mr. MCKELLAR. Mr. President, from the Committee on Appropriations I ask unanimous consent to report favorably, without amendment, the joint resolution (H. J. Res. 202) reducing certain appropriations available in the fiscal year ending June 30, 1944, and I ask unanimous consent for its present consideration.

Mr. WHITE. Mr. President, I inquire of the Senator from Tennessee what is the joint resolution.

Mr. MCKELLAR. It is a joint resolution which has been passed by the other House. A few days ago objection was made to the joint resolution by my distinguished friend, the Senator from South Dakota. The matter was brought up before the committee this afternoon,

the Senator from South Dakota withdrew his objection, and the entire committee expressed itself as being in favor of the joint resolution. The measure is for the purpose of carrying out the recommendation which the President made a short time ago with reference to saving large amounts of money in connection with various appropriations which had already been made. I am sure Senators will not object.

Mr. WHITE. I should be the last Senator to object in a matter of that kind.

Mr. MCKELLAR. I am sure of that.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The CHIEF CLERK. A joint resolution (H. J. Res. 202) reducing certain appropriations available in the fiscal year ending June 30, 1945.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

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

#### ENFORCEMENT OF LAW IN THE DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, I renew my request for the immediate consideration of several emergency bills relating to the District of Columbia. I express the hope that the bills may be considered. I am sure no Senator would have any objection, because the bills were investigated and passed upon by the entire Committee on the District of Columbia, and reported unanimously. They are House bills, and were acted on favorably by the House.

Mr. WHITE. Mr. President, I understand the Senator is asking unanimous consent for the consideration of these five bills at this time.

Mr. BILBO. Yes.

Mr. WHITE. I have been in contact with such minority members of the Committee on the District of Columbia as are present on the floor of the Senate, and I find no objection to the bills.

Mr. BILBO. I thank the Senator. I now ask for the present consideration of Calendar No. 442, House bill 2856, to provide for better enforcement of law within the District of Columbia.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill (H. R. 2856), to provide for better enforcement of law within the District of Columbia, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### USE AND OCCUPATION OF ALLEY DWELLINGS

Mr. BILBO. Mr. President, I ask that the Senate now proceed to the consideration of Calendar No. 443, House bill 3201, relating to alley dwellings in the District of Columbia.

There being no objection, the bill (H. R. 3201) to amend the District of Columbia Alley Dwelling Act, approved June 12, 1934, as amended, was considered, ordered to a third reading, read the third time, and passed.

#### REMOVAL OF RESTRICTIONS ON APPOINTMENT OF SUPERINTENDENT OF GALLINGER MUNICIPAL HOSPITAL

Mr. BILBO. I ask unanimous consent for the present consideration of calendar No. 444, House bill 3257, relating to restrictions on the appointment of certain persons as Superintendent of Gallinger Municipal Hospital in the District of Columbia.

There being no objection, the bill (H. R. 3257) to remove restrictions to the appointment of retired officers of the United States Public Health Service or retired civilian employees of the United States Government or District of Columbia government as Superintendent of Gallinger Municipal Hospital in the District of Columbia, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

#### SALARIES OF POLICEMEN AND FIREMEN

Mr. BILBO. Mr. President, I ask unanimous consent for the consideration of Calendar No. 445, House bill 3291, relating to salaries of policemen and firemen in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill (H. R. 3291) to provide for an adjustment of salaries of the Metropolitan Police, the United States Park Police, the White House Police, and the members of the Fire Department of the District of Columbia, to conform with the increased cost of living in the District of Columbia, which had been reported from the Committee on the District of Columbia with an amendment, on page 2, after line 14, to insert a new section, as follows:

SEC. 3. The provisions of this act shall not apply to pilots and marine engineers of the Fire Department whose salaries were increased by an act entitled "An act to amend an act entitled 'An act to fix the salaries of officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia,' approved June —, 1945."

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.

#### TAXES ON DOGS

Mr. BILBO. Mr. President, I ask unanimous consent for the consideration of Calendar No. 449, House bill 2995, relating to taxes on dogs.

There being no objection, the bill (H. R. 2995) to amend an act entitled "An act to create a revenue in the District of Columbia by levying a tax upon all dogs therein, to make such dogs personal property, and for other purposes," approved June 19, 1878, as amended, was considered, ordered to a third reading, read the third time, and passed.

#### PRESIDENTIAL SUCCESSION

Mr. LUCAS. Mr. President, even though the hour is rather late, I ask the indulgence of the Senate to listen to me for a few moments while I refer to the message regarding the question of Presidential succession which was re-

cently sent by the President of the United States to the Congress.

Mr. President, the American people are in accord with President Truman when he suggests that in the interest of orderly democratic government there should be certainty with respect to the succession to the Presidency.

The proposal suggested by the distinguished President of the United States is thoroughly democratic and a most unselfish one. There remains, however, a serious doubt that the remedy proposed by the President will remove the shortcomings of basic law. From my study and knowledge of this acute and important question, I am convinced that the President's proposal, if enacted, will lead to greater uncertainty, more confusion, and in all probability a contest that might be extremely disturbing to the peace and welfare of a free people in time of peace and surely disquieting to a nation in the midst of a mighty war.

Try as I may, I cannot be convinced that the Speaker of the House of Representatives and President pro tempore of the Senate are officers of the United States within the meaning of the Constitution. They are officers commissioned by the governors of the respective States, and no more. This is the same view that was taken by Mr. Madison, and others, who took a prominent part in the formation of the Federal Constitution. Their position was restated when the law of 1792 was passed, giving the President pro tempore of the Senate the first right of succession to be followed by the Speaker of the House of Representatives in the event a further vacancy occurred. This is the same position taken by the Supreme Court of the United States in 1798 in deciding that Senator Blount was not an officer of the United States and therefore not subject to impeachment. What would be the constitutional situation when the Speaker of the House is discharging as an annex to his office the duties of President? Could he be impeached as acting President?

I submit that if the framers of the Constitution had contemplated that the Speaker of the House and the President pro tempore of the Senate should succeed to the Presidency, they would have specifically designated them in the Constitution. Certainly, these offices are incompatible. Certainly, if the executive functions supersede the legislative, then both must fail, as the former depends upon the latter.

Then again, there may be neither a Speaker of the House of Representatives nor President pro tempore of the Senate at the time a vacancy occurs in the Presidency. The individuals holding these two positions in the Congress may not have the qualifications required by the Constitution of the United States for the Presidency with respect to age or birth. In addition, the proposal opens the door to unnecessary pernicious political activities. Andrew Johnson, when serving as President of the United States, lacked impeachment by one vote, and the President pro tempore of the Senate at

that time, who would have succeeded him as acting President had Johnson been impeached, voted for impeachment. It has always been understood that our Government is a system of checks and balances. It seems to me that this proposal neither checks nor balances.

Again, the Constitution provides that the executive power shall be vested in the President of the United States, who shall hold his office during a term of 4 years. I submit it is against the public interest in our traditional system of tenure to make possible that two or more members from different political parties of the legislative branch of Government should serve as President during that time.

The framers of the Constitution intended that the process by free people of changing their leadership in government should take place but once in 4 years. While we confer honor and confidence upon any individual who is elected President, the most important thing is that the people vote for a Presidential candidate according to the policies and opinions upon great public questions for which he stands. The framers definitely said that when the people of this Nation had thus spoken through a national election, the policies thereby endorsed should prevail and have the ascendancy in the administration of the Federal Government for a period of 4 years.

What is the remedy?

Admittedly, it is a most difficult one. It has been debated over and over in the Senate by some of the best legal minds in America. The President in his message would have the Speaker of the House of Representatives fill out the unexpired term, and in case of his death, then the President pro tempore of the Senate. He says, however, that if the Congress decided that a special election should be held, the method and procedure for holding such special election should be now provided by law, so that the election could be held as quickly as possible should the contingency arise. Obviously, this is a plausible suggestion, but immediately we run into constitutional questions of the greatest import. I doubt seriously that either of these proposals can be followed. I do not believe in legalistic hairsplitting upon ordinary questions, but this is an extraordinary proposal upon a question of such vital importance to the peace and happiness of the country it is dangerous even to leave room for doubt, if the same can be removed.

There is not a single word in the Constitution giving to the Congress the power to call a special election in case there is removal, death, resignation, or inability to serve of both the President and Vice President. Neither is there anything in the Constitution that definitely precludes such an election. The Congress would have to use the implied power of the Constitution to lay down the procedure through legislation for a Presidential election under these circumstances. If and when that happens, many questions will arise.

The Constitution requires that each State appoint, in such manner as the

legislature thereof may direct, electors, who later choose the President and Vice President of the United States. The manner with respect to time and other matters is probably different in every State. The Congress would have no power to supersede the Constitution on this point. Therefore, delay and confusion are imminent. Certainly no special election could be called immediately.

If it were possible to hold an immediate election, the term of those elected would have to be for 4 years as the Constitution requires. An election could not be held for the unexpired term. It would be a dangerous threat to public peace and welfare to pass legislation which conceivably might permit the changing of the President through election as often as once a year. That is exactly what is proposed, Mr. President, and such a thing could happen under certain contingencies and circumstances.

There is another possibility fraught with much difficulty. Should the President and Vice President die before the Congress could prescribe the method and procedure for the special election, the then Secretary of State would become the acting President, and as acting President of the United States he would have the veto power over such legislation, and certainly Congress would be influenced either in calling or denying the special election because of the personality then holding the office of Secretary of State.

Certainly the succession to the Presidency was never so important as it is today. I submit that the element of time is the essence. The American people are entitled to legislative course that will act as a minimum disturbance to the business and social life of this Nation.

With a full realization of the intricacy of the problem at hand and cognizant of its great importance to our democratic form of government, it is my studied opinion that the Senate of the United States should give serious and exacting attention to the difficulties that are involved, to the end that there be certainty as to succession.

The law of 1886 should be amended to the end that in the case of the double vacancy through death, resignation, inability to serve, or removal, Cabinet officers, headed by the Secretary of State, should be in line to serve for the balance of the regular unexpired term, thus continuing in power the party which had succeeded in the last election, and insuring administration of government according to the policies endorsed by the majority of the people. Some seem to think that the present law does that very thing. Many eminent authorities hold otherwise. It should be definitely settled by legislation.

There is nothing unusual about the President of the United States selecting his successor under such circumstances. Whoever the Secretary of State and other Cabinet officers may be, they would be subject to confirmation by the Senate. Then again, everyone knows that no Vice President is ever elected unless he has the approval of the Presidential candidate. No candidate for the high

office of President desires to have a running mate whose theories and philosophies are utterly opposed to his. If the Vice President succeeds to the office of the President through death or otherwise, he should be able to exercise the same privilege exercised by his predecessors in the determination of a successor in harmony with the policies upon which he stood for election.

In conclusion let me say I believe the people ought to be consulted whenever practicable on a matter so important as the selection of the President and Vice President. The people are the safe depositories of power in a republic. However, if there is any fault to be found with holding Presidential elections more often than every 4 years, it is the fault of the Constitution.

We are in the midst of war. We look forward to the postwar period with a full realization of the significant and tremendous social and economic problems with which we are faced. Nothing should be done through legislation that will in any way unsettle business and disturb the peace of the country. We need certainty and stability at this hour in the solution of the succession problem. We can obtain it through the course I have suggested.

During all the years that legislation dealing with this problem has been on the statute books Congress has not prescribed what constitutes inability to serve upon the part of the President and Vice President, nor has any procedure been provided for determining whether or not inability to serve exists. This lack of orderly legal procedure which could be followed in the event of inability to serve is also fraught with danger and it seems to me the Senate of the United States should also study the question of enacting legislation which will definitely deal with the disability clause in the Constitution.

Mr. President, I call the attention of the Senate to two instances when a disability existed, or at least it was said that a disability existed. One was after Garfield was shot, when for 3 months he was practically helpless insofar as carrying on the administration of government was concerned. Then there was the time during the latter part of Woodrow Wilson's term, when the same question arose.

Mr. President, I shall submit in the near future a bill which will deal with this entire problem.

Mr. BANKHEAD. Mr. President, it is not my purpose at this time to go into a full discussion of the subject presented by the Senator from Illinois. The very able Senator, as Chairman of the Committee on Privileges and Elections, will doubtless have jurisdiction of bills dealing with this subject.

I am not in full accord with his views, though I agree with them in part. I do not think the Speaker of the House should by law be designated successor to the President of the United States in the event there is a vacancy in that office and also in the office of Vice President, for the reason that was stated by the Senator. On several occasions during the time intervening between the death of a Vice President and the next presidential

election there has been a change in the political complexion of the House of Representatives which, as stated, would bring to the Presidency a person who was not in accord with the will of the people as shown in the previous election.

I am not going into the question of succession by the President pro tempore of the Senate. There are objections to that proposal.

Mr. President, I have a suggestion to make for the consideration of the Senator from Illinois and others who are interested in the subject. I have not heard this thought presented. I believe, however, it is worthy of consideration. To my way of thinking the best thing to do would be to select a new Vice President in the event of a vacancy in the Office of Vice President, so as to have him ready to assume the Presidency in case there should be a vacancy in the office of President by death, resignation, or for any other reason. Then we would have selected a person to succeed the President in the manner in which the Vice President is regularly selected. Then in the event of the death of the President there would be a Vice President to succeed him.

I do not know of any reason either in law or in fact why it should not be provided that the electoral college, which was elected to elect a President and a Vice President, should not be reassembled and elect another Vice President. That would guarantee a successor to the President who was in full accord with the political philosophy of the President, because the electoral college is the body which had selected the President. They had instructions from the people, of course, but they were the constitutional body that was chosen and which had elective powers. Of course, we would have to enact a law making that body a continuing body from the time of its election in the regular Presidential election until a new Presidential election was held 4 years later. A number of details would have to be arranged, of course, but I know of no reason why they could not be arranged. Then we would have a body elected by the people to elect a President. While at present the spirit and letter of the law is that they are to elect only one, and then their functions expire, still, the philosophy which caused their election, and the political sentiment in the country which brought the election, would still prevail, and the only thing necessary would be to continue their power for 4 years, with the power given them, whenever there was a vacancy in the office of Vice President, to have the electors assembled in their respective State capitals to select another Vice President.

I have not had an opportunity to prepare a bill. I plan to do so at an early date and have it presented to the Committee on Privileges and Elections for its consideration.

Mr. GREEN. Mr. President, I have listened with great interest to the remarks of the Senator from Alabama. I think he has unwittingly made a mistake in one instance. I believe he referred to the Senator from Illinois, who has just presented a very interesting address on the subject of Presidential succession, as

chairman of the Committee on Privileges and Elections. As I happen to be chairman of that committee, perhaps I should take this opportunity to inform the Senate that at a meeting of that committee yesterday it voted to have a subcommittee of five appointed to consider bills already introduced, and which have been referred to it, and any other bills on this subject which have been introduced or may be introduced in either House of Congress, and other related matters, with power to hold hearings if desirable. The chairman of the committee was given authority to appoint a subcommittee, and I have appointed as members of that subcommittee the Senator from West Virginia [Mr. KILGORE], chairman; the Senator from Delaware [Mr. TUNNELL]; the Senator from South Carolina [Mr. JOHNSTON]; the Senator from New Hampshire [Mr. BRIDGES]; and the Senator from New Jersey [Mr. SMITH].

I believe that with those able Senators acting as the subcommittee, our colleagues may rest assured that all bills on the subject will be very carefully considered, and that any advice which may be offered will be welcomed.

Mr. BANKHEAD. Mr. President, I regret that by inadvertence I stated that the Senator from Illinois was chairman of the Committee on Privileges and Elections. I gained that impression because at one time he appeared before the Senate as chairman of a subcommittee in a celebrated election contest.

Mr. LUCAS. I was chairman of a subcommittee.

Mr. BANKHEAD. The recollection of it has not been erased from my memory. However, I know that the very able Senator from Rhode Island is chairman of the committee, and I am sure that he is a good chairman.

Mr. LUCAS. Mr. President, I rose in the Senate today primarily with a view of attempting to stimulate some interest in the proposal submitted by the distinguished President of the United States. With all due deference to my good friends in the House of Representatives, it seems to me, from the record which was made, that a question so vital to the welfare and happiness of the people of this country was touched upon in a very light fashion on the other side of the Capitol.

Mr. President, I am delighted that my distinguished friend from Rhode Island is chairman of the Committee on Privileges and Elections at this time, because I know what a scholar he is, and with what a penetrating mind he undertakes to consider a subject of this kind. I do not say that flippantly, because I sat with the distinguished Senator for a good many weeks in the soldiers' vote fight which we had in the Senate. I know the kind of mind he has. He has demonstrated his capacity to serve upon a number of serious questions.

I say advisedly that there is no more important question now pending unless it be the San Francisco Charter. Aside from that, there is no more important question pending in the Congress than the solution of the problem of succession to the Presidency, which problem has been with us for all these years. As I

previously stated, its solution has been attempted time and time again, but we are still having our troubles.

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

Mr. LUCAS. I yield.

Mr. FULBRIGHT. Why does the Senator from Illinois believe that it would be unconstitutional to provide for succession by a special election?

Mr. LUCAS. Let me say to the able Senator from Arkansas that paragraph 6 of article II of the Constitution provides as follows:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

When we turn to section 1, of article II, we find that it provides as follows:

The Executive power shall be vested in a President of the United States of America. He shall hold his office during the term of 4 years, and, together with the Vice President, chosen for the same term, be elected, as follows:

My position is that that provision means exactly what it says, that is, the acting officer whom the Congress may designate shall hold office until the next Presidential election; and the only way to cure the defect—

Mr. FULBRIGHT. However, it does not say that.

Mr. LUCAS. The Senator is implying, and I am implying. I have a right to my implications, just as the Senator has a right to his. That is my best judgment about it. In the past a great many fine lawyers have taken the same position. There is no doubt that others take the position that there is the implied power to call a special election.

Let us assume that a special election is called. In my statement a few moments ago I tried to discuss the difficulties which we would encounter. The President of the United States says that we could have an immediate election, which would be probably within 60 days. I undertake to say that under the Constitution of the United States that could not be done. I do not believe that under the Constitution we could enact legislation which would provide an election within 60 days. So what would happen is that the Acting President would take over, and in my opinion he would hold office at least until the next congressional election. If he is to serve that length of time, he might as well be left in office for the full term.

Mr. WHITE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WHITE. What is before the Senate at the moment?

Mr. LUCAS. Only a few Senators. Does the Senator wish to make a point of order against that?

Mr. WHITE. I understand that the Senator from Illinois is in charge dur-

ing the temporary absence of the majority leader. I wonder if he can tell us the program for the remainder of the day.

Mr. LUCAS. As soon as I have finished speaking, I shall move that the Senate take a recess until 6 o'clock. So many Senators have been speaking during the past few days that I thought I might continue speaking until 6 o'clock.

Mr. WHITE. It is a very bad habit to contract.

Mr. LUCAS. It may be; but many Senators seem to have contracted it. [Laughter.]

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

Mr. LUCAS. I yield.

Mr. BANKHEAD. The Senator was referring to the expiration of the term of office, and the possibility of the Acting President remaining in office until the next election. Would there be anything unconstitutional about that? Could not the expiration date be fixed by statute at the end of the term for which the vacancy was to be filled?

Mr. LUCAS. That is my point exactly. That is what should be done; and that was what was tried in 1886, when there were long debates in the United States Senate; but it was not possible to do anything.

Mr. BANKHEAD. Does the Senator mean that Members of Congress could not agree, or could not find suitable language?

Mr. LUCAS. They could not agree upon the question.

The point I made—and it seems to me to be very serious at the present time—is that we are now engaged in a war, and in the next 2 or 3 years we shall enter upon the postwar period. Everyone is looking forward to that period, especially those who are interested in the social and economic life of this Nation. They are doing everything they can in the way of postwar planning to prevent unemployment and to maintain the standard of living. In the event that the emergency to which I have referred should occur, we should not permit the occurrence of anything which would disturb the effects to keep down unemployment and to keep up the standard of living. In other words, we should take steps to insure that there will be the least possible disturbance to the social and economic life of the Nation.

Mr. BANKHEAD. That is exactly the reason why I have suggested the continuance of the electoral college. If that were done, there would be no disturbance at all.

Mr. LUCAS. I do not go into that matter at this time.

Mr. BANKHEAD. I am not seeking a statement on it from the Senator at this time, and I doubt whether such a step could be taken at this time.

Mr. LUCAS. No; and I am not discussing it now. My position is that when the electoral college reports that "John Jones and Bill Smith have been elected," that is the end of its duties.

Mr. BANKHEAD. That is my position, and I should like to know whether it will be possible to make the electoral college a continuing body.

Mr. LUCAS. I seriously question whether that can be done.

Mr. BANKHEAD. I do not understand that there is any constitutional prohibition of it.

Mr. FULBRIGHT. Mr. President, I understand that the view of the Senator from Illinois is that even though there could be a special election for President, it would be an impractical thing to do, even though it might be constitutional. Do I correctly understand the Senator's view?

Mr. LUCAS. The Senator is entirely correct in that respect. I first take the position that it could not be done; but assuming that it could be done under the Constitution, I take the position that it would be a very impractical thing to do, and especially so at this particular time.

Mr. FULBRIGHT. In that connection, Mr. President, I think it is very unwise, under the circumstances, for the President and the Secretary of State to travel on the same train or on the same boat until this matter is settled. Does not the Senator from Illinois think so?

Mr. LUCAS. I may be unduly alarmed in this question, but I do not think I am. The more I read about the problem and the more I study it, the more convinced I am that there is nothing so important to the well-being of a free people, in the continuous functioning of government as it should function, as a proper solution of this problem.

I certainly do not want to tell the President of the United States or the Secretary of State what to do. But in this connection, I may point out that I once knew of a married couple who would never even ride together on the same train or travel together in the same automobile, if they could possibly avoid doing so. They had a family of five children, and they felt that in the interest of their children they should not travel together, for fear that if an accident occurred they both might be killed.

That point of view corresponds to the thought of the Senator from Arkansas.

Mr. FULBRIGHT. It is a perfectly legitimate interest; I do not think it is presumptuous to say that the President and the Secretary of State should not travel together. I do not think it is at all presumptuous to have an interest in this matter.

Mr. LUCAS. I do not think so, either. It seems to me that we have a very proper interest in such matters.

Mr. FULBRIGHT. Very much so. I agree with the Senator that this matter is one of the utmost importance. But I am not at all clear as to how we should determine it.

Mr. LUCAS. I am not at all clear, either, about that, and I do not think anyone is. That is why I have made this suggestion today. I did so because the matter was so lightly treated in the House of Representatives, it seemed to me.

#### LEGISLATIVE PROGRAM

Mr. BARKLEY. Mr. President, the conferees on the deficiency appropriation bill and the conferees on the war agencies appropriation bill must be given an opportunity to work out the conference reports on those bills, if possible.

The House of Representatives has taken a recess for that purpose, and it will be necessary for the Senate to do the same. I do not know just how long it will take the conferees to agree upon the reports. If by the time the Senate reassembles, following the recess, the conferees have not finished their work, it will be necessary for the Senate to take a further recess. But in order to give the conferees an opportunity to formulate their reports, it is my purpose to move that the Senate take a recess until 6 o'clock. I do not yet make a motion to that effect; before doing so, I believe it would be well to conclude any other business which remains before us.

The **PRESIDING OFFICER**. There are no other matters, except the nominations on the Executive Calendar.

#### EXECUTIVE SESSION

Mr. **BARKLEY**. I now 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 **PRESIDING OFFICER** (Mr. **HOEY**) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

#### EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. **CONNALLY**, from the Committee on Foreign Relations:

Charles C. Gidney, Jr., of Texas, and Charles Gilbert, of New York, to be foreign-service officers, unclassified, vice consuls of career, and secretaries in the diplomatic service;

Henry S. Waterman, of Washington, to be a consul general;

Herbert P. Fales, of California, to be a consul; and

F. Lester Sutton, of New Jersey, to be a consul.

The **PRESIDING OFFICER**. If there be no further reports of committees, the clerk will proceed to state the nominations on the calendar.

#### POSTMASTER

The legislative clerk read the nomination of Pearl C. Flinders to be postmaster at Alberton, Mont.

The **PRESIDING OFFICER**. Without objection, the nomination is confirmed.

#### THE NAVY

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

Mr. **BARKLEY**. I ask unanimous consent that the nominations in the Navy be confirmed en bloc.

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

Mr. **BARKLEY**. I ask unanimous consent that the President be immediately notified in all cases of nominations which have been confirmed today.

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

That completes the calendar.

#### RECESS

Mr. **BARKLEY**. As in legislative session, I move that the Senate take a recess until 6 o'clock p. m.

The motion was agreed to; and (at 4 o'clock and 36 minutes p. m.) the Senate took a recess until 6 o'clock p. m.

At the expiration of the recess the Senate reassembled, and Mr. **HOEY** resumed the chair.

#### ADDITIONAL JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 30, 1945, he presented to the President of the United States the enrolled joint resolution (S. J. Res. 30) extending the effective period of the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3579) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1946, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. **CANNON** of Missouri, Mr. **WOODRUM**, Mr. **LUDLOW**, Mr. **SNYDER**, Mr. **O'NEAL**, Mr. **RABAUT**, Mr. **JOHNSON** of Oklahoma, Mr. **TABER**, Mr. **WIGGLESWORTH**, Mr. **DIRKSEN**, and Mr. **CASE** of South Dakota were appointed managers on the part of the House at the conference.

Mr. **WHITE**. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 6 o'clock and 1 minute p. m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 7:20 o'clock p. m., when it was called to order by the Presiding Officer (Mr. **HOEY** in the chair).

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3579) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1946, and for other purposes.

#### SECOND DEFICIENCY APPROPRIATIONS—CONFERENCE REPORT

Mr. **MCKELLAR** submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the

amendments of the Senate to the bill (H. R. 3579) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1945, and for prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1945, and June 30, 1946, to provide appropriations for the fiscal year ending June 30, 1946, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 10, 11, 15, 21, 26, and 48.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 12, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 47; and agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$102,500"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "\$16,750,000"; and the Senate agree to the same.

**KENNETH MCKELLAR,**  
**CARL HAYDEN,**  
**JOHN H. OVERTON,**  
**C. WAYLAND BROOKS,**  
**CHAN GURNEY,**

#### Managers on the Part of the Senate.

**CLARENCE CANNON,**  
**C. A. WOODRUM,**  
**LOUIS LUDLOW,**  
**EMMETT O'NEAL,**  
**LOUIS C. RABAUT,**  
**JOHN TABER,**  
**R. B. WIGGLESWORTH,**  
**EVERETT M. DIRKSEN,**  
**FRANCIS CASE,**

#### Managers on the Part of the House.

The report was agreed to.

#### LEAVE OF ABSENCE

Mr. **WHITE**. Mr. President, in behalf of the senior Senator from Wisconsin [Mr. **LA FOLLETTE**], I ask leave of absence for him from attendance on sessions of the Senate during the entire coming week.

The **PRESIDING OFFICER**. Without objection, the leave is granted.

#### ADJOURNMENT

Mr. **BARKLEY**. Mr. President, there being nothing further that we can dispose of tonight, I move that the Senate adjourn until 12 o'clock noon Monday.

The motion was agreed to; and (at 7 o'clock and 23 minutes p. m.) the Senate adjourned until Monday, July 2, 1945, at 12 o'clock meridian.

#### NOMINATIONS

Executive nominations received June 30 (legislative day of June 25), 1945:

#### UNITED STATES PUBLIC HEALTH SERVICE

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

TO BE SURGEONS EFFECTIVE DATE OF OATH OF OFFICE

Frank F. Furstenberg  
H. van Zile Hyde

TO BE SENIOR SURGEON EFFECTIVE DATE OF OATH OF OFFICE

Alonzo F. Brand

TO BE MEDICAL DIRECTOR EFFECTIVE DATE OF  
OATH OF OFFICE

James A. Doull

TO BE JUNIOR ASSISTANT NURSE OFFICERS  
EFFECTIVE DATE OF OATH OF OFFICE

Florence J. Ullman	Mary F. Callan
Emile E. Wilson	Dorothy L. Connors
Eunice Pace	Jennie H. Rakich
Lois J. Anderson	Rita A. Foy
Geraldine D. Pass	Ursula K. Kengla
Palma M. Goodnough	Roberta C. Brave
Mary E. Becker	Jannine A. Djiejowski
Adele L. Henderson	Doris E. Porter
Vivian L. Gibson	Agnes M. Cullen
Mary E. Evans	Mildred Kinney
Irene Evans	Margaret M. Cahalan
Frances L. Tiller	Mary C. Larkin
Anne K. Buck	Frances A. Vogel

TO BE ASSISTANT NURSE OFFICERS EFFECTIVE DATE  
OF OATH OF OFFICE

Madeline Roller	Viola E. Householder
Loretta M. Schroll	Mary A. Rice
Edith M. Hettema	Lena V. Boothe
Rose Gurahnick	Hazel E. Owen
Mary A. Brimberry	Aileen E. Hughes
Edna L. Easterday	Edwynna D. Draper
Rose V. Fortuna	Lucile B. Ross
Gladys M. Crissman	Caroline T. Bemberg
Mary Raprich	Florina T. Thieman
Jeannette E. Westlake	Gladys M. Ray
Josephine T. Lamb	Ella E. Hanke
Marion D. Moellenberg	Madge Neill
Edith K. Davenport	Ruth Henton
Mildred A. Logan	Anne J. Lello
Alice L. Fladeland	Loretta C. Parsons
Amy L. Cawley	Ruth N. Crawford

TO BE SENIOR ASSISTANT NURSE OFFICERS EFFEC-  
TIVE DATE OF OATH OF OFFICE

L. Dorothy Carroll	E. Doris Johnson
Agnes B. Bowe	Emily M. Smith
Margaret F. Knapp	Frances E. Taylor
Clarice M. Russell	Prudence J. Kowalske
Margaret J. Nichols	Grace I. Larsen
Dorothy Wittington	Amy E. Biglione
Lillian A. Gardner	Catherine M. McDerm
Martha M. Ball	Genevieve Soller
Evelyn E. Johnson	Elizabeth W. Carrico
Esther Finley	Alma Marlin
Mabelle J. Markee	Fern M. Dunn
Vivian A. Hayes	

TO BE NURSE OFFICERS EFFECTIVE DATE OF OATH  
OF OFFICE

Lucile Petry	Mary E. Corcoran
Mary D. Forbes	Marie E. Wallace
Alice L. Rorrison	Florence H. Callahan
Pearl McIver	Jessie MacFarlane
Marion Ferguson	Lily C. Hagerman
Rosalie I. Peterson	Rosemary McCann

POSTMASTERS

The following-named persons to be post-  
masters:

ALASKA

Everell R. Sharnbroich, Wrangell, Alaska,  
in place of L. M. Williams, resigned.

ARIZONA

Julia S. Story, Bagdad, Ariz. Office became  
Presidential January 1, 1945.

CALIFORNIA

James A. Adrian, Jr., Banning, Calif., in  
place of J. E. White, deceased.  
Mary B. Chaim, Byron, Calif., in place of  
I. E. Reynolds, resigned.  
Gladys M. Tolbert, Dorris, Calif., in place  
of E. M. Shelly, resigned.  
Scott K. Wood, Fresno, Calif., in place of  
J. S. L. Royle, resigned.

GEORGIA

Emma L. Slater, Brooklet, Ga., in place of  
Ruth Parrish, deceased.  
Myron R. Leard, Colbert, Ga., in place of  
B. S. Hickman, resigned.  
Zelan T. Wills, Smyrna, Ga., in place of  
A. B. Caldwell, deceased.

ILLINOIS

James D. Gilley, Centralia, Ill., in place of  
P. C. Puffer, resigned.

Clara E. Jenkins, Lerna, Ill., in place of  
G. H. Hayes, resigned.

IOWA

Bert E. Fry, Adel, Iowa, in place of H. L.  
Mann, deceased.

KANSAS

Arthur H. Poundstone, Anthony, Kans., in  
place of R. R. Couch, resigned.  
Arvel J. Mueller, Hudson, Kans. Office be-  
came Presidential July 1, 1942.

KENTUCKY

Emanuel Combs, Combs, Ky. Office be-  
came Presidential July 1, 1943.  
William A. Marshall, Sadieville, Ky. Office  
became Presidential July 1, 1943.

LOUISIANA

Eda P. Durio, Forest Hill, La., in place of  
G. D. Mizell, resigned.  
Louise W. Beebe, Lena Station, La. Office  
became Presidential July 1, 1944.

MAINE

Lyda B. Carter, Seal Harbor, Maine, in place  
of E. A. Atwood, resigned.

MISSISSIPPI

Myrtle I. Duncan, East Tupelo, Miss. Office  
became Presidential January 1, 1945.  
Thelma Keown Fisher, Louise, Miss., in  
place of E. O. Barnes, resigned.

MISSOURI

Albert P. Carr, California, Mo., in place of  
Leonard Moore, resigned.  
William V. Mullies, Hume, Mo., in place  
of T. F. Herndon, transferred.  
Glen H. Rozell, Sparta, Mo. Office became  
Presidential July 1, 1944.

NEBRASKA

Ruth H. Carlson, Loomis, Nebr., in place of  
G. F. Carlson, retired.  
James L. McCarty, Red Cloud, Nebr., in  
place of C. H. Miner, resigned.

NEW JERSEY

Matthew Travalgio, Richland, N. J. Office  
became Presidential July 1, 1944.

NEW MEXICO

Agnes C. McNally, Dawson, N. Mex., in  
place of Josephine Lorenzo, deceased.  
Elbert L. Wallace, Mosquero, N. Mex., in  
place of V. M. Cason, resigned.

NEW YORK

Raymond E. Byrne, Firthcliff, N. Y., in  
place of J. P. Barton, deceased.  
Arthur E. Pellerin, Saranac, N. Y. Office  
became Presidential July 1, 1944.

NORTH CAROLINA

Floyd Yeomans, Harkers Island, N. C. Office  
became Presidential July 1, 1944.  
Maude C. Peeler, Misenheimer, N. C. Office  
became Presidential July 1, 1944.

OHIO

Clifford A. Belknap, Sherrodsville, Ohio.  
Office became Presidential July 1, 1944.  
Forrest Shaffer, Trotwood, Ohio, in place of  
O. W. Kerschner, deceased.

OREGON

Charles C. Kelly, Mill City, Oreg., in place  
of A. P. Groblebe, resigned.

PENNSYLVANIA

Nellie E. Breslin, Drifton, Pa. Office be-  
came Presidential July 1, 1944.  
Paul G. Shultz, Dublin, Pa. Office became  
Presidential July 1, 1944.  
S. Robert Wilson, Millsboro, Pa. Office be-  
came Presidential July 1, 1944.  
Helen C. Keitzer, Venetia, Pa. Office be-  
came Presidential July 1, 1944.  
Ernest G. Aucker, Selinsgrove, Pa., in place  
of M. S. Schoch, resigned.  
James R. Dolan, South Fork, Pa., in place  
of J. M. Gates, transferred.  
Frances E. Ainey, South Montrose, Pa., in  
place of G. H. Fish, resigned.  
Warren H. Jones, Youngsville, Pa., in place  
of F. A. Crippen, deceased.

SOUTH DAKOTA

Percy G. Houghton, Willow Lake, S. Dak., in  
place of L. D. Batien, transferred.

TENNESSEE

Frank Ensley, Neubert, Tenn. Office be-  
came Presidential July 1, 1944.  
William W. Taylor, Trenton, Tenn., in place  
of C. A. Boone, resigned.

TEXAS

Oscar P. Spiegelhauer, Coupland, Tex. Of-  
fice became Presidential July 1, 1944.  
Andy P. Box, Llano, Tex., in place of W. B.  
Collins, deceased.  
Gussidell Buckner, Rochester, Tex., in place  
of I. M. Matheny, resigned.  
Domingo Garcia, San Diego, Tex., in place  
of H. M. Garcia, resigned.

UTAH

Ephia E. Foster, Columbia, Utah. Office  
became Presidential July 1, 1943.

VIRGINIA

Muriel M. Crews, Madison Heights, Va., in  
place of L. C. Johnson, resigned.

WASHINGTON

Lars Sagen, East Stanwood, Wash., in place  
of M. L. Wenberg, resigned.  
Dorothy M. Julian, Hartford, Wash. Of-  
fice became Presidential July 1, 1944.  
Mabel M. Gavin, Malott, Wash., in place of  
H. A. B. Gavin, removed.

WISCONSIN

Robert E. Lynch, Green Bay, Wis., in place  
of J. J. Brogan, Jr., resigned.

CONFIRMATIONS

Executive nominations confirmed by  
the Senate, June 30 (legislative day of  
June 25), 1945:

IN THE NAVY

APPOINTMENTS IN THE NAVY FOR TEMPORARY  
SERVICE

David W. Mitchell to be a pay director,  
with the rank of rear admiral, to rank from  
June 18, 1943.

Virgil E. Korns to be a commodore, to con-  
tinue while serving on the staff (shipping)  
of the commander in chief, United States  
Pacific Fleet, and until reporting for other  
permanent duty.

Thomas J. Keliber, Jr., to be a commodore,  
to continue while serving in the Service  
Force, Pacific, and until reporting for other  
permanent duty.

Elmer E. Duvall, Jr., to be a commodore,  
to continue while serving in the Service  
Force, Pacific, and until reporting for other  
permanent duty.

Henry Hartley, to be a commodore, to  
continue while serving in the Service Force,  
Pacific, and until reporting for other perma-  
nent duty.

Jasper T. Acuff, to be a commodore, to  
continue while serving in the Service Force,  
Pacific, and until reporting for other perma-  
nent duty.

POSTMASTER

MONTANA

Pearl C. Flinders, Alberton.

## HOUSE OF REPRESENTATIVES

SATURDAY, JUNE 30, 1945

The House met at 10 o'clock a. m.  
The Chaplain, Rev. James Shera  
Montgomery, D. D., offered the following  
prayer:

Unto thee, O God, do we ascribe glory  
and honor, dominion and power, both  
now and forever. O Spirit of Truth,