Committee on Interstate and Foreign Commerce.

By Mr. WELCH:

H. J. Res. 391. Joint resolution to provide a civil government for the trust territory of the Pacific islands; to the Committee on Public Lands.

H. Res. 563. Resolution creating a select committee to conduct an investigation and study of the Indians of the United States and Alaska; to the Committee on Rules.

H. Res. 564. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 563, Eightieth Congress; to the Committee on House Administration.

By Mr. AUCHINCLOSS:

H. Res. 565. Resolution authorizing funds for study of plans for rehabilitation of Capitol Power Plant; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. FOOTE:

H. R. 6398. A bill for the relief of R. Wallace & Sons Manufacturing Co.; to the Committee on the Judiciary.

By Mr. LANHAM:

H. R. 6399. A bill for the relief of Frank O. Ward; to the Committee on the Judiciary.

PETITIONS, ETC.

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

1851. By Mr. LYNCH: Petition of the National Guard and Naval Militia Association of the State of New York, urging the Congress to adopt a Selective Service Act that provides an exemption from draft of any member in good standing of the National Guard and Organized Naval Reserve in the several States until the adoption of a Universal Military Training Act; to the Committee on Armed Services.

1852. By Mr. SMITH of Virginia: Petition of Wirt H. Ferguson, in regard to the United Nations organization; to the Committee on Foreign Affairs.

1853. By the SPEAKER: Petition of the members of the Southern Wholesale Hardware Association, petitioning consideration of their resolution with reference to former Supreme Court Justice Owen J. Roberts' explanation of the proposal for a federal union of the civil-liberty democracies as set forth in Clarence K. Streit's book Union Now and his booklet Federal Union of the Free; to the Committee on the Judiciary.

SENATE

FRIDAY, APRIL 30, 1948

(Legislative day of Thursday, April 22, 1948)

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

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

O God of grace and God of glory, when we resent having so many choices to make, may we remember that good character is the habit of choosing right from wrong.

Help us as a nation to see that our strongest defense lies back in home and school and church where is built the character that gives free people the power to win their freedom and to hold it. May we never forget that it is only under God that this Nation or any nation can be free.

And when we have learned well this lesson, then shall we have for export more than money, even the faith and idealism for which all who love liberty will be willing to live. Amen.

THE JOURNAL

On request of Mr. WHERRY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, April 28, 1948, was dispensed with, and the Journal was approved.

ENROLLED BILLS SIGNED DURING RECESS

Under the authority of the order of the Senate of April 28, 1948,

The PRESIDENT pro tempore signed on April 29, 1948, the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 1481. An act to authorize the Board of Commissioners of the District of Columbia to establish daylight saving time in the District; and

S. 2195. An act to amend and extend the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on April 29, 1948, he presented to the President of the United States the following enrolled bills:

S. 1481. An act to authorize the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District; and

S. 2195. An act to amend and extend the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

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

On April 28, 1948:

S. 1021. An act authorizing the Secretary of the Interior to pay salaries and expenses of the chairman, secretary, and clerk of the Fort Peck General Council, members of the Fort Peck Tribal Executive Board, and other committees appointed by said Fort Peck General Council, and official delegates of the Fort Peck Tribes;

S. 2278. An act to authorize the sale of certain public lands in San Juan County, Utah, to the Southwest Indian Mission, Inc.; and

S. J. Res. 94. Joint resolution to establish the Fort Sumter National Monument in the State of South Carolina.

On April 29, 1948:

S. 1481. An act to authorize the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District;

S. 1696. An act to amend the act of August 13, 1940 (54 Stat. 784), so as to extend the jurisdiction of the United States District Court, Territory of Hawaii, over Canton and Enderbury Islands; and

S. 2195. An act to amend and extend the provisions of the District of Columbia Emergency Rent Act, approved December 2, 1941, as amended.

On April 30, 1948:

S. 1468. An act providing for payment of $50 to each enrolled member of the Mescalero Apache Indian Tribe from funds standing to their credit in the Treasury of the United States.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, notified the Senate that Mr. ANDREWS of New York and Mr. JOHNSON of Texas had been appointed additional managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1641) to establish the Women's Army Corps in the Regular Army, to authorize the enlistment and appointment of women in the Regular Navy and Marine Corps and the Naval and Marine Corps Reserve, and for other purposes.

The message 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. 6055) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 30 and 34 to the bill and concurred therein, and that the House receded from its disagreement to the amendment of the Senate numbered 22 to the bill and concurred therein with an amendment, in which it requested the concurrence of the Senate.

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

H. R. 6355. An act making supplemental appropriations for the Federal Security Agency for the fiscal year ending June 30, 1949, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2409. An act to amend an act entitled "An act to provide revenue for the District of Columbia, and for other purposes," approved July 16, 1947;

H. R. 1036. An act to provide for the licensing of marine radiotelegraph operators as ship radio officers, and for other purposes;

H. R. 4490. An act to authorize the Secretary of the Navy to provide salvage facilities, and for other purposes; and

H. R. 5448. An act to amend sections 212 (b) and 231 (d) of the Internal Revenue Code.

LEAVE OF ABSENCE

Mr. WHERRY. Mr. President, I ask permission of the Senate that the Senator from Missouri [Mr. DONNELL] be excused from attendance on the session of the Senate today.

The PRESIDENT pro tempore. Without objection, the order is made.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON FOREIGN SURPLUS DISPOSAL OPERATIONS

A letter from the Secretary of State, transmitting, pursuant to law, the ninth report of the Department of State on the disposal of United States surplus property in foreign areas, together with a report from the Foreign Liquidation Commissioner concerning the administration of title II of the Philippine Rehabilitation Act of 1946 (with an accompanying report); to the Committee on Expenditures in the Executive Departments.

SUSPENSION OF DEPORTATION OF ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report reciting the facts and pertinent provisions of law in the cases of 107 individuals whose deportation has been suspended for more than 6 months by the Commissioner of Immigration and Naturalization under the authority vested in the Attorney General, together with a statement of the reason for such suspension (with accompanying papers); to the Committee on the Judiciary.

DORRANCE ULVIN AND GUY F. ALLEN

A letter from the Administrator of the Housing and Home Finance Agency, transmitting a draft of proposed legislation for the relief of Dorrance Ulvin, former certifying officer, and for the relief of Guy F. Allen, former Chief Disbursing Officer (with an accompanying paper); to the Committee on the Judiciary.

PETITIONS

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

By the PRESIDENT pro tempore:

A petition of the Citizens' Protective League, Inc., New York City, N. Y., praying for the enactment of legislation creating a department or agency to arrange for bringing to this country free of charge and for the term of 1 year 1,000,000 starving German children to be fed and employed on farms under United States inspection; to the Committee on the Judiciary.

A petition of the Citizens' Protective League, Inc., New York City, N. Y., praying for the enactment of legislation to permit the entry into this country of German nationals from eastern Germany, Czechoslovakia, and Austria; to the Committee on the Judiciary.

A petition of members of the Insular Association for Protection and Defense of the Old Aged People in Puerto Rico, being American citizens, Tierra, P. R., praying for the enactment of legislation to include Puerto Rico in the National Security Act; to the Committee on Finance.

DISPLACED PERSONS — RESOLUTION OF BEAVER COUNTY (PA.) BAR ASSOCIATION

Mr. MYERS. Mr. President, I recently received from the Beaver County Bar Association of Pennsylvania a photostatic copy of a resolution which that association adopted on April 1, 1948, wherein the association earnestly recommends to the Congress the passage of the Stratton bill, House bill 2910, relating to displaced persons. I ask unanimous consent that the resolution may be printed in the RECORD at this point.

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

Whereas, since the end of World War II, there remain in detention camps in various places in the British and American occupied zones of Europe some 800,000 people officially classed as displaced persons; and

Whereas these people represent various nationalities and religions and cannot be repatriated to their former homelands largely because of their active opposition to totalitarian government which now makes their return dangerous; and

Whereas at the Potsdam meeting of the Allied Powers, our Government joined with its allies in encouraging resistance against Nazi totalitarianism and in announcing its assurance that those who resisted would not be forced to repatriate at the risk of religious or political persecution in the event of Allied victory, which assurances undoubtedly enticed these people into the active resistance which now makes them displaced persons; and

Whereas the United States Government now is required to spend millions of dollars annually to maintain and support these people in idleness, with their skills and productive abilities wasted, while labor shortages exist in many fields and localities in this country: Now be it

Resolved, and it is hereby resolved by the Beaver County Bar Association, in meeting duly assembled, That—

1. The Government and people of the United States of America are morally obligated by our assurances given at Potsdam, as well as on humanitarian grounds and in the interest of world peace, to admit a fair share of the said displaced persons to residence in the United States of America.

2. Large numbers of the displaced persons have skills which would enable them to be absorbed readily into our economy, thereby returning them to productivity, enabling them to become self-supporting and saving our Government large sums of money now spent in supporting them in idleness.

3. One of the greatest traditions of America is the furnishing of asylum to the oppressed and the persecuted.

4. The Stratton bill, designated as H. R. 2910, supported in congressional committee hearings by the testimony of such outstanding citizens as the Honorable Owen J. Roberts and Dean Earl G. Harrison, most nearly meets the requirements of the situation.

Wherefore this association earnestly recommends to the Congress of the United States the passage of the Stratton bill, H. R. 2910, as promptly as possible and directs that this resolution be spread upon the minutes of this meeting and copies thereof sent to our representatives in the Congress and Senate of the United States.

J. FRANK KELKER,
MYRON E. ROWLEY,
JOHN N. SAWYER,
Chairman.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAIN, from the Committee on Public Works:

H. R. 3219. A bill to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes; with an amendment (Rept. No. 1176).

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

S. 668. A bill for the relief of certain Indonesian aliens; with amendments (Rept. No. 1177);

S. 2060. A bill for the relief of Edward Wikner Percival; with amendments (Rept. No. 1178);

H. R. 338. A bill for the relief of Amin Bin Rejab; without amendment (Rept. No. 1179);

H. R. 817. A bill for the relief of Andres Quinones and Letty Perez; without amendment (Rept. No. 1180);

H. R. 831. A bill for the relief of George Chan; without amendment (Rept. No. 1181);

H. R. 1022. A bill for the relief of Peter Bednar, Francisca Bednar, Peter Walter Bednar, and William Joseph Bednar; without amendment (Rept. No. 1182);

H. R. 1724. A bill to legalize the admission to the United States of Sarah Jane Sanford Pansa; without amendment (Rept. No. 1183);

H. R. 1749. A bill to amend the act entitled "An act for the relief of Johannes or John, Julia, Michael, William, or Anna Kostiuk; without amendment (Rept. No. 1184);

H. R. 2418. A bill for the relief of Luz Martin; without amendment (Rept. No. 1185);

H. R. 3224. A bill for the relief of Frank and Maria Durante; without amendment (Rept. No. 1186);

H. R. 3608. A bill for the relief of Cristeta La-Madrid Angeles; without amendment (Rept. No. 1187);

H. R. 3740. A bill for the relief of Andrew Osiecimski Czapski; without amendment (Rept. No. 1188);

H. R. 3787. A bill for the relief of Mrs. Maria Smorczewska; without amendment (Rept. No. 1189);

H. R. 3824. A bill for the relief of Mrs. Cletus E. Todd (formerly Laura Estelle Ritter); without amendment (Rept. No. 1190);

H. R. 3880. A bill for the relief of Ludwig Pohoryles; without amendment (Rept. No. 1191);

H. R. 4050. A bill to record the lawful admission to the United States for permanent residence of Moke Tcharoutcheff, Lucie Batistine Tcharoutcheff, Raymonde Tcharoutcheff, and Robert Tcharoutcheff; without amendment (Rept. No. 1192);

H. R. 4130. A bill for the relief of Dennis (Dionesio) Fernandez; without amendment (Rept. No. 1193); and

H. R. 4631. A bill for the relief of Antonio Villani; without amendment (Rept. No. 1194).

BILLS INTRODUCED

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

By Mr. LODGE:

S. 2584. A bill to incorporate the National PT Veterans Association; to the Committee on the Judiciary.

By Mr. MYERS:

S. 2585. A bill to confer jurisdiction on the Court of Claims to hear and determine the claim of Preston L. Watson as administrator of the goods and chattels, rights, and credits which were of Robert A. Watson, deceased;

S. 2586. A bill for the relief of Georgias Gianniotes; and

S. 2587. A bill for the relief of Francesca Camarata; to the Committee on the Judiciary.

By Mr. THOMAS of Utah:

S. 2588. A bill to amend the Public Health Service Act to provide grants and scholarships for medical education and grants for dental, nursing, and public health education, and for other purposes; to the Committee on Labor and Public Welfare.

By Mr. HICKENLOOPER (for himself and Mr. JOHNSON of Colorado):

S. 2589. A bill to provide for extension of the terms of office of the present members of the Atomic Energy Commission; to the Joint Committee on Atomic Energy.

ADDITIONAL COPIES OF FINAL REPORT OF SPECIAL COMMITTEE INVESTIGATING THE NATIONAL DEFENSE PROGRAM

Mr. BREWSTER. Mr. President, I ask unanimous consent for the immediate consideration of a concurrent resolution. I send to the desk the reconsideration of the action by which the Senate on Wednesday last agreed to Senate Resolution 226. Through inadvertance a Senate resolution was submitted instead of a concurrent resolution, as is necessary. The resolution adopted provided for the printing of additional copies of the final report of the Senate War Investigating Committee. As I have

said, a concurrent resolution should have been submitted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine that the action of the Senate in agreeing to Senate Resolution 226 be rescinded, and that the Senate resolution be indefinitely postponed? The Chair hears none, and the order is made.

The Senator from Maine asks for the immediate consideration of a concurrent resolution, which the clerk will read.

The clerk read the concurrent resolution (S. Con. Res. 52), as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 7,000 additional copies of the report (Rept. No. 440, pt. 6, current session) of the special committee of the Senate authorized and directed to make a study and investigation of the operation of the war program, of which 5,000 copies shall be for the use of the special committee, 1,000 for the use of the Senate document room, and 1,000 for the use of the House document room.

The PRESIDENT pro tempore. Is there objection to the present consideration of the concurrent resolution?

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

PRINTING OF ADDITIONAL COPIES OF SENATE REPORT NO. 949, ENTITLED "NATIONAL AVIATION POLICY"

Mr. BREWSTER. Mr. President, I ask unanimous consent to submit a concurrent resolution, and I request its immediate consideration.

There being no objection, the concurrent resolution (S. Con. Res. 53) was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Senate Report No. 949, current session, entitled "National Aviation Policy," for the use of the Congressional Aviation Policy Board.

HOUSE BILL REFERRED

The bill (H. R. 6355) making supplemental appropriations for the Federal Security Agency for the fiscal year ending June 30, 1949, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

INSURANCE AND THE ANTITRUST LAWS—ADDRESS BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an address entitled "Insurance and the Antitrust Laws," delivered by him before the luncheon session of the annual meeting of the United States Chamber of Commerce on April 28, 1948, which appears in the Appendix.]

CAUSES AND CURE OF COMMUNISM—ARTICLE BY CHESTER BOWLES

[Mr. MURRAY asked and obtained leave to have printed in the RECORD an article entitled "We Need a Program for as Well as Against," written by Chester Bowles, and published in the New York Times magazine of April 18, 1948, which appears in the Appendix.]

WHY THE ARMY'S CIVIL-FUNCTIONS BILL SHOULD BE RECOMMITTED

Mr. WILEY. Mr. President, I was most interested in the minority views filed by the chairman of the Senate Appropriations Committee [Mr. BRIDGES], the junior Senator from Michigan [Mr. FERGUSON], and the junior Senator from Kansas [Mr. REED] in opposition to the version of the Army's civil-functions bill which was reported from the Senate Appropriations Committee. The substance of the minority views is that $200,000,000 should be lopped off the $708,000,000 provided in the full committee draft of the bill.

Not being a member of the Senate Appropriations Committee, I cannot presume to pass in great detail upon the merit of this or that project in the bill. I have, however, already called attention to the fact that the $708,000,000 which would be appropriated would actually constitute a 41-percent increase over current levels of spending, or a total of $206,000,000 more than current levels.

It seems absolutely fantastic that we should be embarking on spending one-fifth of a billion dollars more for river and harbor and flood-control work in a year in which we have already voted $6,000,000,000 for foreign aid, and in which we will vote untold billions of dollars more for national defense. It seems fantastic that we can vote all this money, yet could not vote to authorize a loan of approximately $400,000,000 for the construction of the St. Lawrence waterway.

It is my understanding, based upon expert analysis by various individuals who have studied this appropriation bill very closely, that the bill contains a considerable number of nonessential projects which could be very well deferred. I am not referring to absolutely essential work that must be done on flood control, maintenance, and repair, but I am referring to those projects which will simply eat into the scarce supply of existing construction materials, and which will further complicate the housing shortage, as well as the shortage of all the other items which are so desperately needed in these critical times.

I believe that the Republican Party was elected on the basis of championing Government economy rather than Government extravagance. This civil-functions bill, I believe, therefore, is a testing ground for the determination of whether we mean what we say, or whether we are to outspend the highest expenditures of peacetime ever thus far made.

Earlier in the Eightieth Congress, the Senate unfortunately decided to recommit the St. Lawrence seaway resolution, which, as I have said, provided for a loan of approximately around $400,000,000 for the construction of that great self-liquidating power and navigation project over a 6-year period, and today there comes over the wire the information that Governor Dewey, of New York, has, on behalf of the State of New York, instituted negotiations with the Canadian Government for the construction of this great project. The undisputed evidence, as indicated on the floor of the Senate during the debate, was to the effect that if one branch of the construction were undertaken without the other, the cost would be increased. I know that certain segments and certain groups were overwhelmed by the power of the railroad lobby and others. Now that we are facing a great world crisis, I am of the opinion that some who voted down the project will rue their vote.

Now we are confronted with a bill which would mean the expenditure of $708,000,000, much of which would apparently go down the drain forever. It is my understanding that the expenses which would be authorized under this civil-functions bill would merely inaugurate a vast number of projects which would involve far higher appropriations in later years. Every thinker along economic lines has said that these projects, even the most worthy of them, should be postponed, in view of the great international crisis we are facing, and the great drain they would mean upon the economic strength of this country.

I believe that the American people have a right to expect that all nonessential projects shall be curtailed until such time as they may actually be needed in a public works program when the Government fiscal situation will permit of such a program.

For this reason, I must take my stand with the minority of the Senate Appropriations Committee in urging that, if it is at all possible, the Army civil-functions bill be recommitted to the Senate Appropriations Committee, where every attempt should be made to reduce the expenditures contemplated under it.

FOR AN INTERNATIONAL ARMY—EDITORIAL FROM THE PORTLAND (MAINE) EXRESS

Mr. LODGE. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point an editorial entitled "For an International Army," published in the Portland, Maine, Express of April 15, 1948. I hope the editorial will be particularly read in the next few days by the members of the Committee on Armed Services.

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

FOR AN INTERNATIONAL ARMY

Senator HENRY CABOT LODGE, JR., of Massachusetts, makes the sensible suggestion that a lot of currently unemployed young men in European countries this side of the iron curtain might well be recruited into the United States Army overseas.

Such an opportunity undoubtedly would appeal to many a young European with time on his hands and little present opportunity to make ends meet. It is hardly necessary to add that it would help this country considerably in meeting its military manpower problems.

Dorothy Thompson would go a long step further with this idea. She says the thing to do is to recruit an "international army to supplement the national forces of the law-abiding, * * * an international peace force with standards of American pay and American maintenance, with compulsory 5 years' service, and the possibility of eventually retiring with a pension. * * *

"Russians would desert to join such a force. Men would crawl across borders to join it. * * * Offer American citizenship to any European who will serve in an American legion for 5 years, and you will have millions of recruits, and for every category of service."

Well, why not?

Miss Thompson continues:

"Here is a country which millions want to join, want to serve, merely in return for being part of it. That mere fact is a lever to turn the world * * *."

That's one way to build the international police force the world dreamed about, at the war's end, when the United Nation's Charter was being written. Since UN could not, or would not, sponsor such an army, let America be the organizing force. That could be a weapon for peace.

SHORTAGE OF DOCTORS — EDITORIAL FROM THE WASHINGTON EVENING STAR

Mr. MURRAY. Mr. President, those of us who are opposed to state medicine in America, and who believe that health insurance is a sound method through which the American people can afford to pay the high costs of modern medical care, will be greatly interested in an editorial entitled "Doctor Shortage" which appeared in the Washington Star of April 20.

In this editorial, Dr. Richard J. Williams, of Cumberland, Md., pleads for a new leadership in organized medicine which will really reflect the interests of America's general practitioners—its family doctors—rather than those of the few specialists who, he claims, are exercising a dominant influence in medical politics.

I, too, sincerely wish that organized medicine would develop a leadership and a spirit of cooperation which would work with us in an honest effort to develop a mutually satisfactory program which would assure medical care to all at budgetable prices within the reach of all, and with guaranteed freedom of medical practice and protection of the high quality of medical care which is available. It is most important that the medical profession should cooperate in an effort to solve this problem in the interest and welfare of our country.

To this end, I ask unanimous consent that the editorial referred to be set forth in the RECORD at this point.

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

SHORTAGE OF DOCTORS

News reports of the recent comments by two Maryland physicians—Dr. Charles S. Maxson of the University of Maryland faculty and Dr. Richard J. Williams, of Cumberland—are somewhat confusing. Both men seem to agree, however, that doctors themselves are helping to bring closer the day when this country will adopt some form of socialized medicine.

Dr. Maxson was reported to have said in Baltimore that a public which finds it difficult to obtain physicians may lean toward socialized medicine. He was quoted as going on to say that doctors of today "take their week ends and their evenings. Some refuse to make any night visits and make it impossible to get a telephone connection with them in the evening."

Dr. Williams took this as being a slap at general practitioners, and retorted sharply that the few doctors in his community who do general medicine are overworked and keep on the go day and night. He blamed organized medicine for the shortage of general practitioners, asserting that the profession encourages young men to specialize because of the high fees to be obtained. Calling for a "grass roots revolt against such incompetent leadership," Dr. Williams added that "unless you men at the top very speedily mend your ways and stop trying to shift the responsibility onto the shoulders of the few of us who are doing general medicine, then the public will rise up and give us State medicine whether we like it or not."

The layman is not in a position to know, and is not going to be too greatly concerned, with the rights and wrongs of the clash between these two physicians. He is very much concerned, however, with the scarcity of general practitioners, especially in rural areas; the apparently increasing trend toward specialization at the expense of general practice, and the high costs of modern medical care. If something is not done to bring more adequate medical facilities within the financial reach of the average person the public is going to insist upon and bring about some kind of State intervention.

THE RECIPROCAL-TRADE-AGREEMENTS PROGRAM—ARTICLE BY NEAL STANFORD

Mr. MYERS. Mr. President, I should like to call the attention of the entire Congress—for on this matter the Senate cannot act until the House has acted—to an article in the Christian Science Monitor on April 22 by Neal Stanford entitled "Keystone in American Foreign Policy." It concerns, of course, the reciprocal-trade-agreements program and the necessity for extending the present act before its scheduled termination, June 12—so very, very soon.

I spoke on this matter a few days ago in the Senate, urging those Senators who have influence with the leadership in the other body to impress that leadership with the need for prompt action. I voiced a few of the many doubts and fears which assail me over the future of reciprocal trade, in view of the well-organized, well-financed campaign against the program.

Mr. Stanford makes the very convincing point that if the Congress fails to renew the Trade Act it will put itself in the anomalous position of pressing upon other nations—through the European recovery program and its insistence on the reduction of trade barriers among the various participating nations—a course which this country would be rejecting for itself. Mr. Stanford warns, as I did here the other day, of the danger of lip-service support for reciprocal trade when coupled with back-door efforts to cripple the act, and he outlines some of the directions these efforts may take.

There is one point in the article I desire particularly to emphasize, which is that all the responsible polls seem to indicate that a substantial majority of the American people endorse reciprocal trade. The percentage of Republicans approving it is about as high as the percentage of Democrats. Thus—although this program is identified with Democratic administrations, was the dream and the achievement of Cordell Hull, a great Democrat, and was largely implemented by the support of Democrats in the Congress—it is not a partisan issue with the voters who, despite their party affiliations, approve it and endorse it and support it. Opposition to it, then, on a partisan basis would be a repudiation, this article makes clear, of grass-roots sentiment.

Mr. President, I am confident that the Members of the Senate who are generally regarded as spokesmen for their respective parties on foreign policy will do their determined best to get this measure through in the interest of the American people and of world peace. But the bill must first come to the Senate from the other side of the Capitol.

If there is any among us who has the persuasive powers, the influence, and the ability to speed up action on the other side, I pray, Mr. President, that such Senators will make use of that happy gift to get the reciprocal-trade bill over here before the last-minute chaos of recess or adjournment before the political conventions.

In the meantime, I ask unanimous consent that Mr. Stanford's article be printed at this point in the CONGRESSIONAL RECORD as a part of my remarks.

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

KEYSTONE IN AMERICAN FOREIGN POLICY

(By Neal Stanford)

WASHINGTON.—Circle June 12 on your calendars.

Unless Congress renews the Reciprocal Trade Agreements Act by that date, this keystone in American foreign policy expires.

To the administration, the Trade Agreements Act epitomizes American leadership in the world.

During the 14 years since it was passed, it has become a symbol to the rest of the world of America's willingness to cooperate economically in the world.

That cooperation has been expressed not only in bilateral agreements under this act. It was apparent in the creation of the World Bank and Monetary Fund in 1945. It was recently evident in passage of ERP.

Last fall, it was made clear at Geneva when 23 nations, doing 75 percent of the world's trade, made mutual tariff concessions on billions of dollars' worth of trade. It was obvious at Havana, this March, in the creation of the International Trade Organization that would extend America's reciprocal trade-agreements program.

It can be said that the administration is genuinely worried over the possibility of getting the act extended another 3 years. Its concern stems from the fact that the Republicans now control Congress, and it has been the Republicans who in the past have led the opposition to this approach to international cooperation.

The act has been renewed four times. In three of the four instances, a majority of the Republicans in Congress have opposed the program. The only time the Republicans, as a body, approved, the record shows, was during the war and when the act was extended for 2 rather than 3 years.

There seems reason, then, for the administration's alarm and concern.

Should Congress fail to renew the Trade Agreements Act, it would put itself in the anomalous position of pressing on others what it is unprepared to do itself. For in the ERP legislation, written by this Congress, there is a clause requiring the 16 participating countries to "cooperate to reduce barriers to trade among themselves and with other countries." As one administration official put it, does Congress not intend to practice what it preaches?

Actually, the administration's fears are not so much that Congress will let the trade-agreements program go by default, as that the Hill will load such crippling amendments on it as to make it useless.

There are three approaches the opposition in Congress is expected to take to draw the teeth from the present act.

First is to require some measure of comparative production costs in tariff negotiations that would doom agreement. For there is no recognized standard for measuring costs, the factors and conditions varying so greatly from country to country.

Second is to insist that each agreement get congressional approval, thus scaring off all interested. Now, with the Executive given the power to write agreements on its own, foreign powers do not face the prospect of having months of negotiation vetoed by a suspicious Congress.

Third, Congress may suggest renewal of the act—but for a single year, rather than the normal three.

Or it could be a combination of these three approaches that would characterize Republican stratagem.

According to Gallup polls, a substantial majority of the American people favor extension of the Trade Agreements Act. And, interestingly enough, practically as many of those who indicated they were Republicans approved the program as did their Democratic brethren.

The GOP leadership, then, that would repeal this program appears somewhat less than representative of grass-roots sentiment. For that reason, as much as any, perhaps, the Administration expects the opposition to try to hamstring the act with amendments rather than permit it to expire. Its enemies would like the fruits of defeat without the blame for surrender.

Fortunately, the administration is working to break down some of this congressional opposition to the trade program. It is working quietly and under cover to convince doubting Congressmen of the act's merit. Primarily, it hopes to impress on all and sundry that failure to renew, or renewal with crippling amendments, would be looked on abroad as surrender of American leadership in this field.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDENT pro tempore 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

As in executive session,

The following favorable reports of nominations were submitted:

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

Otto T. Ault, of Tennessee, to be United States attorney for the eastern district of Tennessee, vice James B. Frazier.

By Mr. WHITE, from the Committee on Interstate and Foreign Commerce:

Charles Sawyer, of Ohio, to be Secretary of Commerce;

Harrington Wimberly, of Oklahoma, to be a member of the Federal Power Commission, for the term expiring June 22, 1953;

Russell B. Adams, of West Virginia, to be a member of the Civil Aeronautics Board for the remainder of the term expiring December 31, 1950;

Delos Wilson Rentzel, of Virginia, to the position of Administrator of Civil Aeronautics; and

Irving Louis Apgar II and sundry other cadets to be ensigns in the Coast Guard.

INTERNATIONAL WHEAT AGREEMENT—REMOVAL OF INJUNCTION OF SECRECY

The PRESIDENT pro tempore. As in executive session, the Chair lays before the Senate Executive F, Eighteth Congress, second session, the international wheat agreement, which was open for signature in Washington from March 6, 1948, until April 1, 1948, and was signed during that period by representatives of this Government and the governments of 35 other countries. Without objection, the injunction of secrecy will be removed from the agreement; and, without objection, the message from the President, together with the agreement, will be referred to the Committee on Foreign Relations, and printed in the RECORD. The Chair hears no objection.

The message and agreement are as follows:

EXECUTIVE F, EIGHTIETH CONGRESS, 2D SESSION

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith, in certified form, the International Wheat Agreement, in the English and French languages, which was open for signature in Washington from March 6, 1948 until April 1, 1948 and was signed, during that period, by representatives of this Government and the governments of 35 other countries.

The purpose of the Agreement, described in greater detail in the enclosed report of the Secretary of State and letter from the Acting Secretary of Agriculture, is to provide supplies of wheat to importing countries and to assure markets to exporting countries at equitable and stable prices.

In view of the fact that the Agreement requires formal acceptance by the signatory governments by July 1, 1948, I urge that the Senate give the Agreement the earliest possible consideration.

HARRY S. TRUMAN.

THE WHITE HOUSE, *April 30, 1948.*

(Enclosures: (1) Report of the Secretary of State; (2) letter from the Acting Secretary of Agriculture; (3) certified copy of International Wheat Agreement.)

APRIL 29, 1948.

The PRESIDENT,
The White House.

The undersigned, the Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a certified copy of the International Wheat Agreement which was open for signature in Washington from March 6, 1948 until April 1, 1948 and was signed, during that period, by representatives of the Government of the United States of America and representatives of the Governments of 35 other countries.

The Agreement is the result of approximately fifteen years of negotiation in an effort to conclude an agreement providing a framework within which there might be stabilized the greatest possible portion of the international wheat trade. Negotiations reached a successful conclusion at the Special Session of the International Wheat Council held in Washington from January 28, 1948 until March 6, 1948.

The objectives of the Agreement, as set forth in Article I thereof, are "to assure supplies of wheat to importing countries and to assure markets to exporting countries at equitable and stable prices." In general the Agreement is in the nature of a multilateral contract requiring member exporting countries to supply designated quantities of wheat to member importing countries, when requested to do so by those importing countries, at the maximum prices established in the Agreement and, conversely, requiring member importing countries to purchase designated quantities of wheat from member exporting countries, when requested to do so by those exporting countries, at the minimum prices established in the Agreement. The market which the Agreement assures to United States producers of wheat should eliminate to a great extent the serious disadvantages to those producers which are the result of bilateral contracts between other exporting countries and certain of the importing countries signatory to the Agreement. The number and coverage of such bilateral contracts, moreover, undoubtedly would have been increased if the Agreement had not been negotiated.

It is believed that in addition to assuring markets, at guaranteed prices, to exporting countries for a substantial portion of the exportable wheat production of those countries, thus encouraging the maintenance of production during the current cereals shortage, the Agreement will have the effect, by assuring importing countries of designated quantities of wheat at specified prices, of encouraging those countries whose cost of wheat production is relatively high to meet a larger part of their requirements with imported wheat and, accordingly, to plan their agricultural production with a view to increased diversification of crops and employment of land resources to greater advantage.

The Agreement, in accordance with the provisions of Article XXII thereof, is to remain in force for a five-year period. Provision is made in Article XXII for recommendations by the International Wheat Council with respect to renewal of the Agreement upon the expiration of the five-year period.

The more important substantive provisions of the Agreement are contained in Articles I to IX, inclusive, Articles X to XXII, inclusive, deal with administrative and procedural matters. The Agreement is explained in greater detail in the enclosed article-by-article summary. Also transmitted herewith is a letter from the Acting Secretary of Agriculture which sets forth the views of the Department of Agriculture with respect to the Agreement.

In the course of the negotiation it was found necessary, in order that the Agreement might be in effect during the next wheat-marketing year, to provide, in Article XX, that instruments of acceptance of the Agreement be deposited no later than July 1, 1948, by all Governments except those of importing countries which are prevented by a recess of their respective legislatures from accepting the Agreement by that date. In order to bring the Agreement into force on the part of the United States it is necessary, therefore, that the United States instrument of acceptance be deposited by July 1, 1948. Accordingly it is recommended that the Senate be requested to give consideration to the Agreement at the earliest opportunity.

Respectfully submitted.

G. C. MARSHALL.

(Enclosure: Summary of Agreement.)

INTERNATIONAL WHEAT AGREEMENT

SUMMARY OF PRINCIPAL PROVISIONS

Article I sets forth the objectives of the Agreement, i. e., the assurance of wheat supplies to importing countries and wheat markets to exporting countries at equitable and stable prices.

Article II relates to the rights and obligations of importing and exporting countries and establishes, in Annexes I and II, respectively, the purchases which each contracting importing country, and the sales which each contracting exporting country, guarantees to make.

Article III provides that the contracting countries shall supply to the International

Wheat Council, established by Article XI, with respect to imports and purchases for import, and exports and sales for export, of wheat, the information which is necessary for the maintenance by the Council of records required in the administration of the Agreement.

Article IV, relating to enforcement of rights, establishes the procedure to be followed by the contracting countries in requesting fulfillment of obligations, namely, that any importing country which at any time finds difficulty in making its guaranteed purchases at the maximum price may, through the Council, call upon the exporting countries to supply wheat at the maximum price up to the amount that the exporting countries have guaranteed to supply the importing country in question and that any exporting country which at any time finds difficulty in making its guaranteed sales at the minimum price may, through the Council, call upon the importing countries to purchase wheat at the minimum price up to the amount that the importing countries have guaranteed to purchase from the exporting country in question.

Article V, concerning adjustment of obligations, provides for the reporting to the Council by a country which fears that it may be prevented by circumstances from fulfilling its obligations under the Agreement; for a finding by the Council as to whether that country's representations in this connection are well-founded; and, if so, for an adjustment in the obligations in question, through the voluntary assumption of those obligations by other contracting countries, if this is possible, and, if it is not, through a reduction by the Council, on a pro rata basis, of the quantities in the appropriate annex to Article II.

Article VI establishes the following minimum and maximum prices for the duration of the Agreement for No. 1 Manitoba Northern wheat in store at Fort William or Port Arthur:

	Minimum	Maximum
1948–49	$1.50	$2.00
1949–50	1.40	2.00
1950–51	1.30	2.00
1951–52	1.20	2.00
1952–53	1.10	2.00

The Article provides further that during the last three years of the five-year period during which the Agreement is to remain in force the price range may be narrowed, within the minimum and maximum limits, by the Council by a two-thirds majority of the votes held by the exporting and importing countries voting separately.

There are established in Article VI formulas for determining the price equivalents for No. 1 Manitoba Northern wheat in store in Vancouver, f. a. q. wheat f. o. b. Australia, No. 1 Hard Winter wheat f. o. b. Gulf/Atlantic ports of the United States, and No. 1 Soft White/No. 1 Hard Winter wheat f. o. b. Pacific ports of the United States. Article VI provides also that the Executive Committee, in consultation with the Standing Technical Advisory Committee on Price Equivalents, established by Article XV, may determine the price equivalents for other descriptions of wheat.

Article VII authorizes the Council, upon request by a member country, to use its good offices in facilitating transactions in wheat in amounts in addition to those provided for elsewhere in the Agreement.

Article VIII authorizes any exporting country to export wheat at special prices for use in nutritional programs that are approved by the Food and Agriculture Organization, provided the wheat is exported under conditions that are approved by the Council, it being understood that the Council will not give its approval unless it is satisfied that the full commercial demand of the importing countries will be met throughout the period in question at not more than the minimum price.

Article IX provides that the minimum stockholdings of the exporting countries shall be as follows, subject to the proviso that stocks may be permitted to fall below these figures if the Council decides that this is necessary in order to provide the quantity of wheat needed to meet either the domestic requirements of the exporting countries or the import requirements of the importing countries:

Australia: 25,000,000 of bushels (excluding farm stocks).

Canada: 70,000,000 of bushels (excluding farm stocks).

United States: 170,000,000 of bushels (including farm stocks).

This Article further places an obligation upon exporting and importing countries to operate price-stabilization reserves up to 10 percent of their guaranteed export and import quantities, respectively.

Article X sets forth the areas to which the Agreement applies with respect to each contracting country.

Article XI establishes an International Wheat Council, provides that each contracting government shall be a member thereof, and makes provision for such administrative matters as frequency of meetings, election of officers, and rules of procedure.

Article XII provides for the distribution among importing and exporting countries of votes in the Council on the basis of the quantities of wheat which those countries have guaranteed to purchase or sell under the Agreement.

Article XIII requires the Council to perform the duties assigned to it under the Agreement and confers on the Council such powers in addition to those expressly conferred upon it as may be necessary to achieve its effective operation and to realize its objectives. Article XIII provides also for the settlement by the Council of any dispute arising out of the interpretation of the Agreement or regarding an alleged breach of its provisions.

Article XIV requires the Council to elect annually an Executive Committee which is to be responsible to and work under its general direction and on which representatives of the exporting and importing countries, respectively, shall have the same number of votes.

Article XV requires the Council to establish a Standing Technical Advisory Committee on Price Equivalents to advise the Council or the Executive Committee regarding the establishment or revision of price equivalent.

Article XVI provides that expenses necessary for the administration of the Agreement (except those incident to national representation on the Council, the Executive Committee, and the Standing Technical Advisory Committee on Price Equivalents) shall be met by annual contributions by contracting governments, such contributions to be proportionate to the number of votes held by those governments.

Article XVII provides that the Agreement shall prevail over any provisions inconsistent therewith which may be contained in any other agreement previously concluded between any of the contracting governments, provided that any two contracting governments which may be parties to an agreement, entered into before March 1, 1947, for the purchase and sale of wheat, shall supply full particulars of transactions under such agreement so that the quantities, irrespective of prices involved, may be recorded by the Council and be counted toward the fulfillment of obligations of importing and exporting countries.

Article XVIII requires the Council to make whatever arrangements are required to ensure cooperation with the appropriate organs of the United Nations and its specialized agencies.

Article XIX defines the words and expressions which are used in the Agreement in a technical or specialized sense.

Article XX provides that the Agreement shall remain open for signature until April 1, 1948; that it shall be subject to formal acceptance by the signatory governments; and that Articles X to XXII, inclusive, shall come into force on July 1, 1948 and Articles I to IX, inclusive, shall come into force on August 1, 1948, between the governments which have deposited their instruments of acceptance by July 1, 1948, provided that any such government may, at the opening of the first session of the Council, which is to be convened in Washington early in July 1948, effect its withdrawal by notification to the Government of the United States of America if in the opinion of such government the guaranteed purchases or guaranteed sales of the countries whose governments have formally accepted the Agreement are insufficient to ensure its successful operation.

Article XXI provides that any government may accede to the Agreement by unanimous vote of the Council and upon such conditions as the Council may lay down.

Article XXII provides that the Agreement shall remain in force until July 31, 1953; that the Council, not later than July 31, 1952, shall communicate to the contracting governments its recommendations regarding renewal of the Agreement; that the Council may recommend an amendment to the Agreement by a simple majority of the votes held by the exporting countries and by a simple majority of the votes held by the importing countries; that such an amendment shall become effective upon its acceptance by importing countries which hold a simple majority of the votes of the importing countries (including the Government of the United Kingdom) and by acceptance by the Governments of Australia, Canada, and the United States; that any government not accepting the amendment may withdraw from the Agreement at the end of the current crop year; and that any contracting government which considers its national security endangered by the outbreak of hostilities may withdraw from the Agreement upon the expiry of 30 days' written notice to the Council.

DEPARTMENT OF AGRICULTURE,
Washington, April 22, 1948.

The honorable the SECRETARY OF STATE.

DEAR MR. SECRETARY: The proposed International Wheat Agreement, which you plan to submit to the Senate for approval, is of far-reaching significance to our national economy. It is a unique document—combining the advantages of a commercial contract and of a multilateral agreement between governments. As such, it provides a concrete, practical approach not only to international economic cooperation, but also to the achievement of our long-range domestic agricultural policy. It is with the mutual interests of both the Departments of State and Agriculture in mind, therefore, that I take this opportunity of presenting formally to you the views of this Department in the matter.

The basic objective of our long-term domestic agricultural policy is that of organized, sustained, and realistic abundance. Opportunities offered by the proposed agreement, for expanded trade in wheat through international cooperation, hold excellent promise for meeting this objective for a basic agricultural commodity, and avoiding the need for restrictive measures.

The 1945 census of agriculture reported over 1,200,000 farms growing significant quantities of wheat. There is a substantial number of wheat growers in practically every State in the Union. Production of wheat in the United States during each of the past four seasons has exceeded 1,000,000,000 bushels, and current indications point to another large crop in 1948. Our farm economy is now geared to this high level of wheat production. We have reached this production through the response of the American farmer to the need for increased food production during World War II, and to meet the critical postwar world food shortage. Improved seed and new varieties, increased mechanization, and generally improved farming practices, have also helped our wheat growers to reach this goal of organized and realistic abundance. But the problem posed by the production level achieved in this effort involves ways and means of gaining our further objective of sustained abundance.

The problem is particularly significant in the large specialized areas of the Pacific Northwest and the Great Plains. In these areas, crop shifts are limited and full employment of agricultural resources involves production of considerable quantities of wheat in excess of normal domestic needs. Measured in terms of acreage, the United States has at present several million acres producing wheat for export or for non-food uses other than feed and seed. The impact of this acreage holds in large measure the key to the well-being of American agriculture. Markets which the proposed agreement helps to assure, however, would absorb this excess and would minimize the need for considering costly restrictions on the production of wheat in the United States for several years to come.

Our stake in the world wheat market is important. The average annual value of United States exports of wheat and flour during the past 25 years exceeds $200,000,000 or nearly 14 percent of the total value of exports of agricultural products during that period. We all remember the effects of economic developments in many of our formerly important foreign markets for wheat during the decade of the thirties. It was during this period that a natural tendency towards self-sufficiency developed in many of the principal importing countries of Europe by increasing domestic production of bread grains. This development was accompanied, in turn, by increasing trade barriers and restrictions that resulted in the loss of a large part of our foreign trade in wheat. It is essential that a constructive alternative be provided, if a return to those chaotic conditions is to be avoided in the future. With the European recovery program providing the impetus for economic recovery in Europe during the emergency period, and with the proposed agreement implementing the more permanent multilateral approach to world trade envisioned by the International Trade Organization, by assuring supplies of wheat to importing countries at stable prices, I am confident that such an alternative is now available.

In view of the foregoing, the Department of Agriculture strongly recommends Senate approval of the agreement.

Sincerely yours,

N. E. DODD,
Acting Secretary.

INTERNATIONAL WHEAT AGREEMENT

(Preamble)

The Governments on whose behalf this Agreement has been signed,

Recognizing that there is now a serious shortage of wheat, and that later there may be a serious surplus;

Believing that the high prices resulting from the present shortage and the low prices which would result from a future surplus are harmful to their interests, whether they are producers or consumers of wheat; and

Concluding therefore that their interests, and the general interest of all countries in economic expansion, require that they should cooperate to bring order into the international wheat market,

Have agreed as follows:

ARTICLE I

Objectives

The objectives of this Agreement are to assure supplies of wheat to importing countries and to assure markets to exporting countries at equitable and stable prices.

ARTICLE II

Rights and obligations of importing and exporting countries

1. The quantity of wheat prescribed in Annex I to this Article for each importing country shall be called that country's "guaranteed purchases" and shall represent the quantity of wheat which the International Wheat Council established by Article XI:

(a) may, in accordance with the provisions of paragraph 2 of Article IV, require that country to purchase at the minimum prices specified in or determined under the provisions of Article VI for shipment during the current crop-year from the exporting countries; or

(b) may, in accordance with the provisions of paragraph 1 of Article IV, require the exporting countries to sell to that country at the maximum prices specified in or determined under the provisions of Article VI for shipment during the current crop-year.

2. The quantity of wheat prescribed in Annex II to this Article for each exporting country shall be called that country's "guaranteed sales" and shall represent the quantity of wheat which the Council:

(a) may, in accordance with the provisions of paragraph 1 of Article IV, require that country to sell at the maximum prices specified in or determined under the provisions of Article VI for shipment during the current crop-year to the importing countries; or

(b) may, in accordance with the provisions of paragraph 2 of Article IV, require the importing countries to purchase from that country at the minimum prices specified in or determined under the provisions of Article VI for shipment during the current crop-year.

3. In the event of any country listed in Annex 1 of Article II (a) not signing or (b) not formally accepting or (c) withdrawing from or (d) being declared in default of this Agreement, the guaranteed purchases of such country shall be redistributed by the Council to those importing countries which desire to guarantee additional purchases. The redistribution to such countries shall be pro rata to their existing guaranteed purchases, unless the Council should otherwise decide by a simple majority of the exporting and importing countries voting separately. Should the additional purchases which contracting importing countries desire to guarantee be less than the guaranteed purchases of the countries referred to in (a), (b), (c), and (d) above, the Council shall reduce pro rata the figures in Annex II to Article II by the amount necessary to make the total of them equal to the total of the figures in Annex I to Article II.

4. The Council may at any meeting approve an increase in any figure or figures in either Annex if an equal increase is simultaneously made in a figure or figures for the same crop-year or crop-years in the other Annex, provided that the representatives of the exporting and importing countries whose figures may thereby be changed concur.

ANNEX I TO ARTICLE II

Guaranteed purchases

[Thousands of metric tons [1]]

	August-July					Approximate equivalent in thousands of bushels
	1948–49	1949–50	1950–51	1951–52	1952–53	
Afghanistan	20	20	20	20	20	735
Austria	510	510	510	510	510	18,739
Belgium	650	650	650	650	650	23,883
Brazil	525	525	525	525	525	19,290
China	400	400	400	400	400	14,697
Colombia	60	60	60	60	60	2,205
Cuba	225	225	225	225	225	8,267
Czechoslovakia	30	30	30	30	30	1,102
Denmark	40	40	40	40	40	1,470
Dominican Republic	20	20	20	20	20	735
Ecuador	30	30	30	30	30	1,102
Egypt	190	190	190	190	190	6,981
French Union and Saar	975	975	975	975	975	35,824
Greece	510	510	510	510	510	18,739
Guatemala	10	10	10	10	10	367
India	750	750	750	750	750	27,557
Ireland	360	360	360	360	360	13,227
Italy	1,000	1,000	1,000	1,000	1,000	36,743
Lebanon	75	75	75	75	75	2,756
Liberia	1	1	1	1	1	37
Mexico	200	200	200	200	200	7,349
Netherlands	835	835	835	835	835	30,680
New Zealand	150	150	150	150	150	5,511
Norway	205	205	205	205	205	7,532
Peru	110	110	110	110	110	4,042
Philippines	170	170	170	170	170	6,246
Poland	30	30	30	30	30	1,102
Portugal	120	120	120	120	120	4,409
South Africa	175	175	175	175	175	6,430
Sweden	75	75	75	75	75	2,756
Switzerland	200	200	200	200	200	7,349
United Kingdom	4,897	4,897	4,897	4,897	4,897	179,930
Venezuela	60	60	60	60	60	2,205
Total (33 countries)	13,608	13,608	13,608	13,608	13,608	499,997

[1] Without prejudice to the preference of any country for imported flour of any extraction rate, all imports of wheat flour registered by the Council as part of the guaranteed purchases shall, unless the Council should otherwise determine, be computed at 72 metric tons of flour to 100 metric tons of wheat.

ANNEX II TO ARTICLE II

Guaranteed sales

[Thousands of metric tons [1]]

	August-July					Millions of bushels
	1948–49	1949–50	1950–51	1951–52	1952–53	
Australia	2,313	2,313	2,313	2,313	2,313	85
Canada	6,260	6,260	6,260	6,260	6,260	230
United States of America [2]	5,035	5,035	5,035	5,035	5,035	185
Total	13,608	13,608	13,608	13,608	13,608	500

[1] Including wheat flour in terms of wheat, computed at 72 metric tons of flour to 100 metric tons of wheat, unless otherwise determined by the Council.

[2] In the event of the provisions of par. 1 of art V, being invoked by reason of a short crop, it will be recognized that these guaranteed sales do not include the minimum requirements of wheat of any occupied area for which the United States of America has, or may assume, supply responsibility, and that the necessity of meeting these requirements will be one of the factors considered in determining the ability of the United States of America to deliver its guaranteed sales under this agreement.

ARTICLE III

Reports to the Council

1. The Council shall keep a record of those transactions in wheat which are part of the guaranteed quantities in Annexes I and II to Article II. The difference between the guaranteed quantity of each country and the

total of the quantities so recorded with respect to that country by the Council shall be called the "unfilled guaranteed quantity" of that country.

2. The Council shall record as part of the guaranteed quantity of the importing and the exporting country concerned any transaction, or part of a transaction, in wheat between a contracting exporting and a contracting importing country:

(a) if it is at a price not higher than the maximum nor lower than the minimum specified in or determined under the provisions of Article VI; and

(b) if it has resulted, or in the opinion of the Council will result, in the shipment from the exporting country during the current crop-year of the wheat contracted for; and

(c) if the unfilled guaranteed quantities of the exporting and the importing countries concerned are not less than the transaction or part of the transaction referred to.

In reporting their transactions in wheat to the Council under this Article, the importing and exporting countries may be required by the Council to specify the amounts included in the buying and selling prices to cover carrying charges and marketing costs.

3. The Council shall also record as part of the guaranteed quantities of the exporting and importing countries concerned those transactions which are carried out in accordance with the provisions of Article IV.

4. If the exporting and the importing countries concerned in a particular transaction in wheat flour inform the Council that they are agreed that the price of such wheat-flour is consistent with the provisions of Article VI, the transaction shall be recorded by the Council as part of the guaranteed quantities of those countries if the other conditions laid down in this Article are fulfilled. In the event of the exporting and importing countries concerned being unable to agree that the price of such wheat-flour is consistent with the provisions of Article VI, they shall so inform the Council which shall decide the issue. Should the Council decide that the price of such wheat flour is consistent with the provisions of Article VI, its wheat equivalent shall be recorded against the guaranteed sales and the guaranteed purchases of the exporting and importing countries concerned. Should the Council decide that the price of such wheat flour is inconsistent with the provisions of Article VI, its wheat equivalent shall not be so recorded.

5. In order to safeguard the rights of exporting countries under the guarantees of purchases and the rights of importing countries under the guarantees of sales, the Council shall determine the factors to be taken into account in devising its records, which shall ensure:

(a) that the registration of transactions is made in the same chronological order as they are reported to the Council; and

(b) that upon the fulfillment of any exporting country's rights by the registration of the total of the purchases guaranteed to it and upon the fulfillment of any importing country's rights by the registration of the total of the sales guaranteed to it, any further purchases or sales by such countries shall not be entered in the record referred to in paragraph 1 of this Article.

Upon the fulfillment of the rights referred to in (b) above the Secretary of the Council shall immediately notify all contracting exporting and importing countries, so that they may be informed of the position and consider its effect on contemplated transactions.

6. The importing and exporting countries shall report to the Council such information as it may request regarding imports and purchases for import of wheat into their territories and exports and sales for export of wheat from their territories.

7. The Council shall prescribe the records which shall be kept of the transactions reported in accordance with the provisions of paragraph 6 of this Article.

8. The Council shall also prescribe the manner in which any wheat purchased by a contracting importing country from a contracting exporting country which is later resold to another contracting importing country may, by agreement of the contracting importing countries concerned, be recorded against the obligations and rights of the contracting importing country to which the wheat is finally resold.

9. The Council shall prescribe the degree of tolerance which shall be permitted exporting and importing countries in fulfilling their obligations.

10. The Council shall circulate to each member country a monthly statement compiled from the records kept in accordance with the provisions of this article and may, from time to time, publish such information as it deems fit.

11. Each contracting Government shall supply, within the time prescribed by the Council, such other information as the Council may, from time to time, request in connection with the administration of this agreement.

ARTICLE IV

Enforcement of rights

1. Any importing country which at any time finds difficulty in purchasing its guaranteed quantity at the maximum price specified in or determined under the provisions of article VI may request the Council's help in securing the desired supplies. Within 3 days of the receipt of such a request the Secretary of the Council shall notify those exporting countries which have unfilled guaranteed quantities of the amount of the unfilled guaranteed quantity of the importing country which has requested the Council's help and invite them to offer wheat at the maximum prices specified in or determined under the provisions of Article VI. If within 14 days of such notification the whole of its guaranteed quantity, or such part thereof as in the opinion of the Council is reasonable at the time the application is made, has not been offered, the Council, having regard to all the circumstances which the exporting and the importing countries may wish to submit for consideration, shall as soon as possible, and in any event within 7 days, indicate the quantities of wheat and/or wheat flour which it is appropriate for each or any of the exporting countries to sell, and the country or countries so indicated shall within 30 days of the Council's decision make the quantities so indicated available at prices consistent with the maximum prices specified in or determined under the provisions of article VI. In the event of disagreement between the exporting and importing countries concerned on the relation of the price of the wheat flour in question to the maximum prices of wheat specified in or determined under the provisions of article VI the matter shall be referred to the Council for decision.

2. Any exporting country which at any time finds difficulty in selling its guaranteed quantity at the minimum price specified in or determined under the provisions of Article VI may request the Council's help in making the desired sales. Within three days of the receipt of such a request the Secretary of the Council shall notify those importing countries which have unfilled guaranteed quantities of the amount of the unfilled guaranteed quantity of the exporting country which has requested the Council's help and invite them to purchase wheat at the minimum prices specified in or determined under the provisions of Article VI. If within fourteen days of such notification the whole of its guaranteed quantity, or such part thereof as in the opinion of the Council is reasonable at the time the application is made, has not been purchased, the Council, having regard to all the circumstances which the exporting and the importing countries may wish to submit for consideration, shall as soon as possible, and in any event within seven days, indicate the quantities of wheat and/or wheat flour which it is appropriate for each or any of the importing countries to purchase, and the country or countries so indicated shall within thirty days of the Council's decision purchase for shipment the quantities so indicated at prices consistent with the minimum prices specified in or determined under the provisions of Article VI. In the event of disagreement between the exporting and importing countries concerned on the relation of the price of the wheat flour in question to the minimum prices of wheat specified in or determined under the provisions of Article VI the matter shall be referred to the Council for decision.

3. Unless otherwise agreed between the countries concerned, contracting exporting and importing countries shall carry out their obligations under this Agreement with respect to guaranteed sales and purchases on the same conditions regarding the currency in which payment is made as prevail generally between the countries concerned at the time the guaranteed purchases and sales are being arranged. Should an exporting and an importing country between which no transactions have hitherto taken place fail to agree on the currency in which payment should be made, the Council shall decide the issue.

ARTICLE V

Adjustment of obligations

1. Any contracting Government which fears that it may be prevented by circumstances, such as a short crop in the case of an exporting country or such as the necessity to safeguard its balance of payments or monetary reserves in the case of an importing country, from carrying out its obligations and other responsibilities under this Agreement shall report the matter to the Council.

2. Where the above provisions with respect to the balance of payments and monetary reserves are invoked the Council shall seek and take into account, together with all relevant facts, the opinion of the International Monetary Fund as to the existence and the extent of the necessity referred to in paragraph 1 of this Article.

3. The Council shall discuss the circumstances referred to in paragraph 1 above with the country concerned and if the Council finds that such country's representations are well founded it shall so rule, and if no other mutually acceptable remedy can be found the Council shall, in the first instance, if the reporting country is an importing country, invite the other importing countries, and, if the reporting country is an exporting country, invite the other exporting countries, to assume the obligations which cannot be fulfilled. If the difficulty cannot be solved in this way, the Council shall invite the exporting countries, if the reporting country is an importing country, or the importing countries, if the reporting country is an exporting country, to consider whether any one or more of them can assist the reporting country to fulfill its obligations or, failing that, accept a reduction in its or their guaranteed quantities for the current crop-year corresponding to the obligations which cannot be fulfilled.

4. If the reporting country cannot be assisted by the procedure set out in paragraph 3 of this Article and it is apparent to the Council that it will not carry out its obligations, the following procedure shall be adopted. If the reporting country is an exporting country, the Council shall forthwith reduce the total of the guaranteed purchases in Annex I to Article II for the current crop-year to an amount equal to the total of the guaranteed sales which will remain in Annex II to Article II for the current crop-year after account has been taken of the prospective failure of one of the exporting countries to

carry out its obligations. If the reporting country is an importing country, the Council shall reduce the total of the guaranteed sales in Annex II to Article II for the current crop-year to an amount equal to the total of the guaranteed purchases which will remain in Annex I to Article II for the current crop-year after account has been taken of the prospective failure of one of the importing countries to carry out its obligations. In adjusting individual quantities in Annex II to Article II for this purpose each figure in the Annex shall be reduced by the same proportion, unless the exporting countries concerned agree otherwise.

5. If the Council finds that the reporting country's representations are well founded, that country shall not be deemed to have committed a breach of this Agreement whether it is relieved of its obligations by the procedure set out in paragraph 3 of this Article or recourse is had to the procedure set out in paragraph 4 of this Article. If the Council finds that the reporting country's representations are not well founded it shall so advise that country and request it to carry out its obligations. Should any contracting Government subsequently allege that the country concerned has not carried out its obligations the Council shall apply the procedure prescribed in paragraph 3 of Article XIII.

6. If, in order to meet a critical need which has arisen or threatens to arise, a contracting Government should appeal to the Council for assistance in obtaining supplies of wheat in addition to its guaranteed quantity, the Council may, by two-thirds of the votes held by the Governments of importing countries and by two-thirds of the votes held by the Governments of exporting countries, reduce the guaranteed import quantities of the other contracting importing countries for the current crop-year, on a pro rata basis, by an amount sufficient to provide the quantity of wheat which the Council determines to be necessary to relieve the emergency created by the critical need, provided that the Council agrees that such emergency cannot be met in any other manner.

ARTICLE VI

Prices

1. The basic minimum and maximum prices for the duration of this Agreement shall be:

	Minimum	Maximum
1948–49	$1.50	$2
1949–50	1.40	2
1950–51	1.30	2
1951–52	1.20	2
1952–53	1.10	2

Canadian currency per bushel at the parity for the Canadian dollar, determined for the purposes of the International Monetary Fund as at February 1, 1948, for No. 1 Manitoba Northern wheat in store Fort William/Port Arthur. The basic minimum and maximum prices, and the equivalents thereof hereafter referred to, shall exclude such carrying charges and marketing costs as may be agreed between the buyer and the seller.

2. At sessions of the Council to be held not later than July 1950, July 1951, and July 1952 respectively, the Council may by a two-thirds majority of the votes held by the exporting and importing countries voting separately determine minimum and maximum prices for the crop-years 1950/51, 1951/52, and 1952/53 respectively, the minimum price so determined not to be lower than the minimum price and the maximum price so determined not to exceed the maximum price for the crop-year in question specified in paragraph 1 of this Article. Minimum and maximum prices so determined shall be effective for the crop-year in question and shall supersede the prices specified for that crop-year in paragraph 1 of this Article. In determining minimum and maximum prices in accordance with the provisions of this paragraph the Council shall examine all the factors and circumstances which it may consider relevant. In the event of the Council not determining minimum and maximum prices for any one of the crop-years 1950/51, 1951/52, and 1952/53 the minimum and maximum prices for such crop-year specified in paragraph 1 of this Article shall remain in force.

3. The equivalent maximum prices for bulk wheat for:

(a) No. 1 Manitoba Northern wheat in store Vancouver shall be the maximum prices for No. 1 Manitoba Northern wheat in store Fort William/Port Arthur specified in paragraph 1 or determined under the provisions of paragraph 2 of this Article;

(b) f. a. q. wheat f. o. b. Australia shall be whichever is the lower of:

(i) the maximum prices for No. 1 Manitoba Northern wheat in store Fort William/Port Arthur specified in paragraph 1 or determined under the provisions of paragraph 2 of this Article converted into the currency of Australia at the prevailing rate of exchange; or

(ii) the prices f. o. b. Australia equivalent to the c. i. f. prices in the country of destination of the maximum prices of No. 1 Manitoba Northern wheat in store Fort William/Port Arthur specified in paragraph 1 or determined under the provisions of paragraph 2 of this Article, computed by using currently prevailing transportation costs and exchange rates, and in those importing countries where a quality differential is recognized by making such allowance for difference in quality as may be mutually agreed by the importing and exporting countries concerned;

(c) No. 1 Hard Winter wheat f. o. b. Gulf/Atlantic ports of the United States of America shall be the prices equivalent to the c. i. f. prices in the country of destination of the maximum prices of No. 1 Manitoba Northern Wheat in store Fort William/Port Arthur specified in paragraph 1 or determined under the provisions of paragraph 2 of this Article, computed by using currently prevailing transportation costs and exchange rates and by making such allowance for difference in quality as may be mutually agreed by the importing and exporting countries concerned; and

(d) No. 1 Soft White/No. 1 Hard Winter wheat f. o. b. Pacific ports of the United States of America shall be the maximum prices for No. 1 Manitoba Northern wheat in store Fort William/Port Arthur specified in paragraph 1 or determined under the provisions of paragraph 2 of this Article converted into the currency of the United States of America at the prevailing rate of exchange, making such allowance for difference in quality as may be mutually agreed by the importing and exporting countries concerned.

4. The equivalent minimum prices for bulk wheat for:

(a) No. 1 Manitoba Northern wheat in store Vancouver;

(b) f. a. q. wheat f. o. b. Australia;

(c) No. 1 Hard Winter wheat f. o. b. Gulf/Atlantic ports of the United States of America; and

(d) No. 1 Soft White/No. 1 Hard Winter wheat f. o. b. Pacific ports of the United States of America shall be: the prices in store Vancouver, f. o. b. Australia, f. o. b. United States of America Gulf/Atlantic ports or f. o. b. United States of America Pacific ports equivalent to the c. i. f. prices in the United Kingdom of Great Britain and Northern Ireland of the minimum prices of No. 1 Manitoba Northern wheat in store Fort William/Port Arthur specified in paragraph 1 or determined under the provisions of paragraph 2 of this Article, computed by using currently prevailing transportation costs and exchange rates, and in those importing countries where a quality differential is recognized by making such allowance for difference in quality as may be mutually agreed by the importing and exporting countries concerned.

5. The Executive Committee, elected in accordance with the provisions of Article XIV, may in consultation with the Standing Technical Advisory Committee on Price Equivalents, established in accordance with the provisions of Article XV, at any date subsequent to August 1, 1948, designate any description of wheat other than those specified in paragraphs 3 and 4 above and determine the minimum and maximum price equivalents thereof, provided that in the case of any other description of wheat, where the price equivalents have not yet been determined, the minimum and maximum prices for the time being shall be derived from the minimum and maximum prices of the description of wheat specified in this Article or subsequently designated by the Executive Comittee, in consultation with the Standing Technical Advisory Committee on Price Equivalents, which is most closely comparable to such other description, by the addition of an appropriate premium or by the deduction of an appropriate discount.

6. The Executive Committee if at any time it considers, or if it receives representations from any contracting Government, that the prices established under the provisions of paragraphs 3 and 4 of this Article, or any prices determined under the provisions of paragraph 5 of this Article are no longer, in the light of current transportation or exchange rates or market premiums or discounts, fair equivalents of the prices specified in paragraph 1 or determined under the provisions of paragraph 5 of this Article may, in consultation with the Standing Technical Advisory Committee on Price Equivalents, adjust them accordingly.

7. The Executive Committee, in consultation with the Standing Technical Advisory Committee on Price Equivalents, shall determine the appropriate premium or discount in the event of a dispute arising regarding any description of wheat specified in paragraphs 3 and 4 or established under the provisions of paragraphs 5 and 6 of this Article.

8. All decisions of the Executive Committee under the provisions of paragraphs 5, 6, and 7 of this Article shall be binding on all contracting Governments, provided that any contracting Government which considers that any such decision is disadvantageous to it may ask that a session of the Council be convened to review that decision.

9. In order to encourage and expedite the conclusion of transactions in wheat between exporting and importing countries at prices mutually acceptable in the light of all current circumstances, the contracting Governments, while reserving to themselves complete liberty of action in the determination and administration of their internal agricultural and price policies, undertake not to operate those policies in such a way as to impede the free movement of prices between the maximum price and the minimum price in respect of transactions in wheat into which the contracting Governments are prepared to enter. Should any contracting Government consider that it is suffering hardship as the result of action contrary to this undertaking by another contracting Government, it may draw the attention of the Council to the matter and the Council shall inquire into and make a report on the complaint.

ARTICLE VII

Additional purchases or sales

Should the assistance of the Council be requested by (a) any contracting importing

country desiring to make purchases in addition to its guaranteed purchases or (b) any contracting exporting country desiring to make sales in addition to its guaranteed sales, the Council may, having regard to all the circumstances of the case, use its good offices in assisting such country to make such additional purchases from contracting exporting countries or such additional sales to contracting importing countries.

ARTICLE VIII

Sales for nutritional programs

Any exporting country may export wheat at special prices in such quantities and for such periods and under such conditions as may be approved by the Council, but the Council shall not give its approval unless it is satisfied that the full commercial demand of the importing countries will be met throughout the period in question at not more than the current minimum price specified in or determined under the provisions of Article VI. Such exports of wheat shall be utilized in nutritional programs approved by the Food and Agriculture Organization. The rights and obligations of the contracting Governments under the other provisions of this Agreement shall not be modified by virtue of such exports at special prices.

ARTICLE IX

Stocks

1. The exporting countries shall ensure that stocks of old wheat held at the end of their respective crop-years (excluding price stabilization reserves) are not less than the quantities specified in the Annex to this Article; provided that such stocks may be permitted to fall below the minimum so specified if the Council decides that this is necessary in order to provide the quantity of wheat needed to meet either the domestic requirements of the exporting countries or the import requirements of the importing countries.

2. The contracting exporting countries and those contracting importing countries which are not recognized by the Council as predominantly importers of flour shall operate price stabilization reserves up to ten percent of their respective guaranteed quantities for each crop-year specified in the Annexes to Article II, subject to the following conditions:

(a) the total of the price stabilization reserves operated by the exporting countries shall so far as possible be equal to the total of the price stabilization reserves operated by the importing countries, unless the Council, in order to meet special circumstances of any particular exporting or importing country, should otherwise decide;

(b) price stabilization reserves shall be accumulated first by the contracting exporting countries;

(c) contracting importing countries shall be required to fill their price stabilization reserves only upon the request of those contracting exporting countries which have filled their price stabilization reserves; when so required any contracting importing country shall purchase at free-market prices from those contracting exporting countries which have filled their price stabilization reserves an amount of wheat, in addition to its guaranteed purchases, not greater than one-tenth of the guaranteed quantity prescribed for that country in Annex I to Article II;

(d) subject to the provisions of (b) and (c) above, contracting exporting and contracting importing countries shall accumulate price stabilization reserves as soon and so long as free-market prices are below the lowest basic minimum price prescribed in paragraph 1 of Article VI; and

(e) contracting exporting and contracting importing countries shall sell or utilize their price stabilization reserves as soon and so long as free-market prices are above the basic maximum price prescribed in paragraph 1 of Article VI.

Annex to article IX

Country:	*Millions of bushels*
Australia	* 25
Canada	* 70
United States of America	** 170

* Excluding farm stocks.
** Including farm stocks.

ARTICLE X

Territorial application

The rights and obligations under this Agreement shall apply to:

The Kingdom of Afghanistan.

The Commonwealth of Australia, Papua, the Mandated Territory of New Guinea, Nauru, and Ocean Island.

The Republic of Austria.

The Kingdom of Belgium.

The Republic of the United States of Brazil.

Canada, including the Customs territory thereof.

The Republic of China.

The Republic of Colombia.

The Republic of Cuba.

The Czechoslovak Republic.

Denmark, including Greenland.

The Dominican Republic.

The Republic of Ecuador.

The Kingdom of Egypt.

France, territories under France's responsibility (French Equatorial Africa—conventional Basin of the Congo and other territories, French West Africa, Cameroun under French Mandate, French Somali Coast and Dependencies, French Establishments in India, French Establishments of Oceania, French Establishments of the Condominium of the New Hebrides, Gaudeloupe and Dependencies, French Guiana, Indo-China, Madagascar and Dependencies, Morocco—French Zone, Martinique, New Caledonia and Dependencies, Reunion, Saint-Pierre and Miquelon, Togo under French Mandate, and Tunisia) and Saar.

Greece.

Guatemala.

India.

Ireland: Customs territory administered by the Government of Ireland.

The Customs territory of the Italian Republic.

The Republic of Lebanon.

Liberia.

Mexico.

The Kingdom of the Netherlands.

New Zealand, its Island Territories, and Western Samoa.

The Kingdom of Norway.

The Republic of Peru.

Poland.

The Republic of the Philippines.

Continental Portugal and its Overseas Territories.

Sweden.

Switzerland, and the Principality of Liechtenstein.

The Union of South Africa and the Mandated Territory of South West Africa.

The United Kingdom of Great Britain and Northern Ireland, Ceylon, Newfoundland, Southern Rhodesia, Aden, Bahamas, Barbados, Bastutoland, Protectorate of Bechuanaland, Bermuda, British Guiana, British Honduras, Protectorate of British Solomon Islands, British Somaliland, Brunel, Cayman Islands, Cyprus, Falkland Islands and South Georgia, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands Colony, Gold Coast, Hong Kong, Jamaica, Kenya Colony, Leeward Islands, Federation of Malaya, Malta, Mauritius, British Establishments of the Condominium of the New Hybrides, Nigeria, North Borneo, Protectorate of Northern Rhodesia, Protectorate of Nyasaland, St. Helena, Ascension, Tristan da Cunha, Sarawak, Seychelles, Sierra Leone, Singapore Colony, Protectorate of Somaliland, Swaziland, Mandated Territory of Tanganyika, Tonga, Trinidad and Tobago, Turks and Caicos Islands, Protectorate of Uganda, Windward Islands, Protectorate of Zanzibar, Sheikdom of Bahrein, Sheikdom of Kuwait, Sheikdom of Muscat, and Shiekdom of the Trucial Coast, and, while under British Military administration, Cyrenaica, Tripolitania, and Eritrea.

United States of America, including the Customs territory thereof.

Venezuela.

ARTICLE XI

The Council

1. An International Wheat Council is hereby established. Each contracting Government shall be a member of the Council and may appoint one Delegate and one Alternate, who may be accompanied by such Advisers as it deems necessary. The Food and Agriculture Organization and the International Trade Organization may each nominate to the Council one nonvoting representative. The Interim Coordinating Committee for International Commodity Arrangements, established by the Economic and Social Council of the United Nations, may during its existence nominate to the Council one nonvoting representative.

2. The Government of any country which the Council recognizes as an irregular exporter or an irregular importer may become a nonvoting member of the Council provided that it accepts the obligations prescribed in paragraph 6 of Article III and agrees to pay the membership fee determined by the Council. The government of any such country may become a voting member of the Council under the provisions of Article XXI.

3. Each contracting Government undertakes to accept as binding all decisions of the Council under the provisions of this Agreement.

4. The Council shall elect each year, in conformity with its rules of procedure, a Chairman and a Vice-Chairman. The Chairman shall have no vote.

5. The Council shall appoint a Secretary and such staff as it considers necessary and shall determine their remuneration and duties. In selecting them and in fixing the terms and conditions of their employment, the Council shall have regard to the practice of the specialized agencies of the United Nations.

6. The Council shall meet at least once during each half of each crop-year and at such other times as the Chairman may determine.

7. The Chairman shall convene a Session of the Council if so requested by (a) the Executive Committee; or (b) the Delegates of five contracting Governments; or (c) the Delegate or Delegates of any Government or Governments holding ten percent of the total votes; or (d) the Delegate of any country presenting a request in accordance with the provisions of paragraph 8 of Article VI.

8. The presence of Delegates with a simple majority of the votes held by the exporting countries and a simple majority of the votes held by the importing countries shall be necessary to constitute a quorum at any meeting.

9. The Council shall have legal capacity in the territory of each contracting Government to contract and to acquire and dispose of property, in so far as is necessary in discharging its functions under this Agreement.

10. The Council shall select in July 1948 its temporary seat. The Council shall select, so soon as it deems the time propitious, its permanent seat after consultation with the appropriate organs and agencies of the United Nations. In selecting the temporary and permanent seats of the Council each Delegate shall have one vote.

11. The Council shall establish its rules of procedure.

ARTICLE XII

Voting in the Council

1. The Delegates of the importing countries shall hold 1,000 votes, which shall be distributed between them in the proportions which the guaranteed purchases of the coun-

tries have to the total of the guaranteed purchases. The Delegates of the exporting countries shall also hold 1,000 votes, which shall be distributed between them in the proportions which the guaranteed sales of the countries have to the total of the guaranteed sales. Each Delegate shall have at least one vote and there shall be no fractional votes.

2. When a country accedes to this Agreement under the provisions of Article XXI, or the guaranteed purchases or sales of any country are increased in accordance with the provisions of paragraph 4 of Article II, the Council shall redistribute the votes in accordance with the provisions of paragraph 1 of this Article.

3. In the event of the withdrawal of a country under the provisions of Article XXII, or the suspension under the provisions of paragraph 5 of Article XVI of the voting rights of a country, the Council shall redistribute the votes in accordance with the provisions of paragraph 1 of this Article.

4. Except where otherwise specified in this Agreement, decisions of the Council shall be by a simple majority of the votes cast.

ARTICLE XIII

The powers and functions of the Council

1. The Council shall perform the duties assigned to it under this Agreement and shall have such powers in addition to those expressly conferred on it thereunder as may be necessary to achieve its effective operation and to realize its objectives.

2. The Council shall not, except by unanimity of the votes cast, delegate the exercise of any of its powers or functions. The Council may at any time revoke such delegation by a simple majority vote.

3. Any dispute arising out of the interpretation of this Agreement, or regarding an alleged breach of its provisions, shall be referred to the Council. The Council may appoint a committee to ascertain and report on the facts of such dispute. The Council shall, on the evidence before it, including the findings of any committee so appointed, give a ruling on the dispute but no contracting Government shall be found to have committed a breach of this Agreement except by a simple majority of the votes held by the exporting countries and a simple majority of the votes held by the importing countries.

4. The Council, after consultation with the Secretary of the Wheat Advisory Committee established under the Final Act of the Conference of Wheat Exporting and Importing Countries held in August 1933 and with the International Wheat Council established under the Memorandum of Agreement approved in June 1942 and amended in June 1946, may take over all assets and liabilities of those bodies.

5. The Council shall publish an annual report.

ARTICLE XIV

The Executive Committee

The Council shall, in accordance with its rules of procedure, elect annually an Executive Committee which shall be responsible to and work under the general direction of the Council. The representatives of exporting and importing countries, respectively, on the Committee shall have the same number of votes.

ARTICLE XV

The Standing Technical Advisory Committee on Price Equivalents

The Council shall establish a Standing Technical Advisory Committee on Price Equivalents consisting of representatives of the Governments of Australia, Canada, the United States of America, the United Kingdom of Great Britain and Northern Ireland and representatives of at least two other importing countries. The Committee shall advise the Council or the Executive Committee on the matters set out in paragraphs 5, 6, and 7 of Article VI and on such other questions as the Council or the Executive Committee may refer to it. The Chairman of the Committee shall be appointed by the Council.

ARTICLE XVI

Finance

1. The expenses of Delegations to the Council, of the members of the Executive Committee, and of the members of the Standing Technical Advisory Committee on Price Equivalents shall be met by their respective Governments. All other expenses necessary for the administration of this Agreement, including those of the Secretariat, shall be met by annual contributions from the contracting Governments. The contribution of each Government for each crop-year shall be proportionate to the number of votes held by its Delegate when the budget for that crop-year is settled.

2. At its first Session, the Council shall approve its budget for the crop-year ending July 31, 1949 and assess the contribution to be paid by each contracting Government.

3. The Council shall at its first Session during the second half of each crop-year approve its budget for the following crop-year and assess the contribution to be paid by each contracting Government for that crop-year.

4. The initial contribution of any Government acceding to this Agreement after the first Session of the Council shall be assessed proportionately to the number of votes held by its Delegate and to the number of full months between its accession and the beginning of the first crop-year for which it is assessed under the provisions of paragraph 3 of this Article, but the assessments already made upon other Governments shall not be altered for the current crop-year.

5. Each contracting Government shall pay to the Secretary of the Council its full contribution within six months of its assessment. Any contracting Government failing to pay its contribution within one year of its assessment shall forfeit its voting rights until its contribution is paid, but shall not be deprived of its other rights nor relieved of its obligations under this Agreement. The Council shall redistribute, under the provisions of Article XII, the votes of any country which has forfeited its voting rights.

6. The Council shall publish an audited statement of all its receipts and expenditures during each crop-year.

7. Each contracting Government shall give consideration to granting to the funds of the Council and to the salaries paid by the Council to its staff, treatment in its territory no less favorable than that granted by it to the funds of, and salaries paid by, other intergovernmental bodies of comparable status.

8. In the event of the termination of this Agreement, the Council shall provide for the settlement of its liabilities and the disposal of its assets.

ARTICLE XVII

Relation to other agreements

So long as this Agreement remains in force, it shall prevail over any provisions inconsistent therewith which may be contained in any other agreement previously concluded between any of the contracting Governments, provided that should any two contracting Governments be parties to an agreement, entered into prior to March 1, 1947, for the purchase and sale of wheat, the Governments concerned shall supply full particulars of transactions under such agreement so that the quantities, irrespective of prices involved, shall be recorded in the register of transactions maintained by the Council in accordance with the provisions of Article III and so count toward the fulfillment of obligations of importing countries and obligations of exporting countries.

ARTICLE XVIII

Cooperation with Intergovernmental Organizations

1. The Council shall make whatever arrangements are required to ensure cooperation with the appropriate organs of the United Nations and its specialized agencies.

2. If the Council finds that any terms of this Agreement are materially inconsistent with such requirements as the United Nations through its appropriate organs and specialized agencies may establish regarding intergovernmental commodity agreements, such inconsistency shall be deemed to be a circumstance affecting adversely the operation of this Agreement and the procedure prescribed in paragraphs 3, 4, and 5 of Article XXII shall be applied.

ARTICLE XIX

Definitions

For the purposes of this Agreement:

1. "Bushel" means sixty pounds avoirdupois.

2. "Carrying charges" means the costs incurred for storage, interest, and insurance in holding wheat.

3. "C. i. f." means cost, insurance, and freight.

4. "Crop-year" means the period from August 1 to July 31, except that in Article IX it means in respect of Australia the period from December 1 to November 30 and in respect of the United States of America the period from July 1 to June 30.

5. "Exporting country" means, as the context may require, either a Government which has accepted this Agreement as the Government of an exporting country or that country itself.

6. "F. a. q." means fair average quality.

7. "F. o. b." means free on board.

8. "Free-market prices" means the prices at which transactions other than those relating to guaranteed purchases or sales take place between contracting exporting and contracting importing countries.

9. "Importing country" means, as the context may require, either a Government which has accepted this Agreement as the Government of an importing country or that country itself.

10. "International Trade Organization" means the specialized agency contemplated by the United Nations Conference on Trade and Employment or any interim body which that Conference may form to act on its behalf pending the definitive establishment of the International Trade Organization.

11. "Marketing costs" means all usual charges incurred in procurement, marketing, chartering, and forwarding.

12. "Old wheat" means wheat harvested more than two months prior to the beginning of the current crop-year of the exporting concerned.

13. "Stocks" means in Australia, Canada, and the United States of America the total of the stocks of old wheat held at the end of their respective crop-years in all elevators, warehouses, and mills and in transit or at railroad sidings; such "stocks" also include in the case of the United States of America stocks held on farms and in the case of Canada stocks of wheat of Canadian origin held in bond in the United States of America.

14. "Wheat", except in Articles VI and IX, includes wheat-flour. Seventy-two metric tons of wheat-flour shall be deemed to be equivalent to one hundred metric tons of wheat in all calculations relating to guaranteed purchases or sales, unless otherwise determined by the Council.

ARTICLE XX

Signature, acceptance, and entry into force

1. This Agreement shall be open for signature in Washington and shall remain open for signature until April 1, 1948 by the Governments of the countries listed in Annexes

I and II to Article II. The original of this Agreement shall be deposited with the Government of the United States of America, which shall transmit certified copies of it to each signatory and acceding Government.

2. This Agreement shall be subject to formal acceptance by the signatory Governments. Instruments of acceptance shall be deposited with the Government of the United States of America by July 1, 1948; provided, however, that an additional period shall be allowed by the Council for the deposit of instruments of acceptance on behalf of those importing countries which are prevented by a recess of their respective legislatures from accepting this Agreement by July 1, 1948. Instruments of acceptance shall become effective on the date of their deposit. The Government of the United States of America shall notify the Governments listed in Annexes I and II to Article II of the Governments which have signed this Agreement and of the Governments which have deposited instruments of acceptance.

3. Articles X to XXII inclusive of this Agreement shall come into force on July 1, 1948, and Articles I to IX inclusive shall come into force on August 1, 1948, between the Governments which have deposited their instruments of acceptance by July 1, 1948, provided that any such Government may, at the opening of the first Session of the International Wheat Council, established by Article XI of this Agreement, which Session shall be convened in Washington early in July 1948 by the Government of the United States of America, effect its withdrawal by notification to the Government of the United States of America if in the opinion of any such Government the guaranteed purchases or guaranteed sales of the countries whose Governments have formally accepted this Agreement are insufficient to ensure its successful operation. With respect to Governments which deposit their instruments of acceptance after July 1, 1948, the Agreement shall enter into force on the date of such deposit, provided that in no case shall Articles I to IX inclusive be deemed to have entered into force before August 1, 1948, as a result of such deposit.

ARTICLE XXI

Accession

Subject to unanimity of the votes cast, any Government may accede to this Agreement upon such conditions as the Council may lay down. Such accession shall be effected by the notification thereof by the Government concerned to the Government of the United States of America, which Government shall notify the signatory and acceding Governments of each such accession and of the date of the receipt thereof.

ARTICLE XXII

Duration, amendment, withdrawal, and termination

1. This Agreement shall remain in force until July 31, 1953.

2. The Council shall, not later than July 31, 1952, communicate to the contracting Governments its recommendations regarding the renewal of this Agreement.

3. If at any time circumstances arise which, in the opinion of the Council, affect or threaten to affect adversely the operation of this Agreement, the Council may by a simple majority of the votes held by the Governments of the exporting countries and by a simple majority of the votes held by the Governments of the importing countries recommend an amendment of this Agreement to the contracting Governments.

4. The Council may fix a time limit within which each contracting Government shall notify the Council whether or not it accepts the amendment. The amendment shall become effective upon its acceptance by (a) importing countries which hold a simple majority of the votes of the importing countries, including the Government of the United Kingdom of Great Britain and Northern Ireland, and (b) the Governments of Australia, Canada, and the United States of America.

5. Any contracting Government which has not notified the Council of its acceptance of the amendment by the date on which it becomes effective may, after giving such notice as the Council may require in each case, withdraw from this agreement at the end of the current crop-year, but shall not thereby be released from any obligations under this agreement not discharged by the end of that crop-year.

6. Any contracting Government which considers its national security endangered by the outbreak of hostilities may withdraw from this Agreement upon the expiry of thirty days' written notice to the Council. In the event of such a withdrawal, the Council may recommend an amendment of this agreement in accordance with the provisions of paragraph 3 of this Article.

In witness whereof the undersigned duly authorized representatives of the respective Governments have signed this Agreement on the dates appearing opposite their signatures.

Opened for signature in Washington, on March 6, 1948, in the English and French languages, each of which shall be authentic.

For Afghanistan:
ABDUL-HAI AZIZ.
March 29, 1948.
For Australia:
NORMAN MAKIN.
March 19, 1948.
For Austria:
L. KLEINWAECHTER.
March 29, 1948.
For Belgium:
SILVERCRUYS.
March 18, 1948.
For Brazil:
CARLOS MARTINS PEREIRA E SOUSA.
March 30, 1948.
For Canada:
CHARLES F. WILSON.
March 6, 1948.
For China:
V K WELLINGTON KOO.
March 6, 1948.
For Colombia (subject to ratification):
E GALLEGO.
March 6, 1948.
For Cuba:
GMO BELT.
Marzo 25, 1948.
For Czechoslovakia:
JOSEF HANČ.
March 30, 1948.
For Denmark:
S. SORENSEN.
March 6, 1948.
For the Dominican Republic:
EMILIO ZELLER.
March 30, 1948.
For Ecuador:
A DILLON.
March 31, 1948.
For Egypt:
LOUTFY MANSOUR.
March 6, 1948.
For the French Union and Saar:
H BONNET.
mars 30, 1948.
For Greece:
CONSTANTINE CARANICAS.
March 6, 1948.
For Guatemala:
Y GONZÁLEZ ARÉVALO.
March 31, 1948.
For India:
JAMSHED VESUGAR.
March 6, 1948.
R. L. GUPTA.
March 6, 1948.
For Ireland:
TIMOTHY O'CONNELL.
March 6, 1948.
For Italy:
ALBERTO TARCHIANI.
March 29, 1948.
For Lebanon:
EMILE MATTAR.
March 6, 1948.
For Liberia:
R. S. S. BRIGHT.
March 6, 1948.
For Mexico:
A OCHOA M.
Marzo 29, 1948.
For the Netherlands:
E. N. VAN KLEFFENS.
March 6, 1948.
For New Zealand:
R. W. MARSHALL.
March 24, 1948.
For Norway:
W. MUNTHE MORGENSTIERNE.
March 23, 1948.
For Peru:
P. J. M. LARRAÑAGA.
March 6, 1948.
For the Republic of the Philippines:
NARCISO RAMOS.
March 19, 1948.
M F OCCEÑA.
March 30, 1948.
For Poland:
J. WINIEWICZ.
March 31, 1948.
For Portugal:
ANTONIO FERREIRA D'ALMEIDA.
March 6, 1948.
For Sweden:
A AMINOFF.
March 30, 1948.
For Switzerland:
W. SCHILLING.
March 25, 1948.
For the Union of South Africa:
H. T. ANDREWS.
March 26, 1948.
For the United Kingdom of Great Britain and Northern Ireland:
HERBERT BROADLEY.
March 6, 1948.
For the United States of America:
NORRIS E. DODD.
March 6, 1948.
LESLIE A. WHEELER.
March 6, 1948.
For Venezuela:
GONZALO CARNEVALI.
March 30, 1948.

SALE AND LEASE OF REAL PROPERTY IN BOULDER CITY, NEV.

Mr. BUTLER. Mr. President, on April 26 the Senate passed Senate bill 1448, Calendar No. 1189. A duplicate bill, with the exception of two words, has been passed by the House. It is my purpose to ask that the House bill be passed by the Senate. It will be necessary to make two small amendments in it. First I ask that the vote by which the Senate bill was passed be reconsidered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the vote by which Senate bill 1488 was passed is reconsidered.

Mr. BUTLER. I now ask that the Senate Committee on Interior and Insular Affairs be discharged from further consideration of House bill 4966.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BUTLER. I now ask that the Senate proceed to the consideration of House bill 4966.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 4966) directing the Secretary of the Interior to sell and lease certain houses, apartments, and lands in Boulder City, Nev.

Mr. BUTLER. Mr. President, I offer two amendments to the bill.

The PRESIDENT pro tempore. The amendments will be stated.

The LEGISLATIVE CLERK. On page 1, line 10, after the word "occupied", it is proposed to strike out "the" and insert "a."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment offered by the Senator from Nebraska will be stated.

The LEGISLATIVE CLERK. On page 1, line 11, after the word "occupies", it is proposed to strike out "one" and insert "it."

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill be read a third time.

The bill was read the third time and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 1448 will be indefinitely postponed.

TEMPORARY EXTENSION OF TITLE VI OF THE NATIONAL HOUSING ACT, AS AMENDED

Mr. WHERRY. Mr. President, according to the announcement made last Wednesday that the business of the Senate today would be the consideration of Calendar No. 1212, Senate bill 2565, to provide for a temporary extension of title VI of the National Housing Act, as amended, I now ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. FULBRIGHT. I object.

The PRESIDENT pro tempore. Objection is heard.

Mr. WHERRY. Mr. President, I now move that the Senate proceed to the consideration of Senate bill 2565.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska.

Mr. FULBRIGHT. Mr. President, I make the point of order that the motion is not in order because the bill has not laid over for a legislative day.

The PRESIDENT pro tempore. The point of order is sustained.

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

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

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

Aiken	Ferguson	McCarthy
Ball	Fulbright	McClellan
Brewster	Green	McFarland
Bridges	Gurney	McGrath
Brooks	Hatch	McKellar
Buck	Hayden	McMahon
Butler	Hickenlooper	Malone
Cain	Hoey	Martin
Capper	Holland	Maybank
Chavez	Ives	Moore
Connally	Johnson, Colo.	Murray
Cordon	Johnston, S. C.	Myers
Downey	Kilgore	O'Conor
Dworshak	Knowland	O'Daniel
Eastland	Langer	O'Mahoney
Ecton	Lodge	Overton
Ellender	Lucas	Pepper
Reed	Thye	Wiley
Robertson, Wyo.	Tydings	Williams
Russell	Vandenberg	Wilson
Saltonstall	Watkins	Young
Stennis	Wherry	
Thomas, Utah	White	

Mr. WHERRY. I announce that the Senator from Connecticut [Mr. BALDWIN] is absent because of illness.

The Senator from Ohio [Mr. BRICKER], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Kentucky [Mr. COOPER], the Senator from New Jersey [Mr. HAWKES], the Senator from Indiana [Mr. JENNER], the Senator from Colorado [Mr. MILLIKIN], and the Senator from West Virginia [Mr. REVERCOMB] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent because of illness in his family.

The Senator from Missouri [Mr. DONNELL] and the Senator from Oregon [Mr. MORSE] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS], the Senator from New Jersey [Mr. SMITH], and the Senator from New Hampshire [Mr. TOBEY] are absent on official business.

The Senator from Missouri [Mr. KEM] is absent on official State business.

Mr. LUCAS. I announce that the Senator from Kentucky [Mr. BARKLEY], the Senators from Alabama [Mr. HILL and Mr. SPARKMAN], the Senator from Washington [Mr. MAGNUSON], the Senator from Virginia [Mr. ROBERTSON], the Senator from Tennessee [Mr. STEWART], and the Senator from Idaho [Mr. TAYLOR] are absent on public business.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from Georgia [Mr. GEORGE] is absent because of illness in his family.

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

The Senator from Nevada [Mr. MCCARRAN], the Senator from North Carolina [Mr. UMSTEAD], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The PRESIDENT pro tempore. Sixty-seven Senators have answered to their names. A quorum is present.

Mr. WHERRY. Mr. President, again I shall ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1212, Senate bill 2565.

Mr. FULBRIGHT and Mr. TYDINGS rose.

Mr. WHERRY. Mr. President, if there are going to be objections, I should like to have them withheld for just a moment. First, I should like to explain to the Senate that the existing law expires today; by tonight it will be ineffective unless it is extended. Title VI of the National Housing Act provides for loans under the Housing Act. Twice it has been extended because those who believed in it felt it should be extended, in the hope that they could do something more with it. There have been 30-day extensions. The proponents of the measure have been the ones who have asked for that.

I was asked to bring up this bill today, and on Wednesday I made announcement that it would be the order of business for today. Certainly if the extensions which have already been made have been worthy ones and have been needed in the past, all the arguments used for making them should apply to making a further extension at this time.

I have no hard and fast feelings about the matter, and I do not know yet what arguments will be presented in favor of making a further extension for 30 days or for a year or for any other time. I do not know what those arguments are. All I am saying is that at least the Republican leadership is charged with not letting this act expire tonight without making an effort to continue or extend it. Because of that fact we have set the bill down for consideration today.

I should like very much to have the Senate proceed to consider the proposed legislation, because the announcement has been made, and it is the only proposed legislation which it was announced would be before the Senate today, so far as I know, although other measures could be considered either by unanimous consent or by motion, if the Senate so desires. But if we are to have a program and if we are to consider proposed legislation, the Senate must proceed in an orderly fashion.

So I appeal to the Members of the Senate on both sides of the aisle to permit Senate bill 2565 to be considered at this time. After it is taken up, Senators, of course, can do as they please regarding it.

Mr. President, I have great affection and admiration for the distinguished Senator from Arkansas [Mr. FULBRIGHT], and I hope he will comply with my request. Certainly if there is anything that Senators wish to present or have considered in connection with the bill or if there is any debate in which they wish to engage, they can do so after the bill is before the Senate. They can debate the bill today or on Monday or all next week, if that is desired. But it seems to me that the Senate must follow some program. This bill seemed to be an emergency measure, in view of the fact that the act expires tonight; and certainly we should take some action in regard to extending it.

So, Mr. President, once again I ask unanimous consent that the Senate proceed to the consideration of Senate bill 2565, Calendar No. 1212.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. FULBRIGHT. Mr. President, reserving the right to object, let me say I thought I made clear to the Senator from Nebraska why I objected. In objecting, I was performing a task which I had been requested to perform by the Senator from Vermont [Mr. FLANDERS], who, as is well known, has been one of the leading spirits in connection with the housing legislation. He practically rewrote the bill which was passed by the Senate.

I am frank to say that I did not go into all his reasons for making that request of me. I did not know that there was this dead line which would require that the Senate proceed with the bill at this time. The Senator from Vermont requested that I object to the consideration of the bill today because he would have to be out of town today. He is out of town today; he is not now present. He will return next week. I thought there

would be no question in regard to a request for a postponement. I am frank to say that I am not prepared to argue on the merits as to whether the bill should be brought up at this time. But I am obligated to object. I did object because of that request, and I have to make the point of order. Unfortunately, I have no way of getting in touch with the Senator from Vermont at this time, or else I might be able to straighten out the matter. But, Mr. President, under the circumstances I can do nothing else but object. Therefore, I object.

Mr. WHERRY. Mr. President, will the Senator from Arkansas withhold his objection for a moment?

Mr. FULBRIGHT. Yes.

Mr. WHERRY. Let me say that I appreciate the fact that the Senator from Arkansas has accepted the responsibility of making the objection, and he has to keep his word.

Mr. FULBRIGHT. I had no idea that this situation would arise.

Mr. WHERRY. But if matters have reached a point where some Member of the Senate can prevent the carrying out of a necessary program in the Senate merely by objecting to the proposed consideration of an emergency measure, especially after it has been announced that that measure would be taken up, it will simply be impossible to have such necessary matters considered by the Senate.

Mr. FULBRIGHT. I may say to the Senator it is a very common practice for Members on both sides to request the whip to object, in their absence. That happens every day.

Mr. WHERRY. Mr. President, that is true relative to measures which have not been before the Senate and are not on the regular calendar. I agree with the decision of the Chair sustaining the point of order. I have not appealed from the ruling. But I feel this is emergency legislation, and announcement was made last Wednesday concerning its consideration today. Those who have asked that objection be made had conferred with me, and I had told them I would move to take up the bill. They knew that when they left. I say the legislation is important; the act terminates today, and we are charged with responsibility.

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

Mr. WHERRY. I am glad to yield to the Senator from Washington.

Mr. CAIN. Will the Senator from Arkansas tell me, if he can, whether the Senator from Vermont explained to the Senator from Arkansas that title VI, which Senate bill 2565 proposes to extend, actually expires as of midnight today?

Mr. FULBRIGHT. As I said in the beginning, I did not realize the situation and how important action on the bill appears to be. I thought it could be delayed until next week, without difficulty, so I did not inquire into it. But the Senator from Vermont did intimate that it has some bearing upon the fate of the housing bill itself. I assumed, having knowledge of the Senator's great interest in that bill, that he knew, and that he had good reason for his request. It seemed to me at the time to be a very common ordinary thing to do. I did not pin him down; I made no point of it.

I, for other reasons, have made an investigation. I know that many Senators are absent from the Senate today. I therefore thought it would be very easy to have the bill put over, so I did not inquire of the Senator from Vermont, I am frank to say. I regret now that I did not. I had no personal interest in the matter but I feel committed to make the point. That is really my position. I do not know what all the reasons of the Senator from Vermont may be for making the request, but I surmise he thinks the bill has a bearing upon the housing bill which the Senate passed. I assumed that to be so.

Mr. CAIN. Mr. President, will the Senator from Nebraska yield for a brief statement?

Mr. WHERRY. I am glad to yield.

Mr. CAIN. Quite naturally, I hesitate to read or say anything on the floor in the absence of any Member to whom the remarks I am about to quote refer, but I think few more important problems, either of policy or of need, have come before the Senate for a very long time. In support of my contention, I desire to read a brief excerpt, for the benefit and knowledge of each Senator upon the floor, which excerpt comes from a meeting of the Senate Committee on Banking and Currency, of which the Senator from Arkansas and the junior Senator from Washington as well as the Senator from Vermont are members.

The excerpt concerns itself with a problem in which those of us who do not want title VI to expire are tremendously interested. I shall quote only one page:

Senator TOBEY—

As we all know, the Senator from New Hampshire [Mr. TOBEY] is chairman of the Committee on Banking and Currency.

Senator TOBEY. Now Senator FLANDERS has an important matter to present.

Senator FLANDERS. This concerns the question of the extension of title VI. As you remember, we extended it for 2 months, and JESS WOLCOTT wanted it for 1 month. The 1 month expires April 30. This is the middle of the building season, and it ought to be extended another 30 days. It is in the nature at this late date of emergency legislation. I wonder if it would be possible for this committee to vote to put in a second bill with the same wording as the resolution that was passed giving authority to have it introduced tomorrow and ask for unanimous consent to have it passed and sent over to the House.

Senator BRICKER. Pending the passage of permanent legislation.

Senator FLANDERS. That is correct. There would be about $250,000,000 required.

Senator BUCK. I move the adoption of the Senator's resolution.

The CHAIRMAN. You have heard the motion. As many as are in favor say "aye"; those opposed, "no." It is carried.

Mr. President, that is an excerpt from the minutes of an executive session of the Banking and Currency Committee held on Tuesday, April 27, 1948.

That motion carried, and as a result, a definite, positive request was made to have the matter of title VI presented to the Senate, not on Friday, April 30, but on Wednesday, April 28. It is because of the direction of the committee, of which the distinguished Senator from Vermont is a member, that we who want to see title VI extended find it difficult to understand why there could or should be any possible objection to the present consideration of Senate bill 2565.

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

Mr. WHERRY. I yield to the Senator from Arkansas.

Mr. FULBRIGHT. I merely want to say I have no personal objection to this extent: It does not occur to me that the bill could not be passed on Monday, achieving all that would be possible if it were passed today. Many emergency acts have been passed over. Appropriation bills have been passed over, when entire departments have been without money. There are many such illustrations, yet the Government goes on. It did not occur to me to be vital that the bill be passed today. I am not opposed to the extension of title VI, as such, but there are considerations which appear to be sufficiently important in the mind of the Senator from Vermont. He, as I say, together with the Senator from Ohio, has taken the lead in connection with the subject of housing legislation. I naturally assumed he had good reasons for making the request, and I also assumed the Republican leadership would have a certain regard for his request. That is all there is to it.

Mr. WHERRY. Mr. President, if the Senator will permit me to ask a question, now that he has made the objection in good faith, would there be any objection to the junior Senator from Nebraska moving the consideration of the bill?

Mr. FULBRIGHT. I agreed to make the point of order, as a part of the agreement. If the Senator from Nebraska could contact the Senator from Vermont, I should have no objection at all.

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

Mr. WHERRY. I yield to the Senator from New York.

Mr. IVES. I merely rise to raise the question, which I think has already been made clear. As I understand, what the Senator from Vermont objects to is the immediate consideration of the bill (S. 2565), to extend for 30 days one of the titles in the bill (S. 866) which the Senate passed a week ago or more. In Senate bill 866, the entire title was extended for one year, as I recall.

Mr. WHERRY. That is correct.

Mr. IVES. I cannot comprehend why the Senator from Arkansas should object to extending something in the bill for 30 days. I seem to recall that he supported the bill, in which was included the extension for 1 year.

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

Mr. WHERRY. I yield.

Mr. MAYBANK. Mr. President, I should like to make a brief statement since the chairman of the committee is also absent. As a member of the committee I approved the short extension which has been mentioned by the Sena-

tor from Washington. But I should like to ask the Senator from Nebraska a question, which he may not be able to answer. In the event the 30-day extension measure is brought up, is there any assurance to those of us who voted for the housing legislation that the bill may not be amended?

Mr. WHERRY. Mr. President, as I explained in the beginning, I do not know anything about what might happen to the bill in the event it is brought up. What I am interested in, and what I am trying to tell Senators, is simply this: It was announced last Wednesday that the bill would be called up for consideration today. It is necessary that the Senate follow an orderly procedure. I think my good friend from South Carolina will agree with me that I have not sought to bring up the bill without notice. All Members of the Senate knew that it was to be brought up for consideration. To wait until the last minute and then offer an objection to the consideration of a measure designed to extend a law, which, if not extended, would terminate the loaning facilities of the Housing Act, at midnight today, certainly is, I think, unfortunate. Whether the present law will be extended for 30 days or for 1 year, of course I do not know. The Senator from South Carolina has been here longer than I have. I am not here representing the proponents or the opponents of the measure. I am asking the Senator's support and also the support of the Senator from Arkansas. In view of the fact that it was announced that the bill would be called up for consideration, we should be permitted to take up the measure. We can debate it all of next week, if necessary; but certainly it should be brought up today. That is the responsibility of the leadership, because the Act will expire tonight. I do not wish to be responsible for letting it die without making an effort to have it extended.

Mr. MAYBANK. I want again to say to the distinguished Senator that I do not think there is any great objection to agreeing to an additional 30-day extension, as was done previously; but to bring the bill up in the absence of the chairman of the subcommittee, who asked that action be postponed, appears to me to be rather unusual.

Mr. WHERRY. Mr. President, I think it is unnecessary to continue the debate. Either we will bring the bill up or we will not. I think the point of order was well made. It is a fact that this particular piece of legislation has not been on the calendar a full legislative day, althought it was reported last Wednesday, and it was announced that it would be brought up today. I did not anticipate that there would be objection. But since there has been objection made, and since the distinguished Senator has said that if I move to take it up he will make a point of order—and of course the point of order would be sustained—I feel that my responsibility to continue this effort is greater than any other step in procedure. So I now move——

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. WHERRY. Yes; I shall be glad to yield.

Mr. FULBRIGHT. Mr. President, if it be in order, I wonder if the Senator from Washington could tell the Senate whether it is proposed to provide for an extension for 1 year.

Mr. CAIN. Mr. President, I am delighted; in fact, I am enthusiastic over being given an opportunity to state publicly the position of the junior Senator from Washington. The position was explained to the chairman of the Banking and Currency Committee on Wednesday of this week that it would be more proper and effective to extend the loan provisions of title VI for the period of a year rather than for a period of 30 days. I said, in response to a question by the Senator from New Hampshire [Mr. TOBEY] on Wednesday, that if he wanted to secure today unanimous consent to consider the measure, I would propose that suggestion to the Senate through the medium of an amendment, and that I hoped very strongly that it would be agreed to. I do not know how many other Senators will agree with what seems to me to be the soundness of my position, but I think it is wholly and completely less than fair not to have an immediate discussion of the issue involved, because if we do not we shall have failed to keep faith with the builders of the country, for reasons which have not yet come out publicly on the floor of the Senate, by not taking action on a piece of legislation passed by the Senate 30 days ago and which expires at midnight tonight.

Mr. President, I should like to say one more thing to the Senator from Arkansas, for the benefit of other Senators. The Banking and Currency Committee held a meeting on Tuesday of this week, during which, as I have related, the Senator from Vermont [Mr. FLANDERS] asked authority from the committee to ask the next day for unanimous consent to consider the measure. He hoped to have passed the bill extending title VI and have it go to the House. It so happened that the junior Senator from Washington was not in attendance at that meeting. The next morning, Wednesday, April 28, at approximately 10 minutes after the Senate convened at noon, the distinguished Senator from New Hampshire, whom I hold, as he knows, in very high regard, came to me and said, as accurately as I can remember, and I think exactly, this:

HARRY, I shall ask for a unanimous-consent request to consider title VI on which the committee agreed yesterday when you were not present, to extend for a period of 30 days its operation.

The Senator from New Hampshire then said: "Is that all right with you?"

I said, "Mr. Chairman, no." He said, "Why?" I responded that I wanted to raise several questions. I went so far as to tell him what those questions were. I said, "Mr. TOBEY, I am in opposition to extending for 30 days this legislation when we can do a better job through extending it for a year. I want to make that conviction clear to my colleagues in the Senate."

His response was: "Harry, I thought that Senator FLANDERS would handle this matter, but he is not well and has asked me to handle it for him."

That is the end of the conversation. It could not have been more than quarter after or 20 minutes after 12. Had the instruction been given by the committee and been approved, and had action been taken on Wednesday of this week, the act would have been in the hands of the President for signature and there would have been no controversy to the consternation of the builders of America.

Mr. FULBRIGHT. Mr. President, I desire to make my position perfectly clear, in view of the remarks of the Senator from New York [Mr. IVES] as to the merits of the extension. I am in favor of it. The recent observation of the Senator from Washington [Mr. CAIN] has clarified the differences involved. I am guessing that the Senator from Vermont [Mr. FLANDERS] believes that an extension of the act for a year, as the Senator from Washington intends to request through an amendment, would be prejudicial to the housing bill which was passed. I should like to suggest that by unanimous consent the Senate pass an extension for 30 days, and debate a year's extension when the chairman of the subcommittee is present.

Mr. WHERRY. Mr. President, I move that the Senate adjourn, to meet at 1:12 p. m.

Mr. HICKENLOOPER. Mr. President, will the Senator withhold his motion for the purpose of permitting me to introduce a bill?

The PRESIDENT pro tempore. The motion is not debatable. The motion made by the Senator from Nebraska is that the Senate adjourn until 1:12 p. m.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LUCAS. Is a quorum call in order?

The PRESIDENT pro tempore. The Chair thinks so.

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

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

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

Aiken	Holland	O'Mahoney
Ball	Ives	Overton
Brewster	Johnson, Colo.	Pepper
Bridges	Johnston, S. C.	Reed
Brooks	Kilgore	Robertson, Wyo.
Buck	Knowland	Russell
Cain	Langer	Saltonstall
Chavez	Lodge	Stennis
Connally	Lucas	Thomas, Utah
Cordon	McClellan	Thye
Downey	McFarland	Tydings
Eastland	McKellar	Vandenberg
Ecton	McMahon	Watkins
Ferguson	Malone	Wherry
Fulbright	Martin	White
Green	Maybank	Wiley
Gurney	Moore	Williams
Hatch	Murray	Wilson
Hayden	Myers	Young
Hickenlooper	O'Conor	
Hoey	O'Daniel	

The PRESIDENT pro tempore. Sixty-one Senators having answered to their names, a quorum is present.

The question is on agreeing to the motion of the Senator from Nebraska [Mr. WHERRY] that the Senate adjourn until 1 o'clock and 12 minutes p. m.

Mr. MAYBANK. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. WHERRY. I announce that the Senator from Connecticut [Mr. BALDWIN] is absent on account of illness.

The Senator from Ohio [Mr. BRICKER], the Senator from South Dakota [Mr. BUSHFIELD], the Senator from Kentucky [Mr. COOPER], the Senator from New Jersey [Mr. HAWKES], the Senator from Indiana [Mr. JENNER], the Senator from Colorado [Mr. MILLIKIN], and the Senator from West Virginia [Mr. REVERCOMB] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART] is absent because of illness in his family.

The Senator from Missouri [Mr. DONNELL] and the Senator from Oregon [Mr. MORSE] are absent by leave of the Senate.

The Senator from Vermont [Mr. FLANDERS], the Senator from New Jersey [Mr. SMITH], and the Senator from New Hampshire [Mr. TOBEY] are absent on official business.

The Senator from Missouri [Mr. KEM] is absent on official State business.

The Senator from Nebraska [Mr. BUTLER] is unavoidably detained. If present and voting, the Senator from Nebraska would vote "yea."

The Senator from Kansas [Mr. CAPPER], the Senator from Idaho [Mr. DWORSHAK], and the Senator from Wisconsin [Mr. MCCARTHY] are detained on official committee business.

Mr. LUCAS. I announce that the Senator from Kentucky [Mr. BARKLEY], the Senators from Alabama [Mr. HILL and Mr. SPARKMAN], the Senator from Washington [Mr. MAGNUSON], the Senator from Virginia [Mr. ROBERTSON], the Senator from Tennessee [Mr. STEWART], and the Senator from Idaho [Mr. TAYLOR] are absent on public business.

The Senator from Louisiana [Mr. ELLENDER] and the Senator from Rhode Island [Mr. MCGRATH] are absent on official business at Government departments.

The Senator from Virginia [Mr. BYRD] is absent on official business.

The Senator from Georgia [Mr. GEORGE] is absent because of illness in his family.

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

The Senator from Nevada [Mr. MCCARRAN], the Senator from North Carolina [Mr. UMSTEAD], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The result was announced—yeas 44, nays 17, as follows:

YEAS—44

Aiken	Holland	Robertson, Wyo.
Ball	Ives	Russell
Brewster	Johnson, Colo.	Saltonstall
Bridges	Knowland	Stennis
Brooks	Langer	Thye
Buck	Lodge	Tydings
Cain	McClellan	Vandenberg
Cordon	McFarland	Watkins
Downey	Malone	Wherry
Eastland	Martin	White
Ecton	Moore	Wiley
Ferguson	O'Conor	Williams
Gurney	O'Daniel	Wilson
Hickenlooper	Overton	Young
Hoey	Reed	

NAYS—17

Chavez	Johnston, S. C.	Murray
Connally	Kilgore	Myers
Fulbright	Lucas	O'Mahoney
Green	McKellar	Pepper
Hatch	McMahon	Thomas, Utah
Hayden	Maybank	

NOT VOTING—35

Baldwin	Flanders	Revercomb
Barkley	George	Robertson, Va.
Bricker	Hawkes	Smith
Bushfield	Hill	Sparkman
Butler	Jenner	Stewart
Byrd	Kem	Taft
Capehart	McCarran	Taylor
Capper	McCarthy	Thomas, Okla.
Cooper	McGrath	Tobey
Donnell	Magnuson	Umstead
Dworshak	Millikin	Wagner
Ellender	Morse	

So Mr. WHERRY's motion was agreed to, and at 1 o'clock and 11 minutes p. m. the Senate adjourned until 1 o'clock and 12 minutes p. m. the same day.

AFTER ADJOURNMENT

(Legislative day of Friday, April 30, 1948)

The Senate met at 1 o'clock and 12 minutes p. m., under the order previously made.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

Our Father, when trouble comes, we know that we need Thee and then are not ashamed to seek Thy help. May we have the humility and the wisdom to accept Thy help when we seem to need it least, for in that time of confidence we are most likely to blunder.

Keep us all this day. We ask in Jesus' name. Amen.

THE JOURNAL

Mr. MAYBANK. Mr. President, is the Journal of the previous session to be approved?

The PRESIDENT pro tempore. Unfortunately, the Journal is not yet ready for approval.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON WAR CONTRACT TERMINATIONS AND SETTLEMENTS

A letter from the Secretary of the Treasury, transmitting, pursuant to law, the fifteenth quarterly report on war-contract terminations and settlements for the period January 1 to March 31, 1948 (with an accompanying report); to the Committee on the Judiciary.

ALLOCATION OF STEEL AND PIG IRON

A letter from the Acting Attorney General, transmitting, pursuant to law, copies of the voluntary plan covering the allocation of steel and pig iron for the construction of domestic railway freight cars and the repair of railroad rolling stock, and copies of the request for compliance therewith which the Secretary of Commerce has issued to various steel companies, pig-iron producers, contract car builders, railroads and private-car lines, and component parts manufacturers (with accompanying papers); to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

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

S. 1703. A bill for the relief of Lorraine Burns Mullen; with an amendment (Rept. No. 1195);

H. R. 345. A bill for the relief of Ollie McNeill and Ester B. McNeill; without amendment (Rept. No. 1196);

H. R. 1392. A bill for the relief of Mrs. Charlotte E. Harvey; without amendment (Rept. No. 1197);

H. R. 1653. A bill for the relief of Edward W. Bigger; without amendment (Rept. No. 1198);

H. R. 1878. A bill to amend the immigration laws to deny admission to the United States of persons who may be coming here for the purpose of engaging in activities which will endanger the public safety of the United States; with amendments (Rept. No. 1199);

H. R. 1953. A bill for the relief of John F. Reeves; without amendment (Rept. No. 1200);

H. R. 1975. A bill to amend subsection (c) of section 19 of the Immigration Act of 1917 and subsection (a) of section 338 of the Nationality Act of 1940; without amendment (Rept. No. 1201);

H. R. 2000. A bill for the relief of Jeffersonville flood-control district, Jeffersonville, Ind., a municipal corporation; without amendment (Rept. No. 1202);

H. R. 3189. A bill for the relief of Joe Parry, a minor; without amendment (Rept. No. 1203);

H. R. 3566. A bill to amend subsection (c) of section 19 of the Immigration Act of 1917, as amended, and for other purposes; with an amendment (Rept. No. 1204);

H. R. 4129. A bill for the relief of Jerline Floyd Givens and the legal guardian of William Earl Searight, a minor; without amendment (Rept. No. 1205);

H. R. 5137. A bill to amend the Immigration Act of 1924, as amended; without amendment (Rept. No. 1206); and

H. R. 5193. A bill to amend the Nationality Act of 1940; with amendments (Rept. No. 1207).

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

S. J. Res. 76. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; with amendments (Rept. No. 1208).

By Mr. BREWSTER, from the Committee on Interstate and Foreign Commerce:

S. 3. A bill to provide for the training of air-traffic control-tower operators; without amendment (Rept. No. 1209);

S. 2451. A bill to encourage the development of an international air-transportation system adapted to the needs of the foreign commerce of the United States, of the postal service, and of the national defense, and for other purposes; with amendments (Rept. No. 1210); and

H. R. 4892. A bill to amend the act of July 23, 1947 (61 Stat. 409) (Public Law No. 219 of the 80th Cong.); without amendment (Rept. No. 1211).

By Mr. REED, from the Committee on Interstate and Foreign Commerce:

S. 2216. A bill to amend section 205 of the Interstate Commerce Act, relating to joint boards; without amendment (Rept. No. 1212);

S. 2426. A bill to amend the Interstate Commerce Act, as amended; with amendments (Rept. No. 1213);

H. R. 2759. A bill to amend the Interstate Commerce Act, as amended, so as to provide limitations on the time within which actions may be brought for the recovery of undercharges and overcharges by or against common carriers by motor vehicle, common carriers by water, and freight forwarders; without amendment (Rept. No. 1214); and

H. R. 3350. A bill relating to the rules for the prevention of collisions on certain inland waters of the United States and on the western rivers, and for other purposes; with amendments (Rept. No. 1215).

By Mr. REED (for Mr. CAPEHART), from the Committee on Interstate and Foreign Commerce:

S. 1979. A bill directing the Fish and Wildlife Service of the Department of the Interior to undertake certain studies of the soft-shell clam in Rhode Island, Massachusetts, Connecticut, and Maine; with amendments (Rept. No. 1216);

H. R. 107. A bill for the acquisition and maintenance of wildlife management and control areas in the State of California, and for other purposes; without amendment (Rept. No. 1217);

H. R. 3505. A bill authorizing an appropriation for investigating and rehabilitating the oyster beds damaged or destroyed by the intrusion of fresh water and the blockage of natural passages west of the Mississippi River in the vicinity of Lake Mechant and Bayou Severin, Terrebonne Parish, La., and by the opening of the Bonnet Carre spillway, and for other purposes; with amendments (Rept. No. 1218);

H. R. 3510. A bill to authorize the construction, protection, operation, and maintenance of a public airport in the Territory of Alaska; with amendments (Rept. No. 1219);

H. R. 4018. A bill authorizing the transfer of certain real property for wildlife, or other purposes; without amendment (Rept. No. 1220); and

H. R. 4071. A bill to amend sections 301 (k) and 304 (a) of the Federal Food, Drug, and Cosmetic Act, as amended; without amendment (Rept. No. 1221).

By Mr. LANGER, from the Committee on Post Office and Civil Service:

H. R. 4236. A bill to amend the Civil Service Act to remove certain discrimination with respect to the appointment of persons having any physical handicap to positions in the classified civil service; with an amendment (Rept. No. 1222).

By Mr. BRIDGES, from the Committee on Appropriations:

H. R. 6226. A bill making supplemental appropriations for the national defense for the fiscal year ending June 30, 1948, and for other purposes; with amendments (Rept. No. 1223).

ELIMINATION OF POLL TAX IN FEDERAL ELECTIONS—REPORT OF A COMMITTEE

Mr. BROOKS. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the bill (H. R. 29) making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or other election for national officers, and I submit a report (No. 1225) thereon.

The PRESIDENT pro tempore. The report will be received and the bill will be placed on the calendar.

Mr. BROOKS. I ask unanimous consent that the report be not printed until the minority views are filed, and that it then be printed with the majority report, which is to be filed not later than Tuesday, May 4.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, April 30, 1948, he presented to the President of the United States the enrolled bill (S. 2409) to provide revenue for the District of Columbia, and for other purposes.

BILLS INTRODUCED

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

By Mr. IVES:

S. 2590. A bill to amend title X of the Social Security Act, as amended, so as to provide for the encouragement and stimulation of aid to the blind recipients to become wholly or partially self-supporting; to the Committee on Finance.

By Mr. CAIN (by request):

S. 2591. A bill to provide for the acceptance on behalf of the United States of a statue of Gen. Jose Gervasio Artigas, and for other purposes; to the Committee on Public Works.

MRS. MAUD M. WRIGHT AND MRS. MAXINE MILLS

Mr. WILEY. Mr. President, from the Committee on the Judiciary, I report an original resolution providing for reference to the Court of Claims House bill 1226 and Senate bill 1585, for the relief of Mrs. Maud M. Wright and Mrs. Maxine Mills, and I submit a report (No. 1224) thereon.

The PRESIDENT pro tempore. The report will be received, and the resolution will be placed on the calendar.

The resolution (S. Res. 227) was ordered to be placed on the calendar, as follows:

Resolved, That the bills H. R. 1226 and S. 1585, for the relief of Mrs. Maud M. Wright and Mrs. Maxine Mills, with the accompanying papers, are hereby referred to the Court of Claims in pursuance of section 151 of the Judicial Code (28 U. S. C., sec. 257), for such action as the court may take in accordance therewith.

EXTENSION OF TERMS OF OFFICE OF MEMBERS OF ATOMIC ENERGY COMMISSION

Mr. HICKENLOOPER. Mr. President, earlier today I introduced for appropriate reference a bill providing for amendment to the Atomic Energy Act, changing the date of the expiration of the present terms of members of the Atomic Energy Commission from August 1, next, until June 1950. I say that for the information of the Members of the Senate. At a later date I shall undertake to give to the Senate the reasons and justification for the bill.

SPECIAL COMMITTEE TO INVESTIGATE THE NATIONAL DEFENSE PROGRAM—EXTENSION OF TIME TO FILE REPORTS AND MINORITY VIEWS

Mr. HATCH. Mr. President, recently when a majority of the Special Committee to Investigate the National Defense Program filed a report on the Hughes investigation, time was given the minority until today to file minority views. Unfortunately because of the stress of work in the Senate, those of us who desire to file an expression of our views have not had an opportunity to get together and agree upon just what we should submit. Therefore, I ask unanimous consent that we may have until May 15 to file such views.

In connection with the same request, I ask that a like period of time be given the majority of the committee to file, either as a committee or as individuals, any further expression of views they may desire to submit.

In the same request I ask that the Senator from Florida [Mr. PEPPER] be given permission to file minority views on the industrial mobilization report from the same committee, and that he be allowed the same period of time.

Further, I ask that the majority of the committee be given time to file views on the industrial mobilization bill.

The PRESIDENT pro tempore. Is there objection to the multilateral request of the Senator from New Mexico?

Mr. PEPPER. Mr. President, if the Chair will withhold submitting the request, I wish the able Senator from New Mexico would include in his request with respect to the report on industrial mobilization any Members who may wish to file views, because others besides the Senator from Florida might wish to join in the minority views.

Mr. HATCH. I so amend my request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

WHICH PARTY IN 1948?—ADDRESS BY SENATOR O'MAHONEY

[Mr. MYERS asked and obtained leave to have printed in the RECORD an address entitled "Which Party in 1948?" delivered by Senator O'MAHONEY at the Harvard Law School Forum, Cambridge, Mass., April 23, 1948, which appears in the Appendix.]

THE BUILDERS OF THE BOMB—EDITORIAL FROM THE NEW YORK TIMES

[Mr. MYERS asked and obtained leave to have printed in the RECORD an editorial entitled "The Builders of the Bomb," published in the New York Times of April 30, 1948, which appears in the Appendix.]

CONFIRMATION OF ATOMIC ENERGY COMMISSION NOMINEES — LETTER FROM J. H. RUSH

[Mr. MYERS asked and obtained leave to have printed in the RECORD a letter from J. H. Rush, secretary-treasurer, Federation of American Scientists, relating to confirmation of Atomic Energy Commission nominees, published in the New York Times, which appears in the Appendix.]

JEFFERSON-JACKSON DAY ADDRESS BY SENATOR MAGNUSON

[Mr. GREEN asked and obtained leave to have printed in the RECORD a Jefferson-Jackson Day address delivered by Senator MAGNUSON at Phoenix, Ariz., on February 19, 1948, which appears in the Appendix.]

RHODE ISLAND'S VETERAN LAWS

[Mr. GREEN asked and obtained leave to have printed in the RECORD an outline of Rhode Island's laws affecting veterans, their dependents, and organizations, compiled by John P. Riley, department adjutant, Disabled American Veterans, Providence, R. I., which appears in the Appendix.]

THE MINIMUM WAGE—ARTICLE BY LOWELL MELLETT

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "Senate Committee Ponders How Much To Increase Minimum Wage," by Lowell Mellett, from the Washington Star of April 20, 1948, which appears in the Appendix.]

EDUCATIONAL CRISIS—EDITORIAL FROM THE DAILY ATHENAEUM

[Mr. KILGORE asked and obtained leave to have printed in the RECORD an editorial entitled "Educational Crisis," published in the Daily Athenaeum, the West Virginia University student newspaper, which appears in the Appendix.]

A VETERAN'S THANKS FOR TRAINING RECEIVED UNDER THE GI VOCATIONAL TRAINING BILL

[Mr. BUCK asked and obtained leave to have printed in the RECORD a letter from

M. Robert Felton, of Wilmington, Del., expressing his appreciation for training received by him under the GI vocational bill, which appears in the Appendix.]

PRIZE-WINNING SCIENCE STUDENTS HAVE MELTING-POT PARENTAGE—ARTICLE BY SCIENCE SERVICE

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "Prize Winning Science Students Have Melting-Pot Parentage," by Science Service, which appears in the Appendix.]

PROPOSED OFFERING OF KAISER-FRAZER CORP. STOCK—LETTERS FROM SENATOR TOBEY AND KAISER-FRAZER CORP.

[Mr. AIKEN, on behalf of Mr. TOBEY, asked and obtained leave to have printed in the RECORD a letter addressed by Senator TOBEY to Robert K. McConnaughey, Acting Chairman of the Securities and Exchange Commission, and a letter from the Kaiser-Frazer Corp., regarding the proposed offering of Kaiser-Frazer Corp. stock, which appear in the Appendix.]

The PRESIDENT pro tempore. Morning business is closed.

TEMPORARY EXTENSION OF TITLE VI OF THE NATIONAL HOUSING ACT, AS AMENDED

Mr. WHERRY. Mr. President, I now move that the Senate proceed to the consideration of Senate bill 2565, Calendar No. 1212, to provide for a temporary extension of title VI of the National Housing Act, as amended.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Nebraska that the Senate proceed to the consideration of Senate bill 2565, which will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2565) to provide for a temporary extension of title VI of the National Housing Act, as amended.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to, and the Senate proceeded to consider the bill (S. 2565) to provide for a temporary extension of title VI of the National Housing Act, as amended.

The bill is as follows:

Be it enacted, etc., That section 603 (a) of the National Housing Act, as amended, is hereby amended—

(1) by striking out "$5,350,000,000" and inserting in lieu thereof "$5,600,000,000";

(2) by striking out "April 30, 1948" in each place where it appears and inserting in lieu thereof "May 31, 1948."

Mr. CAIN. Mr. President, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDENT pro tempore. Perhaps the Senator from Washington would be willing to have the amendment printed in the RECORD at this point, and explain its contents to the Senate, in lieu of the full reading of the amendment.

Mr. CAIN. That is completely and entirely acceptable, Mr. President.

The PRESIDENT pro tempore. Without objection, the amendment will be printed in the RECORD at this point.

Mr. CAIN's amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the National Housing Act, as amended, is hereby amended, as follows:

"'TITLE VI AMENDMENTS

"'(a) Section 603 (a) is amended—

"'(1) by striking out "$5,350,000,000" and inserting in lieu thereof "$5,950,000,000 except that with the approval of the President such aggregate amount may be increased to not to exceed $6,950,000,000";

"'(2) by striking out "April 30, 1948" in each place where it appears and inserting in lieu thereof "March 31, 1949";

"'(3) by striking out the period and adding a comma and the following: "and that, of the total authorization provided in this subsection, not less than $800,000,000 shall be made available for the insurance of mortgages on rental properties under section 608, and not less than $200,000,000 shall be made available for the insurance of mortgages on multifamily dwellings under section 603, on which commitments for insurance are issued subsequent to March 31, 1948."

"'(b) Section 603 (b) (5) is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: *"Provided,* That the Administrator, with the approval of the Secretary of the Treasury, may prescribe by regulation a higher maximum rate of interest, not exceeding 4½ percent per annum on the amount of the principal obligation outstanding at any time, if he finds that the mortgage market demands it."

"'(c) Section 608 (b) (3) (B) is amended by striking out the semicolon and the word "and" at the end of the first proviso and inserting in lieu thereof a colon and the following: *"And provided further,* That the principal obligation of the mortgage shall not, in any event, exceed 90 percent of the Administrator's estimate of the replacement cost of the property or project on the basis of the costs prevailing on December 31, 1947, for properties or projects of comparable quality in the locality where such property or project is to be located; and."

"'(d) (1) Section 608 (b) (3) (C) is amended by striking out "$1,500 per room" and inserting in lieu thereof "$8,100 per family unit";

"'(2) Section 608 (b) (3) (C) is amended by striking out the colon and the proviso and inserting in lieu thereof a period.

"'(e) Section 609 is amended—

"'(a) By striking out all of paragraph (1) of subsection (b) and inserting in lieu thereof the following:

"'"(1) The manufacturer shall establish that binding purchase contracts have been executed satisfactory to the Administrator providing for the purchase and delivery of the houses to be manufactured, which contracts shall provide for the payment of the purchase price at such time as may be agreed to by the parties thereto, but, in no event, shall the purchase price be payable on a date in excess of 30 days after the date of delivery of such houses, unless not less than 20 percent of such purchase price is paid on or before the date of delivery and the lender has accepted and discounted, or has agreed to accept and discount, pursuant to subsection (i) of this section a promissory note or notes, executed by the purchaser, representing the unpaid portion of such purchase price, in which event such unpaid portion of the purchase price may be payable on a date not in excess of 180 days from the date of delivery of such houses."

"'(b) By striking out the first and second sentences of paragraph (4) of subsection (b) and inserting in lieu thereof the following:

"'"The loan shall involve a principal obligation in an amount not to exceed 90 percent of the amount which the Administrator estimates will be the necessary current cost, exclusive of profit, of manufacturing the houses, which are the subject of such purchase contracts assigned to secure the loan, less any sums paid by the purchaser under said purchase contracts prior to the assignment thereof. The loan shall be secured by an assignment of the aforesaid purchase contracts and of all sums payable thereunder on or after the date of such assignment, with the right in the assignee to proceed against such security in case of default as provided in the assignment, which assignment shall be in such form and contain such terms and conditions, as may be prescribed by the Administrator; and the Administrator may require such other agreements and undertakings to further secure the loan as he may determine, including the right, in case of default or at any time necessary to protect the lender, to compel delivery to the lender of any houses then owned and in the possession of the borrower."

"'(c) By adding at the end of subsection (f) the following new sentence: "The provisions of section 603 (d) shall also be applicable to loans insured under this section and the reference in said section 603 (d) to a mortgage shall be construed to include a loan or loans with respect to which a contract of insurance is issued pursuant to this section."

"'(d) By adding at the end thereof the following new subsection:

"'" (i) (1) In addition to the insurance of the principal loan to finance the manufacture of housing, as provided in this section, and in order to provide short-term financing in the sale of houses to be delivered pursuant to the purchase contract or contracts assigned as security for such principal loan, the Administrator is authorized, under such terms and conditions and subject to such limitations as he may prescribe, to insure the lender against any losses it may sustain resulting from the acceptance and discount of a promissory note or notes executed by a purchaser of any such houses representing an unpaid portion of the purchase price of any such houses. No such promissory note or notes accepted and discounted by the lender pursuant to this subsection shall involve a principal obligation in excess of 80 percent of the purchase price of the manufactured house or houses; have a maturity in excess of 180 days from the date of the note or bear interest in excess of 4 percent per annum; nor may the principal amount of such promissory notes, with respect to any individual principal loan, outstanding and unpaid at any one time, exceed in the aggregate an amount prescribed by the Administrator.

"'"(2) The Administrator is authorized to include in any contract of insurance executed by him with respect to the insurance of a loan to finance the manufacture of houses, provisions to effectuate the insurance against any such losses under this subsection.

"'"(3) The failure of the purchaser to make any payment due under or provided to be paid by the terms of any note or notes executed by the purchaser and accepted and discounted by the lender under the provisions of this subsection, shall be considered as a default under this subsection, and if such default continues for a period of 30 days, the lender shall be entitled to receive the benefits of the insurance, as provided in subsection (d) of this section except that debentures issued pursuant to this subsection shall have a face value equal to the unpaid principal balance of the loan plus interest at the rate of 4 percent per annum from the date of default to the date the application is filed for the insurance benefits.

"'"(4) Debentures issued with respect to the insurance granted under this subsection shall be issued in accordance with the provisions of section 604 (d) except that such debentures shall be dated as of the date application is filed for the insurance benefits and shall bear interest from such date.

"'"(5) The Administrator is authorized to fix a premium charge for the insurance granted under this subsection, in addition to the premium charge authorized under subsection (h) of this section. Such

premium charge shall not exceed an amount equivalent to 1 percent of the original principal of such promissory note or notes and shall be paid at such time and in such manner as may be prescribed by the Administrator."

"'(f) Section 610 is amended by adding at the end thereof the following new paragraph:

"'"The Administrator is further authorized to insure or to make commitments to insure in accordance with the provisions of this section any mortgage executed in connection with the sale by the Government, or any agency or official thereof, of any of the so-called Greenbelt towns, or parts thereof, including projects, or parts thereof, known as Greenhills, Ohio, Greenbelt, Md., and Greendale, Wis., developed under the Emergency Relief Appropriation Act of 1935, or of any of the village properties under the jurisdiction of the Tennessee Valley Authority, and any mortgage executed in connection with the first resale, within 2 years from the date of its acquisition from the Government of any portion of a project or property which is the security for a mortgage insured pursuant to the provisions of this section."

"'(g) Title VI is amended by adding after section 610 the following new section:

"'"SEC. 611. (a) In addition to mortgages insured under other sections of this title, and in order to assist and encourage the application of cost-reduction techniques through large-scale modernized site construction of housing and the erection of houses produced by modern industrial processes, the Administrator is authorized to insure mortgages (including advances on such mortgages during construction) which are eligible for insurance as hereinafter provided.

"'"(b) To be eligible for insurance under this section, a mortgage shall—

"'"(1) have been made to and be held by a mortgagee approved by the Administrator as responsible and able to service the mortgage properly;

"'"(2) cover property, held by a mortgagor approved by the Administrator, upon which there is to be constructed or erected dwelling units for not less than 25 families consisting of a group of single-family or 2-family dwellings approved by the Administrator for mortgage insurance prior to the beginning of construction: *Provided*, That during the course of construction there may be located upon the mortgaged property a plant for the fabrication or storage of such dwellings or sections or parts thereof, and the Administrator may consent to the removal or release of such plant from the lien of the mortgage upon such terms and conditions as he may approve;

"'"(3) involve a principal obligation in an amount—

"'"(A) not to exceed 90 percent of the amount which the Administrator estimates will be the value of the completed property or project, exclusive of any plant of the character described in paragraph (2) of this subsection located thereon; and

"'"(B) not to exceed a sum computed on the individual dwellings comprising the total project, as follows:

"'"(i) $8,100 or 90 percent of the valuation, whichever is less, with respect to each single-family dwelling; and

"'"(ii) $12,500 or 90 percent of the valuation, whichever is less, with respect to each two-family dwelling.

"'"With respect to the insurance of advances during construction, the Administrator is authorized to approve advances by the mortgagee to cover the cost of materials delivered upon the mortgaged property and labor performed in the fabrication or erection thereof;

"'"(4) provide for complete amortization by periodic payments within such term as the Administrator shall prescribe and shall bear interest (exclusive of premium charges for insurance) at not to exceed 4 percent per annum on the amount of the principal obligation outstanding at any time: *Provided*, That the Administrator, with the approval of the Secretary of the Treasury, may prescribe by regulation a higher maximum rate of interest, not exceeding 4½ percent per annum on the amount of the principal obligation outstanding at any time, if he finds that the mortgage market demands it. The Administrator may consent to the release of a part or parts of the mortgaged property from the lien of the mortgage upon such terms and conditions as he may prescribe and the mortgage may provide for such release.

"'"(c) Preference or priority of opportunity in the occupancy of the mortgaged property for veterans of World War II and their immediate families and for hardship cases as defined by the Administrator shall be provided under such regulations and procedures as may be prescribed by the Administrator.

"'"(d) The provisions of subsections (c), (d), (e), and (f) of section 608 shall be applicable to mortgages insured under this section."

"'TITLE II AMENDMENTS

"'(h) Section 203 (b) (2) (B) is amended by striking out "$5,400" and inserting in lieu thereof "$6,300."

"'(i) Section 203 (b) (2) (C) is amended—

"'(1) by striking out "$8,600" and inserting in lieu thereof "$9,500";

"'(2) by striking out "$6,000" in each place where it appears and inserting in lieu thereof "$7,000";

"'(3) by striking out "$10,000" and inserting in lieu thereof "$11,000".

"'(j) Section 203 (b) is amended by striking out in paragraph numbered (3) the following: "of the character described in paragraph (2) (B) of this subsection" and inserting in lieu thereof the following: "on property approved for insurance prior to the beginning of construction".

"'(k) Section 203 (b) is amended as follows:

"'(1) By striking out the period at the end of paragraph (2) (C), inserting in lieu thereof a comma and the word "'or", and adding the following new paragraph:

"'"(D) not to exceed $6,000 and not to exceed 90 percent of the appraised value, as of the date the mortgage is accepted for insurance (or 95 percent if, in the determination of the Administrator, insurance of mortgages involving a principal obligation in such amount under this paragraph would not reasonably be expected to contribute to substantial increases in costs and prices of housing facilities for families of moderate income), of a property, urban, suburban, or rural, upon which there is located a dwelling designed principally for a single-family residence the construction of which is begun after March 31, 1949, and which is approved for mortgage insurance prior to the beginning of construction: *Provided*, That the Administrator may by regulation provide that the principal obligation of any mortgage eligible for insurance under this paragraph shall be fixed at a lesser amount than $6,000 where he finds that for any section of the country or at any time a lower-cost dwelling for families of lower income is feasible without sacrifice of sound standards of construction, design, and livability: *And provided further*, That with respect to mortgages insured under this paragraph the mortgagor shall be the owner and occupant of the property at the time of the insurance and shall have paid on account of the property at least 10 percent (or 5 percent, in the case of a 95 percent mortgage insured pursuant to this paragraph (D)) of the appraised value in cash or its equivalent, or shall be the builder constructing the dwelling in which case the principal obligation shall not exceed 85 percent of the appraised value of the property."

"'(2) By striking out the period at the end of paragraph numbered (3), and adding a comma and the following: "or not to exceed 30 years in the case of a mortgage insured under paragraph (2) (D) of this subsection."

"'(3) By striking out the period at the end of paragraph No. (5) and adding a comma and the following: "or not to exceed 4 percent per annum in the case of a mortgage insured under paragraph (2) (D) of this subsection."

"'(l) (1) Section 203 (c) is amended (1) by striking out in the last sentence the words "section or section 210" and inserting in lieu thereof the word "title"; and (2) by striking out in said sentence (i) the words "under this section", and (ii) the following: "and a mortgage on the same property is accepted for insurance at the time of such payment,".

"'(2) Section 603 (c) is amended by striking out in the next to the last sentence the following: "and a mortgage on the same property is accepted for insurance at the time of such payment,".

"'(m) Section 204 (a) is amended—

"'(1) by striking out, in the last sentence, the following: "prior to July 1, 1944,";

"'(2) by inserting between the first and second provisos in the last sentence the following: "*And provided further*, That with respect to mortgages which are accepted for insurance under section 203 (b) (2) (D) or under the second proviso of section 207 (c) (2) of this act, there may be included in the debentures issued by the Administrator on account of the cost of foreclosure (or of acquiring the property by other means) actually paid by the mortgagee and approved by the Administrator an amount, not in excess of two-thirds of such cost or $75 whichever is the greater:".

"'(n) (1) Section 207 (b) is amended by amending paragraph No. (1) to read as follows:

"'"(1) Federal or State instrumentalities municipal corporate instrumentalities of one or more States, or limited dividend or redevelopment or housing corporations restricted by Federal or State laws or regulations of State banking or insurance departments as to rents, charges, capital structure, rate of return, or methods of operation; or."

"'(2) Section 207 (c) is amended by amending the first sentence to read as follows:

"'"(c) To be eligible for insurance under this section a mortgage on any property or project shall involve a principal obligation in an amount—

"'"(1) not to exceed $5,000,000, or, if executed by a mortgagor coming within the provisions of paragraph No. (b) (1) of this section, not to exceed $50,000,000;

"'"(2) not to exceed 80 percent of the amount which the Administrator estimates will be the value of the property or project when the proposed improvements are completed, including the land; the proposed physical improvements; utilities within the boundaries of the property or project; architects' fees; taxes and interest accruing during construction; and other miscellaneous charges incident to construction and approved by the Administrator: *Provided*, That, except with respect to a mortgage executed by a mortgagor coming within the provisions of paragraph No. (b) (1) of this section, such mortgage shall not exceed the amount which the Administrator estimates will be the cost of the completed physical improvements on the property or project, exclusive of public utilities and streets and organization and legal expenses; and

"'"(3) not to exceed $8,100 per family unit for such part of such property or project as may be attributable to dwelling use."

"'(o) (1) Section 207 (h) is amended by striking out, in paragraph No. (1), the

words "paid to the mortgagor of such property," and inserting in lieu thereof the following: "retained by the Administrator and credited to the Housing Insurance Fund."

"'(2) Section 204 (f) is amended by inserting in clause No. (1), immediately preceding the semicolon, the following: "if the mortgage was insured under section 203 and shall be retained by the Administrator and credited to the Housing Insurance Fund if the mortgage was insured under section 207."

"'TITLE I AMENDMENTS

"'(p) Section 2 is amended:

"'(1) by striking out "$165,000,000" in subsection (a) and inserting in lieu thereof "$175,000,000";

"'(2) by striking out "$3,000" in subsection (b) and inserting in lieu thereof "$4,500";

"'(3) by striking out the first proviso in the first sentence of subsection (b) and inserting in lieu thereof the following: *"Provided*, That insurance may be granted to any such financial institution with respect to any obligation not in excess of $10,000 and having a maturity not in excess of 7 years and 32 days representing any such loan, advance of credit, or purchase made by it if such loan, advance of credit, or purchase is made for the purpose of financing the alteration, repair, improvement, or conversion of an existing structure used or to be used as a hotel, apartment house, dwelling for two or more families, hospital, orphanage, college, or school:".

"'(4) by striking out the last sentence of subsection (b).

"'SEC. 2. In order to aid housing production, the Reconstruction Finance Corporation is authorized to make loans to and purchase the obligations of any business enterprise for the purpose of providing financial assistance for the production of prefabricated houses or prefabricated housing components, or for large-scale modernized site construction. Such loans or purchases shall be made under such terms and conditions and with such maturities as the Corporation may determine: *Provided*, That to the extent that the proceeds of such loans or purchases are used for the purchase of equipment, plant, or machinery the principal obligation shall not exceed 75 percent of the purchase price of such equipment, plant, or machinery: *And provided further*, That the total amount of commitments for loans made and obligations purchased under this section shall not exceed $50,000,000 outstanding at any one time, and no financial assistance shall be extended under this section unless it is not otherwise available on reasonable terms.

"'SEC. 3. The Servicemen's Readjustment Act of 1944, as amended, is hereby amended by inserting immediately after section 510 thereof the following new section:

"'"INCONTESTABILITY

"'"SEC. 511. Any evidence of guaranty or insurance issued by the Administrator shall be conclusive evidence of the eligibility of the loan for guaranty or insurance under the provisions of this title and of the amount of such guaranty or insurance, except that nothing in this section shall preclude the Administrator from establishing, as against the original lender, defenses based on fraud or material misrepresentation, and except that the Administrator shall not, by reason of anything contained in this section, be barred from establishing, by regulations in force at the date of such issuance or disbursement, whichever is the earlier, partial defenses to the amount payable on the guaranty or insurance."

"'SEC. 4. The Servicemen's Readjustment Act of 1944, as amended, is hereby amended by striking out the period at the end of section 500 (b) and inserting in lieu thereof the following: *"And provided further*, That the Administrator, with the approval of the Secretary of the Treasury may prescribe by regulation a higher maximum rate of interest than otherwise prescribed in this section for loans guaranteed under this title, but not exceeding 4½ percent per annum if he finds that the loan market demands it."

Amend the title so as to read: "A bill to amend the National Housing Act, as amended."

Mr. CAIN. Mr. President, as every Senator knows, the National Housing Act has had included within it a provision which has been known as title VI. Title VI loans have covered in the past, as they are covering today, multiple unit construction. The passage of a bill similar to this some several weeks ago resulted in stimulating the building of housing by private builders for the benefit of persons without homes, and with particular benefit to veterans.

Title VI of the National Housing Act was to have expired on March 31, 1948. The Banking and Currency Committee held hearings on the desirability of continuing the loan privileges, which had been desirable for the building industry. As a result of those considerations the Senate passed a bill which extended the privileges of title V of the National Housing Act for a period of 30 days, beginning on the day following the expiration of title VI and continuing until midnight, April 30, 1948.

The Senate now concerns itself with the desirability of reextending the loan privileges of title VI for yet another 30 days. What the junior Senator from Washington has done has been to send to the desk an amendment which in fact only constitutes an action which the Senate itself took on April 22, 1948. Senate bill 2565, as introduced under the name of the Senator from New Hampshire [Mr. TOBEY] provides for an extension of title VI privileges for 30 days in the amount of $250,000,000. The amendment proposed by the junior Senator from Washington is in fact title I in its entirety of Senate bill 866, which the Senate passed on the 22d day of April, which immediately thereafter went to the House of Representatives, and on which hearings will be held beginning the first of next week.

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

Mr. CAIN. I yield.

Mr. PEPPER. I am trying to ascertain what the situation is. As I understand, title VI of the National Housing Act expires tonight.

Mr. CAIN. At midnight tonight.

Mr. PEPPER. The bill now pending proposes to extend title VI for 30 days.

Mr. CAIN. That is precisely correct.

Mr. PEPPER. The able Senator from Washington has proposed an amendment to the bill to extend title VI for 1 year.

Mr. CAIN. For 1 year, in the amount of $1,600,000,000, as agreed to in the bill so recently passed by the Senate, Senate bill 866.

Mr. PEPPER. A few days ago the Senate passed the bill known as the Taft-Ellender-Wagner bill, and sent it to the House. That bill provided a rather comprehensive approach to the entire subject of housing, including public housing, sometimes called slum clearance, containing provisions for rural housing insisted upon by the Senate, and containing provisions for Federal housing under the Federal Housing Administration, and perhaps other aspects of housing. As I understand, that bill also carried a year's extension for title VI. Is that correct?

Mr. CAIN. The Senator is quite correct.

Mr. PEPPER. If the Senator will further yield, some of us are anxious to further the entire housing program. We are for all of it. We think it is very essential in the public interest. We are told that if we pass a piecemeal bill such as this, although we are for it, the practical effect will probably be to retard consideration by the Congress and the enactment into law of the comprehensive housing program known as the Taft-Ellender-Wagner bill. I wonder if the Senator will be good enough to comment upon that fear which many of us seriously entertain.

Mr. CAIN. I shall comment on the point which the distinguished Senator from Florida has just made, to the extent that I can.

We hear rumors in Congress on every conceivable subject. Among such rumors there is one to the effect that there are serious opponents in the House of Representatives of what is known as public housing. Feeling strongly on that subject, those Members will undoubtedly do everything they can to defeat the passage of the legislation, because they do not believe in it. But I see no necessary relationship between the extension of title VI as a separate measure, for very good, sound reasons, and the entirety of the Taft-Ellender-Wagner bill to which the Senator has so ably referred.

Mr. PEPPER. If the Senator will further yield, following the same line of inquiry, if the bill, which the Senator from Washington now proposes to amend, were enacted, title VI would be extended for 30 days, and the operation of that very salutary provision of the housing law might be continued. Is it not also probable that during that 30-day period, with the consciousness that we are drawing relatively near the end of the session, progress might be made upon the comprehensive bill, namely, the Taft-Ellender-Wagner bill, by our sister body; and would we not stand a chance of having the entire subject perhaps more effectively dealt with than if we began to pass measures piecemeal to deal with segments of the subject for as long as a year, as the amendment of the able Senator from Washington proposes to do?

Mr. CAIN. If there were no sound reason for having separate legislation on the subject of title VI, I would agree with the distinguished Senator from Florida. However, I shall attempt—I hope briefly—to prove that there is cause for the Senate to pursue the course called for by the amendment which has just been sent to the desk.

I think it has become singularly clear during the very brief debate we have already had on this subject that those who today oppose a consideration of the problem, those who voted against bringing the measure up at this time, are exceedingly concerned because of a deep-seated fear that to remove the privileges of title VI from Senate bill 866 would place the remaining large portions of

that bill in jeopardy. I cannot say for certain, by any means, that that will happen, but I like to think that even those who thus far have opposed consideration of the proposal to amend the bill which is now before the Senate by including title I of Senate bill 866 will find it possible to study on its merits what I hope to say from now on.

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

Mr. CAIN. Certainly.

Mr. IVES. I gather from what the Senator from Washington has said regarding the fate of Senate bill 866, to which he has been referring, that there is some chance that the passage of that bill will be jeopardized by the approval at this time of the 1-year extension of title VI of the National Housing Act, which the Senator from Washington now proposes in his amendment. Would the Senator from Washington go so far as to admit that perhaps that would very likely be the fate of Senate bill 866 if a 1-year extension is granted in this instance?

Mr. CAIN. Mr. President, the Senator from New York pays me an exceedingly high compliment in assuming that I can judge, first, what the House committee will do and, second, what the entire House of Representatives will do. I do not think it would be reasonable for me to make an assumption regarding a matter about which I actually know nothing.

Mr. IVES. Will the Senator further yield?

Mr. CAIN. Certainly.

Mr. IVES. The junior Senator from New York merely raises the question because he realizes that the Senator from Washington is far more familiar with the situation as it pertains to this bill than is the junior Senator from New York, and the junior Senator from New York thought that perchance the distinguished Senator from Washington might have some definite ideas with respect thereto.

However, I realize that no one can anticipate what our sister body of the Congress will do in this connection; but it seems to me that this is a direct attempt to sabotage Senate bill 866. I would never go so far as to charge the distinguished Senator from Washington with an attempt to sabotage anything of the kind, but history rather comes to my mind in this instance, and I recall very well that he himself endeavored to take the public-housing provision out of Senate bill 866; and he did not approve, I seem to remember, of Senate bill 866 as it now stands. He recognizes very thoroughly that this particular portion of Senate bill 866 is most necessary and that, if the remainder of Senate bill 866 goes by the board, the country may be able to get along, even though not too well.

So, Mr. President, in the face of the evidence we have before us and in the face of the record, the junior Senator from New York is most suspicious in connection with the motion now being made by the distinguished Senator from Washington, although the junior Senator from New York desires to inform the distinguished Senator from Washington that he has an absolute and complete respect for the integrity of the distinguished Senator from Washington.

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

Mr. CAIN. I prefer to respond first to the junior Senator from New York, if the Senator from South Carolina will permit me to do so.

With reference to the feeling the junior Senator from New York has and his confidence in the integrity of the junior Senator from Washington, I am most grateful, particularly because the distinguished junior Senator from New York and I have been and will continue to be the very best of good friends.

I hope to allay some of the suspicions of the junior Senator from New York concerning the motives which lie behind the amendment I have submitted. The Senator from New York remembers most correctly that the junior Senator from Washington attempted to have deleted from Senate bill 866 its title which covered public housing. But the Senator from New York overlooks the reasons which were stated by me at the time when I sought to have that action taken.

I wish to say to the Senator from New York that I thought then, and I most certainly continue to believe now, that the subject of public housing is a subject and a problem in itself, and that it ought to stand and must stand on its own feet; and if as a result of an examination of it as a single and particular question, it is found not to be deserving of passage by the Congress, I, for one, think it would be deserving of its fate.

Today I seek for other reasons—reasons which at least are my own—to benefit the people of the United States, to benefit the builders of the United States, and to do what little I can to help in doing a competent job within the instrumentalities provided by the Senate. Question normally and naturally is raised as to why we wish to have an extension of 1 year made, when the bill before us calls for an extension of 30 days. I think I stated that title I of Senate bill 866 calls exactly for what the amendment offered by the junior Senator from Washington calls, and for what it is intended to accomplish.

I have related some history because I think the pending legislation has some historical importance. I have before me the CONGRESSIONAL RECORD of March 24, 1948, which concerns itself with the debate on the first 30-day extension. Today we are concerning ourselves with doing again what we did then so rapidly and so hastily and for what appeared to be reasonable reasons, as set forth in the CONGRESSIONAL RECORD.

On that date, the Senator from Ohio [Mr. TAFT] inquired of the President pro tempore whether the Senator from Vermont would yield. The Senator from Vermont [Mr. FLANDERS] said, "I yield to the Senator from Ohio."

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

Mr. CAIN. I am glad to yield.

Mr. MAYBANK. A short time ago the distinguished Senator from Washington said that any Senators who voted against having the Senate take up this bill at this time no doubt were fearful that perhaps this was the so-called heart of the Taft-Ellender-Wagner bill.

Mr. CAIN. No; the Senator from Washington said he thought those who were opposed to a consideration of this measure today were fearful that the public housing bill would fail of passage in the House of Representatives if title VI were removed.

Mr. MAYBANK. I should like to say that is exactly what I fear. As has been stated, the chairman of the Banking and Currency Committee, the Senator from New Hampshire [Mr. TOBEY], and the Senator from Vermont [Mr. FLANDERS] are not present today.

Title VI of the 1946 act expired on March 31, and it was not renewed until May, although in March I used my every effort to prevent its expiring. But no great damage was done by that lapse in 1946. The conferees on the part of the House and the conferees on the part of the Senate worked hard to have the renewal made, and no great harm was done by the delay. So I anticipate that no great harm will be done if there is a delay of the matter today. I may say that, as is well known, in the absence of title VI the necessary funds could be obtained from title II.

I wish to say that the Senator from Washington is eminently correct in his expression of fears, and I myself am fearful that those fears are justified, and that what is feared may develop into a reality.

Mr. CAIN. Mr. President, the Senator is particularly anxious to have title VI extended; is he not?

Mr. MAYBANK. Of course I am anxious to have it extended for a period of 30 days.

Mr. CAIN. The Senator from South Carolina wishes to have it extended by tonight; does he not?

Mr. MAYBANK. Yes, I wish to have it extended for 30 days, but not for 1 year. An extension for 1 year will seriously impair the prospects of passage of the bill now before the House of Representatives, in my opinion.

Mr. CAIN. Today the Senate will decide whether to grant an extension for 30 days or for 1 year or for a portion thereof.

Mr. MAYBANK. The Senator will admit, will he not, that although in the committee an extension for 1 year was discussed, nevertheless the positive action taken by the committee was for an extension of 30 days?

Mr. CAIN. Indeed I do recall that.

Mr. MAYBANK. So an attempt is being made at this time to circumvent that action, and to have the Senate make an extension for 1 year, although the chairman of the committee is not now present and the Senator from Vermont, one of those who have been particularly interested in the subject, is not now present, and although in the past, in connection with title VI of the 1946 act, a lapse of time which occurred between the expiration of that act and its renewal or extension caused no particular harm.

Mr. CAIN. I have anything but a desire to be discourteous to anyone, either here or anywhere else, but the absence of the two Senators to whom the Senator from South Carolina refers cannot, from my considered point of view, be

important on this issue. I endeavored to say, in the presence of the Senator from South Carolina, I think, this morning, that the chairman of the Committee on Banking and Currency evidenced to me his desire on Wednesday morning to bring the matter to an issue. In the face of several very friendly but significant questions, the Senator has found it necessary, for reasons best known to himself, to be absent from the session of the Senate today. We are discussing, as I hope the Senator from South Carolina will agree, a matter of national importance.

Mr. MAYBANK. Mr. President, I heard what the Senator said. I repeat, the question was not voted on in committee, except with respect to the 30-day extension. A similar situation existed in 1946, when the act had expired. There was a lapse of 1 month, yet no great damage was done.

Mr. CAIN. If I may add a further word at this point, I have been happy to admit that so far as I know no consideration was given in the committee in recent days to a proposal to extend title VI for a year. The extension which was agreed to by those members of the committee who were present at the time, was an extension for 30 days only.

Mr. MAYBANK. That is correct.

Mr. CAIN. However, I emphasize the fact that the committee by its own action last Tuesday directed those whom it charged with bringing the matter to a conclusion, to proceed to do so on Wednesday, 2 days ago. The one statement, from my point of view, offsets the other.

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

Mr. CAIN. I am glad to yield to the Senator from Illinois.

Mr. LUCAS. The Senator has mentioned the absence of the Senator from New Hampshire, chairman of the Committee on Banking and Currency. The Senator has also stated that the committee frequently discussed extending title VI for a period of 30 days. If I may inquire, did the Senator from New Hampshire know the Senator from Washington intended to bring up the pending amendment?

Mr. CAIN. Today?

Mr. LUCAS. Yes.

Mr. CAIN. He did not know I was going to bring it up today, but he knew I intended to bring it up on Wednesday, when he asked me, if the proposed legislation was acceptable to me.

Mr. LUCAS. In other words, is it correct to say that on Wednesday, the Senator from New Hampshire, who is today absent, knew that if the legislation were brought up on Wednesday, the Senator from Washington intended to propose an amendment?

Mr. CAIN. On Wednesday, I would say, or on any other day.

Mr. LUCAS. That is, an amendment to extend it for 1 year?

Mr. CAIN. Yes.

Mr. LUCAS. Let me ask the Senator the further question, in line with the inquiry by the Senator from New York a moment ago. May I ask the Senator whether he believes that, if the amendment is agreed to extending public housing title VI for 1 year, it will be of assistance in the matter of the Taft-Ellender-Wagner bill which is now in the House of Representatives?

Mr. CAIN. I most certainly do not.

Mr. LUCAS. That is what I thought. I thank the Senator.

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

Mr. CAIN. I am glad to yield to the Senator from Pennsylvania.

Mr. MYERS. I listened to the colloquy between the Senator from New York and the Senator from Washington. I understood the Senator from Washington in his reply to a question by the Senator from New York who inquired whether the Senator from Washington knew what action the House of Representatives might take on the housing bill, in the event the pending amendment was agreed to, to say he did not know, and could not, of course, speak for the House committee.

Mr. CAIN. Yes.

Mr. MYERS. In view of what happened a little earlier today, might I suggest that the Senate again recess or adjourn for 10 or 15 minutes, and that the Senator from Washington confer with the chairman of the House Committee on Banking and Currency, who is present in the Senate Chamber. It may be the Senator from Washington could then advise the Senate better as to what the action of the House committee would be.

Mr. CAIN. As the junior Senator from Washington understands the situation, each Member of the Senate is a free agent. I am today concerning myself primarily and completely, if possible, with the reasons for extending title IV for a year, instead of for 30 days. I hold no brief whatever for the proposition, nor do I think it reasonable to assume, that the deletion of title VI from one bill, in order to put it into effect today, has of necessity an adverse effect on other legislation, which legislation in my opinion is deserving of no consideration, if it is not strong enough to stand on its own feet as a separate measure.

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

Mr. CAIN. I yield.

Mr. MYERS. I understand the Senator's point, but I wanted to suggest, since the Senator from Washington was unable to answer the question propounded by the Senator from New York, that if the Senator adopted my suggestion, he might very well be able to report back to the Senate the opinion of the House Committee on Banking and Currency with regard to the effect which the acceptance of this amendment might have on the housing bill now in the House committee. We could adjourn or recess for a few moments. My good and very able friend, the chairman of the House Committee on Banking and Currency, is in the Senate Chamber. The Senator from Washington could confer with him and then report back to the Senate and give the Senate a definite and unequivocal answer to the question propounded previously by the Senator from New York.

Mr. CAIN. It would seem reasonable for me to suggest to my very good friend, the Senator from Pennsylvania, that he is apparently curious about the answer to the question that was propounded to me. If the Member of the House, to whom the Senator from Pennsylvania refers, is in the Senate Chamber, although I do not happen to have seen him myself, I see no necessity for considering either an adjournment or a recess. I would encourage the Senator from Pennsylvania to endeavor to obtain an answer to his own question. I think it has no bearing on what those of us who believe in extending title VI for 1 year are endeavoring to do.

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

Mr. CAIN. I yield.

Mr. MYERS. I think it has, of course, a real bearing, because I understood the Senator from Washington, a moment ago, in his reply to the question propounded by the Senator from Illinois, to say in effect that the adoption of the pending amendment extending title VI for 1 year would have a real and profound effect upon the legislation now in the House of Representatives, namely, the housing bill.

Mr. CAIN. I think that is a fair position. The bill before the House, if deleted, by its title I would be a different bill from what it would be without the deletion of title I, which necessarily would either accelerate or minimize interest in that legislation.

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

Mr. CAIN. The Senator from Pennsylvania would not expect me to predict what is actually going to happen to legislation over which the Senate has no control.

Mr. MYERS. I think I would; I would expect the Senator to be able to give a fair answer to that. But may be infer that there is in the Senator's mind no doubt that if title VI is extended for one year, there will be much less likelihood of the housing bill being passed by the House?

Mr. CAIN. The Senator has asked the question a great many times. To the best of my ability, I would answer by saying I think there would be less chance of passage of certain of the remaining portions of Senate bill S. 866, though, as I have tried to indicate, that is not my concern at the moment in connection with the pending question.

Mr. MYERS. I understand.

Mr. CAIN. Mr. President, it would seem very fair and reasonably important to begin now, and it will not take very long, to endeavor to justify the amendment which has been sent to the desk, calling for an extension of 1 year rather than for 30 days. When the proposal to extend title VI for 30 days first came to the floor of the Senate, certain Senators took exception to that method of doing business. They explained their reasons therefor, and I merely want the RECORD to be very clear on it. I feel justified in going back to the RECORD made at that time, because from my point of view we are attempting to do something carelessly within 30 days after we said our justification for a 30-day extension was that we wanted to be very careful and precise and thorough in our approach to title VI, having regard to the future.

The Senator from Ohio [Mr. TAFT] having asked the Senator from Vermont [Mr. FLANDERS] to yield, on the basis of the latter's request for a unanimous-consent agreement to consider a 30-day extension, said, referring to the Committee on Banking and Currency:

Mr. TAFT. Does the committee have a House bill continuing title VI?

Mr. FLANDERS. It has a House bill continuing title VI, which, on hasty examination—

Hasty examination—

seems to be a good bill, but there is no possibility of our committee giving it consideration within the deadline.

The colloquy took place on the 24th of March.

The Senator from Ohio said:

The deadline is the 31st of March, is it not?

The Senator from Vermont replied:

The 31st of March.

Mr. TAFT. I have no objection.

Mr. HAWKES. Mr. President, I understand that the House bill, which the Senator says appears to be a good bill, had only 1 day of hearings, and was passed very quickly by a unanimous-consent vote. Is that correct?

The Senator from Vermont replied:

That is what I have heard.

The Senator from New Jersey [Mr. HAWKES] said—and I think it is reasonably important—

If that be so, I am very strongly opposed to taking hasty steps and foregoing consideration for the House proposal. I am not at all in favor of extending for 60 days the provisions of the present act. If there be any possibility of having a hearing—and there are some 4 or 5 days within which hearings could be held—it seems to me we owe to the House the courtesy of considering the bill which it has passed. If it be agreeable to the Senate, it will become law and we shall have accomplished something, instead of trying to push the proposed legislation ahead for another 60 days without knowing very much about it.

The Senator from Vermont replied as follows:

I would say to the distinguished Senator from New Jersey that the calendar of the Banking and Currency Committee is such that it is impossible to give the amount of consideration we should give to the bill in the time remaining before the act expires.

The Senator from Vermont continued:

Mr. President, my suggestion is for the purpose of avoiding haste. I wonder if, from that point of view, the Senator from New Jersey would withdraw his objection.

The Senator from New Jersey saw fit not to withdraw his objection, but in the colloquy the junior Senator from Alabama [Mr. SPARKMAN] had this to say:

Mr. President, I am of the opinion that the request which the Senator from Vermont has made meets exactly the objection which has been made. We are simply proposing to extend the provision of the law for 60 days in order that we may be able to go into the matter more thoroughly, rather than to take up the bill which the House has so quickly passed. The power runs out on March 31, and we are simply asking for a 60-day extension in order to have time to study the whole problem more thoroughly.

As a result of Senate action, authorization for an extension of 30 rather than 60 days was granted. It seemed at that time to be the consensus of opinion among the Members of the Senate that 30 days would give the Banking and Currency Committee sufficient time within which carefully and thoughtfully to consider the House bill and take the necessary action with reference to it. There was an assertion made by a considerable number of Senators that we should not, if it could be possibly avoided, pass legislation on important or any other topics for 30-day periods when we had the ability to pass more permanent legislation.

In the course of the past 30 days the Banking and Currency Committee has given some casual consideration to the bill which the House passed, House bill 5854. I have been told by the junior Senator from Virginia [Mr. ROBERTSON] that he had made the suggestion to the chairman of the Banking and Currency Committee that both a 30-day extension request and the House bill approved by the Banking and Currency Committee would be reported favorably to the floor. For reasons unknown to me, no official and formal action within the committee has at any time been taken on the House bill which has been before the committee for consideration for a period of approximately 6 weeks. We are now faced with a question of pure policy. Do we want to do again what we have on previous occasions said we did not want to do, namely, pass a measure extending for 30 days existing legislation when, at the same time and coinciding with our action, we have, through title I of Senate bill 866, decreed that title VI, providing loans to the extent of $1,600,000,000, should be continued for the next year? All it means, it seems to me, is that we shall be doing unnecessarily what will obviously be done through the passage of the title I portion of Senate bill 866 by the House at some undeterminable date in the future.

I think I am but one of a number of Senators who feel it is improper for the Senate not to give the builders and purchasers of buildings the consideration to which we have already determined they are entitled under the provisions of Senate bill 866, in which we have said to builders everywhere: "You can so plan your coming operations as to know that loans will be extended against any risks for a period of a year, and $1,600,000,000 has been made available for that purpose."

Where are we as of this moment? Every Senator's office and every Representative's office is and has been for the past few days receiving telephone calls inquiring, "What will Congress do about extending title VI? Will Congress act, or will it not?"

If we take action on Senate bill 2565 as unamended, if there is no likelihood of passing that measure tonight—and there seems to be no likelihood of it—we are saying as of tomorrow morning that "for the next 30 days you can plan your operations for the future, but we can give you no strong, sturdy assurance that you shall be protected through loan extensions after that time, or in any particular form."

I think it should be said particularly for the record that I have had occasion during the course of the past few days to talk to the Speaker of the House of Representatives, Mr. MARTIN; the majority leader, Mr. HALLECK; and the chairman of the Banking and Currency Committee of the House, Mr. WOLCOTT, regarding this problem. They, individually and collectively, have authorized me to say that, first, they believe in an extension of title VI for a period of 1 year; secondly, that they will do everything they can this afternoon, and they think they will be successful, to have Senate bill 2565 passed by the House, as amended by the Senate if the amendment recently offered by the junior Senator from Washington shall prevail. It could be done rather easily in this way: We have before us Senate bill 2565 to which an amendment has been offered. If the amendment prevails, and if the bill as amended passes, it will be proper, under the circumstances of today, to ask that the Committee on Banking and Currency of the Senate be discharged from the further consideration of House bill 5854, following which, if the discharge shall be granted, it will be possible to call up House bill 5854 and so amend it as to include within that bill the entire provision of title I of Senate bill 866, which the Senate, by a strong vote, passed on the 22d day of April 1948.

Mr. President, I think very little more of a constructive character can be said on this subject, because a number of Senators will make their decision on the basis of whether or not they think, as they themselves have stated, that the public housing provisions of S. 866 will be imperiled if title I of that bill shall be removed. I think no Senator will, nor could he safely deny that it would be much better for the American people and the American builder if we would do for the latter this afternoon and tonight what we have in a piece of legislation which has not yet been considered by the House of Representatives told him we were going to do at some date in the future. I think the passage of Senate bill 2565, as amended, by including the title VI provisions included within Senate bill 866, would be a further stimulus to the building of homes, and that we would find people generally grateful and appreciative of the action being taken in their interest by their Congress.

There can be no single ground of justification for not extending title VI for a year, except, first—and I admit it is a very large consideration, and that this again is the fear—that to do something which is undeniably logical will hold in peril the consummation of a desire for public housing believed in by a number of Senators within this body. If they feel so strongly as not to do what I think is the more logical thing because they are likely, from their point of view, to lose a chance of establishing a furtherance of public housing, I necessarily could not quarrel with their vote, though as an individual I could deny the logic which resulted in that vote.

To recapitulate in just a word, an amendment has been offered to S. 2565 which seeks to continue for a period of a year, and in the amount of $1,600,000,000, the loan privileges of title VI, which will expire tonight at midnight in the absence of legislative action. No one in this Chamber can quarrel either

with the period in question or the amount of money, because, after a long, thoroughgoing debate, the Senate itself agreed to those particular terms.

The difference between the amendment and the bill as it is before the Senate is the difference between 30 days and $250,000,000 and 1 year and $1,600,000,000.

I do not want to be misunderstood in what I have related covering my conversations with the distinguished Members of the House of Representatives. As I have indicated, they have suggested that their bill, if amended, would be accepted by the House some time during this day without request for a conference and could be sent to the President. They necessarily have given me no assurance, nor could they, that if we pass a bill today, either amended or without amendment, which had not previously been before the House of Representatives the bill would not be objected to, or that it would be passed by the House in time to go to the President tonight.

In my considered opinion, if a reasonable, logical way to meet the deadline which the proponents of the amendment seek to meet can be found, we should necessarily pass the legislation.

One word further. I hope the amendment will prevail as proposed; but if it does not, for the very clearest reasons in the world, I shall, with no tinge of possible regret, vote for the bill as reported to the Senate on Wednesday last by the Senator from New Hampshire [Mr. TOBEY].

Mr. AIKEN. Mr. President——

The PRESIDING OFFICER (Mr. YOUNG in the chair). Does the Senator from Washington yield to the Senator from Vermont?

Mr. CAIN. Certainly.

Mr. AIKEN. I should like to ask the distinguished Senator from Washington whether his amendment was proposed to the committee and acted upon by the committee before Senate bill 2565 was reported to the Senate.

Mr. CAIN. The only way in which I can answer that is to say that the committee has had before it for about 5 weeks a House bill which in substance is exactly what my amendment is, extending the term for a period of a year, and containing an amount, roughly, of $1,600,000,000. The committee did not have before it the amendment which I have offered.

Mr. AIKEN. May I ask whether the Senator from Vermont [Mr. FLANDERS] and the Senator from New Hampshire [Mr. TOBEY] were aware that the Senator from Washington was going to offer this amendment today?

Mr. CAIN. Not in the exact form, perhaps, in which it is offered, but the Senator from New Hampshire took the matter up with me on Wednesday, and I told him, in answer to his suggestion that he was going to press for passage of the legislation, that I, being in favor of a 1-year extension, would do what I could on the floor of the Senate to make that certain.

Mr. AIKEN. I thank the Senator.

Mr. CAIN. I have had no conversations with the Senator from Vermont.

SENATOR TAFT AND THE REPUBLICAN RECORD

Mr. TYDINGS. Mr. President, sometimes we hear from our good friends on the other side of the aisle the statement that should President Truman for any reason not be nominated at the coming Democratic convention, it would be a repudiation of the leadership of the party, and therefore the party would say, in effect, that it repudiated its record over the last 4 years.

Mr. President, we Democrats are quite accustomed to having internal differences. I cannot remember many periods during which we have had what might be called party unity. There is always a large segment of the Democratic Party which seems to be in disagreement on some particular proposal. That is more or less a constant characteristic of the Democratic Party. But what I cannot understand is the position of our good friends on the other side of the aisle when the same philosophy is turned around and applied to them, for the record that the Republican Party has made for the last 2 years in this body, and pretty much in both bodies, has been due primarily to the leadership of Senator ROBERT A. TAFT, of Ohio. He is the man who has sponsored most of the controversial legislation which has passed this body. He has on this side of the aisle, although we are not of the same political complexion, many great admirers, for I have never seen a man in my service in Congress with more industry than the Senator from Ohio has shown in the 2 years he has been largely in control of the legislation coming before this body.

Nor are there any of the elements of the political demagogue in the Senator from Ohio. I have a very high regard for his mental integrity and for his willingness to buck the stream for what he believes to be best for the country. But what I cannot understand is that if this record which we hear so much about, and which we will hear more about from time to time, which is largely the record made under the leadership of the Senator from Ohio, and a great deal of which carries his personal imprint, is to be the basis for changing parties in the White House and for a continuance of Republican control in the Congress, how in the name of goodness the Senator from Ohio can be repudiated on the one hand and the record which he alone more than any other Republican in Congress has made can be upheld upon the other.

The most controversial act, or at least one of the most controversial acts, to be discussed in the next election is the Taft-Hartley Labor Act, which bears the name of the great Senator from Ohio. Certainly if this act, which will be given as one of the reasons why the Republican Party should be placed in control of at least two branches of the Government, the executive and the legislative, is to be used as an argument for the placing of the Republican Party in control of those two branches of government, then why repudiate the man whose courage and industry and ability put it on the statute books? Yet I understand that has been done in several States. It was not done in Wisconsin, but it was in Nebraska, I believe, and now I understand the great leader of the Republican Party is actually being attacked in his own home State of Ohio—the man who made this great record upon which Mr. Stassen hopes to run, upon which Mr. Warren hopes to run, upon which Mr. Dewey hopes to run, upon which General MacArthur perhaps hopes to run. The record made by ROBERT A. TAFT, which is to be used as the great reason why the Republican Party is to be returned to power in the coming election, is to be repudiated in the national convention by, perchance, the nomination of someone who had little or no part in the making of the record.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER (Mr. CAIN in the chair). Does the Senator from Maryland yield to the Senator from New Mexico?

Mr. TYDINGS. I yield.

Mr. HATCH. Is the Senator satisfied that these distinguished gentlemen are seeking to reap where the Senator from Ohio has sown?

Mr. TYDINGS. It looks as if the Senator from Ohio has to do pretty much of the work, run the corporation, conduct the business, accumulate the surplus, and the nonworking stockholders come in and receive all the dividends. [Laughter.]

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

Mr. TYDINGS. I yield to the Senator from California.

Mr. KNOWLAND. I want to apologize to my able friend from Maryland, because I came into the Senate Chamber after he had begun his address, and as a result may not have realized its entire significance. I do not know whether my able colleague is now proposing to nominate the candidate for the Republican Party on the floor of the Senate, or whether perhaps some of the southern Democrats, not feeling at home in their own party, are now moving over into ours?

Mr. TYDINGS. It looks to me as if nearly all the Republicans are feeling out of place in their party because they are all repudiating, in one State after another, the man who has made the record for them here in the Senate during the past 2 years.

Here is the Taft-Hartley Labor Act, one of the great issues in this campaign. One of the things for which a large segment of the Republican Party has been contending for years is that the Wagner Labor Act should be amended, and the Senator from Ohio, with his usual industry, with his integrity, and with his conviction, threw his personality into the breach and drove the Taft-Hartley Act through Congress. Yet, having made this great effort, when the time comes to pin the decoration of service well performed on the breast of the leading Republican, we find BOB TAFT is not called forward, but a man who had nothing to do with it is preferred in one State, several men who had nothing to do with it are preferred in another State, and the Senator from Ohio, who made

this record, receives no consideration whatsoever.

Take the tax reduction bill, which is another one of the keystones in the arch of the Republican record. BOB TAFT is on the Finance Committee. Except for the chairman, the distinguished Senator from Colorado [Mr. MILLIKIN], BOB TAFT had more to do, in my opinion, with the writing of the tax reduction bill than any other Republican or Democrat in this Chamber.

Mr. President, after he put over the Taft-Hartley Act and the tax-reduction measure, which almost bears his name, one would think the Republican Party would be walking toward him with open arms, for I cannot imagine two things that most Republicans who contribute to the campaign fund would rather see done than have the Wagner Labor Act amended, on the one hand, and have tax reduction, on the other hand. That is two home runs out of one time at bat almost. Yet when this great man, who has made this record, comes before the voters of the different States he runs second or third or fourth. And even now he has to fight to carry his home State.

Then, too, it is said that there is another great issue to which the party on the other side of the aisle will point, and that is the new housing program, the W-E-T bill, the Wagner-Ellender-Taft housing bill. Again we find the name of this great industrious Republican Senator tacked onto this bill as another part of the record. Yet in spite of that, the man who is making the record, who is going to save the necks, if they are saved, of more men at the other end of the Capitol and in this body in the next election, than all the other candidates put together, for whatever issues they have, BOB TAFT has made for them, is being repudiated in every State of the Union. Republicans are repudiating the man who has stood in this Chamber and worked until he has commanded the admiration of every Senator in this body regardless of party for his integrity. We all recognize his political integrity. It is second to that of no other man in either branch of Congress. Yet having made that record, the man who made the record is to be repudiated by the mass of Republican voters over the country, if what has happened up to this time is a criterion. Talk about Harry Truman being repudiated by his own party. At least Harry has a few States.

We come to another great reform—education. Again the name of BOB TAFT is attached to that bill. He is a man who has met all comers head-on. He stood on this floor and fought to give greater educational benefits to those who have not had educational privileges. If it had not been for the Senator from Ohio, that bill would not have got as far out as the closet in the room of the committee which deals with educational matters. That will be one of the things that will be pointed to. Again, it bears the label of the great Ohio Republican, ROBERT A. TAFT; and yet he is likely to be repudiated in his own State, or at least some parts of it, for all those who are going to take the credit for this record, which is more the work of ROBERT A. TAFT than of any other Republican in the country, are trying to take every vote they can away from him. It is necessary for a Democratic Senator to rise on the floor of the Senate and tell the truth about the record on which the Republicans are going before the country next November. All the Senators on the other side of the aisle are going to take credit for this record. Who made it? BOB TAFT made more of it than any 10 other men in the Republican Party in either branch of the Congress.

I am becoming worried. When you go into the field of Federal housing and the field of public education, you are getting over into the New Deal field. I thought you gentlemen hated this bureaucracy, this New Deal with all its thousands of employees who were like locusts eating up the substance of the taxpayers. But, praise be, you are not in power a single year before you come forward with two bills, on housing and education, which between them embrace, in one way or another, $8,000,000,000. There is your New Deal. Good gracious. The present administration has been called a spend-thrift administration. Only yesterday a billion dollars more than Truman wanted was voted by the Republican-controlled Appropriations Committee. Truman tried to save a billion dollars, and you gentlemen came along with an extra billion dollars.

You have a salary-increase bill which will cost about one and a half billion dollars more. I am advised that that is to go through—this being election year—before we return home in late June. You have a $200,000,000 veterans' increase bill, which I am also informed must go through. When we add all those together, unless there is a great deal more prosperity than is now apparent, you are going to wind up with a deficit, and before long you fellows will have to go before the country as the deficit-spending party, because every man here who is honest knows that without a record-breaking prosperity, with the expenditures we now have you will have to restore the taxes which you reduced this election year, or you will have a deficit in the Treasury.

But that is all incidental. I have seen you getting more and more over on the New Deal side with the Federal Housing bill and with the Federal Education bill. I thought Roosevelt was the man who stood for such things as that. You fellows raised cain while he was doing it; and you have not been under the tent more than 10 minutes before you are riding the camel of Federal beneficence out through the main door, with more things, and on a bigger scale than Franklin Delano Roosevelt, the New Deal prophet, ever conceived of in his wildest dreams. He had to get ready for a war. He had a depression on his hands; but you are doing this in the midst of the most prosperous year the country has ever had. You are spending money like water, with everyone working. That is an entirely different situation from spending money when people are hungry and jobless, and banks are closed.

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

Mr. TYDINGS. I yield.

Mr. LUCAS. What the Senator says bears out the statement in the New York Times of April 23, 1948, under the caption "Taft says Stassen seems New Dealer." This dispatch is from Steubenville, Ohio. The Senator from Ohio said:

> I have rather been amused by Mr. Stassen's claim here that the general sentiment is that he wants the support of the people because he is more liberal than I am. So far as I am concerned, my policies are exactly those of the Republican majority in Congress.

I thought the Senator would be interested in that statement.

Mr. TYDINGS. The Senator from Illinois knows, every other Member of this body knows, and every member of the press gallery knows, that the man who has had most to do with making the record of the Republican Party since it has been in control of both Houses of Congress for the past 2 years has been the senior Senator from Ohio, Robert A. Taft. That statement involves no disrespect to any one at all. His industry challenges the admiration of all of us on both sides of the aisle. Even his bitterest enemy would be glad to say that he is not a demagogue. He has an intellectual integrity—whether one agrees with his political philosophy or not—that is exceptional in high public office or low public office.

He is the man who has made the record. As I say, he will do more to save the necks of Senators and Representatives of the Republican party on the stump next fall than any other 25 Republicans in America put together. But, lo and behold, that poor devil who has carried water to the elephant until he has nearly broken his right arm must go back on the hustings in Ohio and fight for the handful of Ohio delegates.

I am not against Mr. Truman. I am taking no position for the time being. But Republicans have been saying that if we do not put up Mr. Truman we shall repudiate the leadership of our party. Good Lord! You are repudiating yours in homeopathic doses from Maine to California.

I feel sorry—and I say this with no irony—for BOB TAFT. I have watched him work. He is a real worker. I have watched him take socks on both sides of the political jaw because of the measures which he has espoused, and I have seen him fight and put them through, for the most part, one after another. I have seen him exhibit some vision, which has caused me occasionally to look at him twice, because it seemed to me that he was getting out of the conservative pasture and straying over into New Deal acreage. But even so, his record is the record of the Republican Party—to whatever extent the Republican Party has a record—and yet that hard-working, industrious man, with such great political integrity, must go back on the stump in Ohio and try to defend his own bailiwick from the encroachments of someone who had nothing to do with the record made here in the past 2 years.

I do not know how you gentlemen can meet in Philadelphia and nominate anyone except Senator ROBERT A. TAFT, for he, more than any other man in this Congress, has made the record for the Republican Party. You ought to be proud of it and take it at its face value and sell it to the country, and not repudiate the man who has carried you up and given you a glimpse of the Promised Land.

REHABILITATION OF CERTAIN WORKS OF FORT SUMNER IRRIGATION DISTRICT, NEW MEXICO—MOTION TO RECONSIDER

Mr. HATCH. Mr. President, on the 14th of January the Senator from Texas [Mr. CONNALLY] entered a motion to reconsider the votes by which House bill 3834 had passed the Senate. That was a bill to authorize a project for rehabilitation of certain works of the Fort Sumner irrigation district in New Mexico. Since that time, the motion has been pending and is now pending, undisposed of.

It had been my hope that the Senator from Texas would withdraw his motion and would let the measure go to the President for signature. As yet, the Senator from Texas has not seen fit to do so. I may say here that I have informed the Senator from Texas of what I propose to do today. I regret that he is not now on the floor of the Senate.

Mr. President, time is passing. If any action is to be taken on this bill or on this motion at this session of the Congress, it must be taken shortly. I cannot sit here and allow this measure, which is of such supreme importance to a very small district in my State, to die with the close of this session of the Congress without making every effort to have the matter finally determined and passed on.

Therefore, I now give notice to the leadership on both sides of the aisle that at the earliest possible moment I shall ask that this motion be heard and considered by the Senate. I assure the Senate that it will not take a great while to consider the motion. I think probably an hour's debate on each side should finally dispose of it. But the matter is of such importance that I must give this notice, and I trust that the leadership will provide an early opportunity to consider and dispose of the motion to reconsider.

THE PACKING-HOUSE WORKERS STRIKE

Mr. JOHNSON of Colorado. Mr. President, out of order I ask unanimous consent to submit a resolution and request its appropriate reference. The resolution is not long, and I desire to read it into the RECORD, and then to follow the reading of it with some remarks explaining the resolution and the purpose I have in presenting it.

The resolution reads as follows:

Whereas 80,000 packing-house workers represented by the United Packinghouse Workers of America, are in their seventh week of a strike against the Big Four meat packing companies—namely, Armour, Swift, Cudahy, and Wilson—to secure what they deem to be a decent living wage for themselves and their families; and

Whereas the packers refused and the union accepted a proposal by the Federal Mediation Board and the Conciliation Service to arbitrate this wage dispute; and

Whereas the packers have refused point blank to consider the union's further suggestion that a joint study be made by the union and the packers as to the economic needs of the workers; and

Whereas the collective-bargaining processes between the contending parties have broken down completely; and

Whereas the even flow of livestock to market has been disrupted by the strike at a serious financial loss to the livestock industry and the consuming public generally; and

Whereas legislative agencies did settle the recent coal miners' dispute by direct action: Therefore be it

Resolved, That the Senate Committee on Labor and Public Welfare examine the facts surrounding this controversy, and, if they find that a stalemate exists, they demand that the packing companies and the United Packinghouse Workers submit their differences for arbitration to an impartial agency whose findings would be binding upon both parties.

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

The resolution (S. Res. 228) was referred to the Committee on Labor and Public Welfare.

Mr. JOHNSON of Colorado. Mr. President, for the past 7 weeks, in their struggle for a decent living wage, these 80,000 packing-house workers have been striking. In my opinion, they had, and have, much justification for taking such arbitrary action.

From the very outset of their wage negotiations these workers have been faced with blunt refusals by the packers to seriously consider their needs or to seek a peaceful means by which to settle their dispute.

It is to the everlasting credit of these workers, who are represented by the United Packinghouse Workers of America, that they sought every possible avenue to avoid taking strike action and later, when the strike got under way, to terminate their walk-out through continued negotiations or to submit to impartial arbitration.

The packing companies, on the other hand, consistently have refused to seriously engage in collective bargaining with the union or to consider the proposal by the Government that the union and the packers arbitrate the dispute. It is in the light of these considerations that I am firmly convinced that the packers are more concerned with smashing the union of their employees than they are with reaching a fair and equitable settlement.

Mr. President, I desire to read at this time a short editorial written by Bruce Gustin, and published in the Denver Post of April 26 of this year. It is in regard to the rioting which took place in Kansas City, Kans., and which was instigated by the police force itself. The editorial reads as follows:

President Truman acted with commendable vigor to end the coal strike. He should employ the same policy to stop the meat strike. Certainly a walk-out of packing-house workers, with all the violence which has resulted, imperils the national health and safety. So far as economic damage is concerned, the coal strike was more serious than the meat strike. But the latter has been productive of more violence.

The Federal Government has an unusual responsibility in this meat strike. It has a normal duty to prevent interruptions of interstate commerce. Because the Federal Government has encouraged and promoted and favored the development of labor unions, it has an obligation to protect the public against their excesses.

Kansas City, Kans. police made a disgraceful spectacle of themselves last Friday. Breaking up a picket line which had been interfering with office employees of a packing plant was within their province. But when they invaded CIO headquarters and "cleaned it out" they went beyond the bounds of reason and lawful authority. No matter what their provocation, their resort to hoodlumism and savagery cannot be condoned. In goading police officers with insults, strikers were asking for trouble. But the skull-cracking tactics employed in Kansas City, Kans., are not the only nor the proper police method for dealing with such a situation.

Mr. Bruce Gustin is an editor whom I have followed for a great many years. He does not have too much sympathy with the labor element; in fact he has very little sympathy with strikers, and on most occasions he really "gives them the business." But in this editorial he is protesting against what the police in Kansas City, Kans., did. After breaking up the picket lines, which action, according to Mr. Gustin, perhaps was proper, the police then went to the union hall, where those men were accustomed to assemble, and there the police did their skull cracking, and they made no distinction between the sexes. Women who were in that hall, a place where they had every right to be, were dealt with severely and many of them had to go to the hospital. The constitutional rights of assembly were interfered with on that occasion.

In the course of their meetings with the companies and with responsible Government officials, the union has either offered or indicated its willingness to use eight different approaches which would have made this disastrous strike unnecessary or, if once started, would have resulted in its quick termination. All those suggestions were summarily rejected by the companies.

The eight offers are:

First. An acceptance of a proposal by the Federal Mediation and Conciliation Service to arbitrate the dispute. The union expressed its willingness to accept an impartial judgment as to whether its request for an increase of 29 cents an hour was fair and equitable or whether the companies' offer of 9 cents or some intermediate amount in between was justified.

Second. The union reduced its wage proposals from 29 cents to 19 cents, which proves its conciliatory attitude.

Third. The union offered to withdraw its wage proposals and to make a contract which would guarantee to all employees in each week they worked a minimum of the average wage which the companies claimed their employees were earning.

Fourth. The union offered to engage in a joint study with the companies in an effort to determine the economic needs of the packinghouse workers, and agreed to be bound by the findings of that study.

Fifth. The union accepted the proposal by the Federal Mediation Service that an attempt be made to negotiate a

settlement of the current dispute and to extend the contract beyond its present reopening date of August 11, 1948.

Sixth. The union advised the companies that it would agree to take a secret ballot as to the willingness of the employees to accept the 9 cents offer, on the condition that the companies would be willing to negotiate above that amount if the offer were rejected.

Seventh. The union proposed that the board of inquiry appointed by the President to investigate the facts of the meat-packing strike, be converted into a private arbitration tribunal.

Eighth. The union accepted a suggestion by Mr. E. Howard Hill, president of the Iowa Farm Bureau Federation, that a tripartite board arbitrate the dispute.

The eight proposals, I submit, give ample proof of the union's sincere efforts to work out a peaceful settlement. This labor organization, while never losing sight of distressing economic needs of its members, in my opinion, has attempted to discharge its full responsibility to the general public, and particularly the farmers.

The United Packinghouse Workers are deeply cognizant of the effects the strike has upon the livestock raisers and feeders of the Nation. Two weeks prior to calling the strike, the union, through the press, radio, and widely circulated pamphlets, advised the farmers as to the strike date, cautioning them that they should adjust their shipments to prevent possible loss.

The packing companies, on the other hand, have not shown similar consideration for the farmers and feeders. As a result, many farmers have suffered heavy losses when they shipped their livestock to packing plants which were shut down. One disastrous incident occurred on the week end of April 17–18, when particularly flamboyant claims were made by the struck companies that their plants would open on the Monday of that week. Livestock shipments to the packing centers were heavy, and when it was found that the plants were unable to operate, the farmers suffered serious losses. Prices for hogs on that day dropped from $1 to $10 a hundredweight on that market.

A significant development in this strike is the growing support the union is receiving from heretofore neutral farm organizations. In response to a suggestion from Mr. E. Howard Hill, president of the Iowa Farm Bureau Federation, the union has declared that it is willing to submit its dispute to arbitration by a three-man board, one to be selected by the companies, one by the union, and the third to be selected by these representatives. This proposal was flatly turned down by the packing companies.

From my home State of Colorado and other areas with extensive feeding operations there is a rising demand for arbitration. The traditional allegation that farmers are inherently hostile to the wage struggles of urban workers is dramatically denied by the response of individual farmers and farm group leaders for impartial action to be taken in this prolonged and costly dispute. The union has announced its willingness; it is now up to the packers to show their good faith.

The packing-house workers' fight for improved wages has great merit. Although they are employed in one of the most profitable industries in this country, their wage scale is relatively low. More than two-thirds of the workers receive $1.10 an hour or less. One-third of all the workers receive $1.02 an hour or less. On the basis of yearly earnings the packing-house workers in the past year received an average total of $2,180. Many of the workers received substantially less.

This yearly average is $700, or 25 percent, less than the city worker's family budget, prepared by the Bureau of Labor Statistics, needed by a family with one child in order to meet the minimum living requirements. Many of the packing-house workers have families with more than one child and their economic distress is therefore greater than the average.

It is this concern for the welfare of the packing-house worker's family on which the union based its proposal for 29 cents an hour wage increase. In view of the needs of the workers and the ability of companies to pay this increase, the union's request is a modest one. The 29-cent amount was calculated as necessary to bring wage rates of at least one-third of the packing-house workers up to budget minimums of the BLS study for a family with one child. According to the budget, a family with one child needs an income of $1.39 an hour in order to meet the minimum requirements. Twenty-nine cents added to the $1.10 rate of the upper third of packing-house workers would bring their income into the range of this requirement.

The attitude of the meat-packing companies toward the men and women who by their labor made these profits possible was well demonstrated at the recent fact-finding hearings conducted by the President's board of inquiry. At these hearings, representatives of the companies repeatedly told the board that they cannot be concerned with the budgetary problems of the workers.

The board thought otherwise. Their report to the President stated:

> Summing up the union's case, a budget approach to wage determination is not invalid or unprecedented. The union could properly offer it for consideration as a criterion for resolving this dispute. If all questions of policy in the application of the budget were resolved in favor of the union, an increase of more than 29 cents could be justified. Making other determinations of policy, less favorable but arguable, an increase of more than 9 cents but less than 29 cents would be justified.

Elsewhere in the report, the board noted the widespread recognition of the budgetary principle enunciated in 1920 in the award and recommendations of the Bituminous Coal Commission, that "every industry must support its workers in accordance with the American standard of living."

> In the present dispute—

The board continued—

> the United Packing House Workers of America has selected the city worker's family budget as its immediate goal in seeking to achieve an "American standard of living."

Immediately after receiving the report, the President directed the union and the companies to resume negotiations on the basis of findings by the board. The board's report for all practical purposes was, to the companies, merely a scrap of paper. They refused to enter into any discussion with the union which would amount to collective bargaining.

This is a fight for a living wage. The union has sufficient confidence in its position that it is willing to submit to an impartial judgment which would be final and binding. The companies have refused to arbitrate, negotiate, or in any way bring about a just and quick settlement, and so the strike continues.

I believe that Congress should examine the motives and purposes of the four large packing companies in maintaining a condition which brought about this strike. Furthermore, I believe we should examine the reasons behind the persistent refusal by the packers to settle this dispute, either through direct negotiations and collective bargaining, or mediation, or perchance, through arbitration.

This conflict has brought about serious economic loss to the farmers, the meat-packing companies, the packing-house workers, and the consumers.

It is for these reasons that I have today offered this resolution. I believe the Senate Committee on Labor and Public Welfare can settle this strike now.

COMMITTEE MEETING DURING SENATE SESSION

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Small Business Committee of the Senate be permitted to meet during this afternoon's session.

The PRESIDENT pro tempore. Without objection, permission is granted.

CALL OF THE ROLL

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

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

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

Aiken	Holland	Myers
Ball	Ives	O'Conor
Bridges	Knowland	Robertson, Wyo.
Brooks	Lucas	Stennis
Cain	McFarland	Thomas, Utah
Chavez	McKellar	Thye
Ecton	Martin	Vandenberg
Ellender	Maybank	Wiley
Ferguson	Moore	
Gurney	Murray	

The PRESIDENT pro tempore. Twenty-eight Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. CORDON, Mr. DWORSHAK, Mr. FULBRIGHT, Mr. GREEN, Mr. HOEY, Mr. JOHNSON of Colorado, Mr. JOHNSTON of South Carolina, Mr. MCCLELLAN, Mr. O'MAHONEY, Mr. REED, Mr. RUSSELL, Mr. SALTONSTALL, Mr. TYDINGS, Mr. WHITE, and Mr. YOUNG answered to their names when called.

The PRESIDENT pro tempore. Forty-three Senators having answered to their names, a quorum is not present.

Mr. KNOWLAND. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After a little delay Mr. MCCARTHY and Mr. O'DANIEL entered the Chamber and answered to their names.

Mr. LUCAS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LUCAS. Is a motion to adjourn until Monday at 12 o'clock in order?

The PRESIDENT pro tempore. It is not, in the absence of a quorum.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. Does the Chair rule that a motion to adjourn is not in order in the absence of a quorum? My understanding of the rule is that the only motion in order when there is not a quorum is a motion to adjourn.

The PRESIDENT pro tempore. The Senator from Illinois inquired whether a motion to adjourn until Monday was in order in the absence of a quorum. A motion to adjourn is in order.

Mr. RUSSELL. I did not catch the words "until Monday"; but I knew that a motion to adjourn was in order.

Mr. LUCAS. Mr. President, another parliamentary inquiry.

The PRESIDENT pro tempore. The Senate will state it.

Mr. LUCAS. When would the Senate reconvene if the Senator from Illinois made a motion to adjourn and it was carried?

The PRESIDENT pro tempore. Tomorrow at 12 o'clock noon.

Mr. LUCAS. I thank the Chair.

Mr. TYDINGS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TYDINGS. Did the Senator from Ohio [Mr. TAFT] answer to his name on the first call of the roll?

The PRESIDENT pro tempore. The Chair will have to take the position that that is not a parliamentary inquiry.

Mr. TYDINGS. I thank the Chair for his ruling. I think we will have to get the leader back here before we can obtain a quorum.

The PRESIDENT pro tempore. Debate is not in order.

After further delay, Mr. HICKENLOOPER, Mr. CAPPER, Mr. HATCH, Mr. WHERRY, and Mr. WATKINS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators having answered to their names, a quorum is present.

ORDER FOR RECESS TO MONDAY

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate completes its business today it take a recess until 12 o'clock noon on Monday next.

The PRESIDENT pro tempore. Without objection, the order is made.

TEMPORARY EXTENSION OF TITLE VI OF THE NATIONAL HOUSING ACT, AS AMENDED

The Senate resumed the consideration of the bill (S. 2565) to provide for a temporary extension of title VI of the National Housing Act, as amended.

Mr. IVES. Mr. President, I have just received from the junior Senator from Vermont [Mr. FLANDERS], who is absent on official business, a brief message which I shall read:

> I request postponement of action on the amendment to extend title VI for 1 year until Monday, May 3, because we have already passed legislation extending title VI in S. 866.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute, offered by the Senator from Washington [Mr. CAIN].

Mr. CAIN. Mr. President, the House of Representatives is keenly conscious that title VI of the National Housing Act expires as of midnight tonight; and as I understand, the House is standing by in the hope that it will have an opportunity before this day is over to consider and take action on any action taken by the Senate concerning the extension of title VI.

I am most hopeful that the Senate will be able to resolve the prevailing difference and send to the House of Representatives before we recess this afternoon or tonight, either the Senate bill which is now before us, Senate bill 2565, as it was reported to the Senate, or as the junior Senator from Washington has proposed to amend it.

The intention of the junior Senator from Washington and those who are in support of his point of view is that of materially assisting the construction industry by making it possible, through extending the loan privileges for a year, as opposed to 30 days, for that industry to plan its future operations.

We can all realize that the amazingly fine achievements of the building construction industry for the first 3 months of this year should be continued for another year, without the resulting doubt, confusion, uncertainty, and consternation which, from my considered point of view is certain to result if we say to it again what we said only one short month ago—"We will let you plan your future on a 30-day basis, following which we are not completely certain what is going to happen."

It is for that material reason alone that I am most hopeful that the pending amendment, which in fact is but title I in its entirety of a bill which was favorably acted upon by the Senate on April 22, will prevail. It seems to me that those who oppose the adoption of this amendment do so for only one reason—at least no other reason has been advanced. No Senator has said, and I do not believe that any Senator could successfully contend, that an extension of 30 days is preferable to an extension of a year. Nor has it been claimed that a figure of $250,000,000 of loan guaranties provided for under a 30-day extension proposal is nearly as adequate and as reasonable as the $1,600,000,000 of loan guaranties provided for in my amendment.

No man is entitled to take exception to another man's point of view. It seems to me, however, very clear and positive that Senators who oppose this amendment do so for only one reason; and they have stated it very clearly. They are of the opinion that if title I of Senate bill 866 is eliminated, there is a very strong likelihood—and these words are theirs and not mine—that title VI of Senate bill 866 will not prevail in the House of Representatives. I have seen no direct relationship between the extension of the loan guaranties and the beginning of a true program of public housing in this country. I can speak only for myself. I say that if their fears were to be realized the fate of public housing as such, if it were given a fair judgment on its merits, would be no more severe than it deserved. if the remainder of Senate bill 866 is as good as its proponents thought it was at the time it was passed by a considerable majority in the Senate, I do not see how that character of good legislation could be imperiled, injured, or defeated per se merely because from within the bill we have taken out a proposed loan guaranty extension of a year in order to satisfy the needs of the American building construction industry.

Mr. President, I trust that my amendment will prevail.

Mr. IVES. Mr. President, I take exception to the statement made by the distinguished Senator from Washington that, given a choice between a 30-day extension and a 1-year extension, everyone would appear to be in favor of the 1-year extension. That was my understanding of the statement of the Senator from Washington.

I think there is a great deal of difference in this particular instance between the proposal of the Senator from Washington and the proposal submitted by the committee in the form of the bill before us. The difference has already been pointed out, and was indicated by the distinguished Senator from Washington in the remarks which he has just concluded. The difference lies in the fate of Senate bill 866. I may be mistaken; but in my judgment if we grant an extension of 1 year as proposed in the amendment before us, Senate bill 866 will not be passed by the Congress at this session. I think that difference in itself is altogether sufficient to justify opposition to the Senator's proposal.

On the other hand, a 30-day extension, as proposed in the bill which was reported from the committee, should be ample to meet the situation with which we are immediately confronted. In that period of 30 days final determination can be had with respect to an extension of 1 year, as is now proposed by the Senator from Washington, or with regard to the approval of Senate bill 866.

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

Mr. IVES. I yield.

Mr. CAIN. I should like to ask the distinguished Senator from New York a question, if I may. If I correctly understood him, he stated that he was frightened less by the prospect of title I of Senate bill 866, which includes the guaranties about which we are speaking, be-

ing eliminated from the bill, and that the resulting action would have a negative effect on the omnibus housing bill. Is that correct?

Mr. IVES. Mr. President, I did not say anything about being frightened. I am not at all frightened about this situation. All I did point out was that I personally feel very strongly—and I assume there are other Members of the Senate in addition to myself who feel this way—judging by the vote which was had on Senate bill 866 and on the amendment offered to that bill by the distinguished Senator from Washington—that Senate bill 866 should be passed by this Congress; and I think the acceptance of the amendment which the Senator from Washington proposes, which, as I understand, constitutes title I of Senate bill 866, would definitely have the effect of jeopardizing the enactment of all that would then remain of Senate bill 866. But I am not frightened about it.

Mr. CAIN. Does the Senator from New York think that the maintenance of title I in Senate bill 866 will be a guarantee that the bill in its present form will be passed by the Congress?

Mr. IVES. In answer to that question, I shall have to refer to the Senator's earlier remarks, when he himself said that he is never able to anticipate what may occur in our sister body of the Congress. As the Senator knows, no one here can answer as to that. But I believe very definitely that with title I intact in Senate bill 866, and not adopted separately as the Senator from Washington now proposes, the chances of favorable action on Senate bill 866 are much greater.

Mr. CAIN. What the Senator from New York has said, as I have understood him, is that if title I is eliminated, we can judge what the action of the House of Representatives will be, but that if title I remains where it is, we have not very much reason to hope for the passage of that bill.

Mr. IVES. Mr. President, in this particular instance I think we are beginning to quibble. I think the important point of this matter is that the 30-day extension proposed by this bill, which has been reported by the committee, is sufficient to take care of the situation, and the 1-year extension proposed by the amendment submitted by the Senator from Washington is absolutely unnecessary at this time. There is time enough to consider that matter a month from now, if the situation with which we are confronted in the present instance arises then. There is no emergency at this time requiring an immediate 1-year extension. The only emergency with which we are confronted now is an extension in itself, and that matter is covered by the 30-day extension bill now before the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute, proposed by the Senator from Washington [Mr. CAIN].

Mr. CAIN and other Senators requested the yeas and nays.

Mr. MYERS, Mr. MURRAY, and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

THE EMPLOYMENT ACT OF 1946

Mr. MURRAY. Mr. President, while we have been devoting much time this afternoon——

The PRESIDENT pro tempore. The Senator from Pennsylvania has the floor.

Mr. MYERS. I yield the floor to the Senator from Montana.

The PRESIDENT pro tempore. The Senator from Montana cannot obtain the floor in that manner.

Mr. MURRAY. Mr. President, I have in my own right been seeking the floor for some time.

The PRESIDENT pro tempore. The Senator from Montana will be recognized in his own right when he addresses the Chair, but it is not proper for him to obtain the floor from another Senator.

Mr. LUCAS. Mr. President, do I correctly understand that the Senator from Pennsylvania was yielding for a question?

The PRESIDENT pro tempore. A Senator can yield for a question during the course of his speech, of course; but under the rules, one Senator cannot yield the floor to another Senator. If a Senator desires to obtain the floor, he should address the Chair.

Mr. LUCAS. However, on innumerable occasions no objection has been made to the practice of having one Senator yield to other Senators to permit them to make speeches. That has been done time after time.

The PRESIDENT pro tempore. The Chair is doing the best he can to prevent such a practice.

Mr. LUCAS. The Chair has done a remarkably fine job in that respect. Nevertheless, on many occasions no objection has been made to such a practice on the floor of the Senate.

Mr. MURRAY. Mr. President——

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MURRAY. As I started to say, Mr. President, although we have been devoting much time today to a consideration of the record of Republican leadership in the Congress, I should like to inquire whether the Republican leaders in this body intend to go forward with and carry out the purpose and intent of the Employment Act of 1946. It seems to me that if such a course had been followed, we would have been spared the difficulties with which we are confronted this afternoon on the floor of the Senate.

I raise this question as one of the authors and sponsors of the Employment Act, a statute based squarely upon the constitutional principle that the executive branch and the legislative branch of our Government should work cooperatively toward advancing the welfare of our people.

Under this act, the President has certain functions to perform, and the Joint Congressional Committee on the Economic Report, established for the sole purpose of providing leadership within Congress on matters of economic policy, has other functions to perform. Both are expected to work together in developing a national policy for maintaining employment, production, and purchasing power within the framework of our private-enterprise economy.

Mr. President, our Chief Executive has carried out his responsibilities under the act. He has carried out the letter of the law. He has carried out the spirit of the law.

But the Joint Committee on the Economic Report has failed to perform its task. It has failed to comply with the letter of the law. It has failed to comply with the spirit of the law.

Let us look briefly at what the act requires and what the President and the joint committee have done.

Under the Employment Act of 1946, the President is expected to present to Congress at the beginning of each regular session an economic report. This report is to analyze the current state of the American economy, establish economic goals for the future with respect to employment, production, and purchasing power, and set forth a comprehensive economic program for achieving these goals. From time to time the President is to submit supplementary reports to the Congress.

The President has discharged this mandate completely. Three economic reports have already been transmitted to the Congress: The first in January 1947, a midyear report in July 1947, and the third in January 1948. Each of these documents has been widely hailed through the country—particularly the economic report of January 1948. Conservatives and liberals, businessmen, and labor leaders, farm leaders, and economists, all have agreed that the President's Economic Report of 1948 reached a new high level in the analysis and presentation to the Congress of the basic economic facts upon which America's future must be built.

Under the Employment Act of 1946, the Joint Congressional Committee on the Economic Report was expected to take the President's program, study it, analyze it, debate it, hold public hearings on it, and then bring forth its own report. The joint committee was not expected to place a rubber stamp of approval upon the President's recommendations. It was expected to accept the proposals it regarded as sound, reject those it regarded as unsound, and modify those it felt should be changed. The important principle was that the joint committee should provide leadership in Congress in order to bring together into a consistent pattern the diverse activities of the individual legislative committees dealing with economic matters. The purpose was to provide a framework within which the leaders of Congress, if they differed with the viewpoint of the President, would be expected to state openly and publicly the reason for their differences and propose alternatives of their own.

But what has the joint congressional committee done? Let us look at the record.

In January 1947, the President's First Economic Report was transmitted to the Congress. It was referred to the Joint Committee on the Economic Report. But

the joint committee held no public hearings on it, and failed to develop its findings and recommendations upon each of the main recommendations by the President, as required under the act. By February 1, when the law required the joint committee to bring forth its report, the Congress received merely a brief pro forma statement from the joint committee stating that the committee had not been able to develop its conclusions on the President's program. One of the reasons given was the fact that there had been insufficient time for the committee to organize its professional staff.

In July 1947, the midyear Economic Report of the President was transmitted to the Congress and referred to the joint committee. No hearings were held on this midyear report, and no findings or recommendations were forthcoming from the joint committee.

During the first weeks of 1948 it was my hope that the joint committee would at last carry out its assigned responsibilities under the Employment Act. On January 14 of this year I made the following statement:

> The President's Economic Report is the most important economic document ever to be laid before the Congress. Carrying out the intent of the Employment Act, the report analyzes the present condition of our economy, sets goals for the future and outlines the broad principles of a program designed to meet these goals.
>
> The American people will anxiously await the action of the Joint Congressional Committee on the Economic Report in carrying out its functions under this act. Last year the joint committee failed to hold public hearings on the President's Economic Report. Still more important, it failed to formulate its own conclusions on the President's major recommendations, as it was required to do under the act.
>
> It is my sincere hope that this year the joint committee will hold public hearings on the President's Economic Report, instead of tucking it away in a filing cabinet, and then bring forth its own conclusions on the President's analysis of the economy and each of his recommendations for future action.

In January 1948 it was evident that the joint committee had the services of a competent professional staff, and it was generally expected that this year the committee would comply with the provisions of the act. In fact, when it became evident that the joint committee was not able to bring forth a report by February 1 as required by law, the joint committee itself supported a joint resolution extending the statutory date for the committee's report from February 1 to March 1. This joint resolution was approved by both Houses of the Congress and was signed by the President. The Employment Act was thereby officially amended and all those who were looking to the joint committee for leadership sat back and waited until March 1.

But when March 1 came nothing happened. The joint committee failed to meet the new statutory date contained in the joint resolution that the committee itself had proposed.

Another month went by. Yet on April 1 the Congress had still not yet received the long delayed report from the joint committee.

Mr. President, it is now almost the end of April and we are still waiting. The Congress is waiting to see what kind of economic leadership can be obtained from the committee it has established to exercise economic leadership. The country is waiting to see whether the leadership of Congress intends to cooperate with the President in fighting inflation today and preventing depression tomorrow. The President is waiting to see what position the leaders of Congress will take upon his economic program for maximum employment, production, and purchasing power—and I can assure you the Chief Executive of the United States would rather see the joint committee take a position criticizing some of his recommendations than see the joint committee take no position at all.

Mr. President, the passage of the Employment Act of 1946 was a long step forward toward enabling the Federal Government to meet its responsibilities in preventing the disastrous booms and busts that threaten our private-enterprise economy. Mr. Walter Lippmann, the noted commentator, has described the Employment Act of 1946—in the Washington Post of December 26, 1946—as "one of the most significant enacted by Congress in this century." The distinguished junior Senator from Vermont [Mr. FLANDERS] in an article in the autumn 1947 issue of the Public Administration Review, has described the Employment Act of 1946 as "the most significant administrative implementation to the formulation of public policy since establishment of the Federal budget system a quarter of a century earlier." The act has also been hailed by such sober commentators on the national scene as the editors of Kiplinger magazine. Let me quote from a special Kiplinger magazine report entitled "Can We Prevent Depressions?"

> The Employment Act of 1946 is not a labor measure. It is not a law involving salvation by government. It is a measure designed to insure the American economic system of a long and healthy life.

But this legislation is hardly worth the paper it is written upon if the Joint Economic Committee continues to ignore its responsibilities. The act can be meaningful only if its procedures are complied with. It can help us prevent future depressions only if the Joint Committee on the Economic Report carries out the mandate that has been given it.

Mr. President, the time is already late. Almost 2 months have gone by since March 1, the day the joint committee was required to report under the joint resolution which was adopted at its suggestion. There have been many important economic developments since the January Economic Report of the President: The break in commodity prices; the increase in steel prices some weeks back, and just recently the announcement of a decrease in steel prices; the enactment of the European recovery program; the passage of a tax-reduction act. A first quarterly report, drafted by the President's Council of Economic Advisers for the purpose of bringing up to date the analysis of the economy contained in the President's Economic Report of January, was released by the White House on April 9 and made available to the joint committee.

In view of these developments, Mr. President, it seems to me that the Joint Committee on the Economic Report should be expected to submit to Congress a committee report covering not only the January Economic Report of the President but also analyzing economic developments since that time, with particular reference to the April 9 report of the President's Council of Economic Advisers.

It is my earnest hope that this action will be taken without further delay.

LEAVE OF ABSENCE

Mr. BROOKS asked and obtained consent to be excused from attendance upon the Senate for the remainder of today's session.

SOUTHERN STATES COMPACT ON REGIONAL EDUCATION—SPECIAL ORDER

Mr. HOLLAND. Mr. President, I should like to ask the attention of Senators. I am about to make a request for a unanimous-consent agreement, and I should like to have the subject matter of it well understood by the other Members of the Senate.

On February 25 there was introduced by 28 Senators a joint resolution, Senate Joint Resolution 191, which is a resolution approving or giving the consent of Congress to a compact entered into by 15 Southern States relating to regional education. That resolution was referred to the Judiciary Committee. The favorable report of the committee was received something more than 2 weeks ago, and the measure has been on the calendar since then.

I had hoped to have the joint resolution considered today, but it now appears that in the absence of so many Senators, and because of the fact that the pending business is taking considerable time for disposal, action today will not be possible. I have been advised by the Conference of Southern Governors that the program for the survey of education in the South, which must precede the doing of anything substantial under the compact, is ready to proceed. It will be financed in part by the General Education Board, which is the Rockefeller Foundation, in part by the Carnegie Foundation, and in part by the Southern States themselves. They cannot move forward in the matter, which is of great importance to all the South, until Congress has passed upon and given its consent to the compact.

Mr. President, I ask that the Senate give unanimous consent that Senate Joint Resolution 191 be made the special order of business next Thursday, May 6, at 12 o'clock noon. The reason for deferring it so long, Mr. President, is that both Senators from Alabama, who are interested in the matter, and the two Senators from Florida must necessarily be in their respective States at the primary elections to be held on Tuesday next and will not return until some time Wednesday.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida?

Mr. WHERRY. Mr. President, reserving the right to object, I should like to state to the distinguished Senator from Florida that it is my understanding he has conferred with the chairman of the steering committee and that the time will be put down at which the bill will be considered. Is that correct?

Mr. HOLLAND. No. I have not. I asked the chairman of the steering committee 3 weeks ago to bring the matter up. He told me that he had simply forgotten to do so. Then I asked the temporary chairman, the Senator from Colorado [Mr. MILLIKIN], to bring it up, but he has gone away without doing so. It occurs to me that since the 15 States concerned request prompt consideration by the Senate of this proposed legislation of importance to them, my request is a reasonable one, and I hope it will be granted.

Mr. WHERRY. Mr. President, I shall not object to the request of the Senator, but I want to state that if the matter is placed upon the legislative calendar as of that date, if there is proposed legislation before the Senate, such as might be in the form of an appropriation bill or some other bill which needs to be taken up because of emergency or because of the issues involved, I hope the Senator from Florida will agree temporarily to set aside the bill in which he is interested and consider such matters as I have suggested.

Mr. HOLLAND. I will say to the acting majority leader that in the case of measures such as the proposed military preparedness bill which we are expecting, or appropriation bills, or any other bills of general importance, I shall of course agree to set aside for the time being consideration of our measure, assuming that it shall not lose its place on the calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Florida? The Chair hears none, and the order is made.

TEMPORARY EXTENSION OF TITLE VI OF THE NATIONAL HOUSING ACT, AS AMENDED

The Senate resumed the consideration of the bill (S. 2565) to provide for a temporary extension of title VI of the National Housing Act, as amended.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Washington [Mr. CAIN].

Mr. LUCAS. Mr. President, I shall not detain the Senate long upon this matter. As I understand, the Committee on Banking and Currency reported unanimously, with the exception of the Senator from Washington, a resolution requesting that title I or title VI, whichever we are discussing, be extended for 30 days instead of for 1 year. That was almost the unanimous action of the committee. Senators who are not members of the committee and who are not entirely familiar with this type of legislation should give some consideration to the report of the committee.

I undertake to say that the Members of the Senate who were present on April 21 and voted upon the amendment offered by the Senator from Washington at that time were aware of the fact that it sought to strike out title VI of Senate bill 866, and those who voted not to strike out that title are justified today in voting against an amendment to extend the title for 1 year. Had the amendment of the Senator from Washington been agreed to on April 21, and title VI of Senate bill 866 had been stricken from the bill, the Senator from Washington would not be here today seeking to extend that title for another year instead of for 30 days.

The Senator from Washington has been very frank and very candid regarding the entire matter. There is no doubt that if the amendment shall be agreed to it will be a severe blow to Senate bill 866, which looks at housing from a broader viewpoint, from the longer-range standpoint of the country as a whole, than it is viewed by the present law, or would be viewed if the law should continue for a year and should remain the only law on the statute books in relation to housing.

I especially remind those Senators who are interested in rural housing that an amendment on that question offered by the Senator from North Dakota [Mr. YOUNG] and by the Senator from Georgia [Mr. RUSSELL] was adopted and made a part of Senate bill 866. If the public-housing bill shall not become law, certainly the amendment offered by those two distinguished Senators will have no effect upon the rural sections of the country so far as obtaining proper housing is concerned.

I am satisfied that if the amendment offered by the Senator from Washington is agreed to, we can kiss good bye to any housing such as the Senate provided for last week in Senate bill 866. It will be the end of it. That is exactly what the Senator from Washington wants. He stood on the floor of the Senate for days in debate, which he had a right to do. I know his philosophy. I do not object to it, if that is the way he feels about it. But he is still endeavoring to sabotage the public-housing bill which was passed last week by the Senate after a vote of 49 to 35 against his amendment to strike title VI from the public-housing bill.

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

Mr. LUCAS. I yield.

Mr. O'MAHONEY. I rose to ask the Senator what the vote was upon the amendment submitted by the Senator from Washington. The Senator says it was 49 against the Senator's amendment. How many votes were there in favor of it?

Mr. LUCAS. The yeas were 35 and the nays were 49. Twelve Senators did not vote.

Mr. O'MAHONEY. So it was rather a decisive majority, I will say to my able friend. In other words, there were 84 votes cast upon the issue, and it was felt to be such a decisive expression of the will of the Senate that there was then no roll-call vote upon the passage of the bill itself. Is that correct?

Mr. LUCAS. The Senator is correct.

Mr. O'MAHONEY. May I now also point out, if the Senator will indulge me, that at the present moment there are scarcely 49 Senators present. Already this afternoon the Senate had to wait for more than a half hour because of the absence of many Senators on official business and otherwise. So that if the pending amendment were to be agreed to it would, in effect, be a complete repudiation of the action of the Senate taken upon this important legislation within 10 days.

Mr. LUCAS. The Senator is correct, if I understand the purport of the amendment offered last week, to strike out title VI. The amendment now offered extends the time for 1 year on title VI. That is the very reason why it is being brought up at this time. It is one of the reasons why I think the majority party should permit this bill to go over until Monday, in view of the fact that there are so few Senators in the Chamber this afternoon. I do not know why the chairman of the committee is not present, but there are three members of the committee who know more about this legislation and are in a better position to answer the Senator from Washington than any other Members of the Senate. Yet they are not present. Perhaps they should be here. I am not complaining about that. Those Senators are probably unavoidably detained on business, or are sick, or there is something else which detains them, but it seems to me, in common courtesy to the chairman of the committee and the other Members on the other side of the aisle, the majority should allow the bill to go over.

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

Mr. LUCAS. I yield.

Mr. IVES. In view of the observations the distinguished Senator from Illinois is now making, I point out that the junior Senator from Vermont [Mr. FLANDERS] is absent on official business and cannot possibly be present today. He has already sent a message, which I have read to the Senate, requesting that action on the particular amendment now being discussed, offered by the distinguished Senator from Washington, be delayed until next Monday.

Mr. LUCAS. I thank the Senator from New York for that interesting observation. The Senator from Louisiana [Mr. ELLENDER] is unavoidably absent this afternoon, the Senator from Ohio [Mr. TAFT] is unavoidably absent.

Mr. ELLENDER. Mr. President, I may say that I was detained, but I am now in the Chamber.

Mr. LUCAS. I regret not having observed that the Senator from Louisiana had entered the Chamber, but in the earlier part of the debate the Senator was absent. With the full realization that he was one of the authors of the Taft-Ellender-Wagner bill, and the realization of his peculiar knowledge about the housing problems, which it takes one a long, long time to familiarize himself with, we were looking for him when the Senator from Washington offered the amendment to extend the time 1 year.

I repeat what I said before, I cannot understand why the majority are so insistent upon passing the bill today. They say the time limit is midnight. There

are on the statute books a thousand and one laws which were extended by bills which were retroactive, and in this instance the bill could go over until Monday and could be made retroactive, and no one would be hurt. No one is going to lose his job here in Washington. Of course, Republicans would not be much interested in that, anyway; if some did lose their jobs it would be all right with them. But there is some reason why the majority want to vote on the bill this afternoon, and I wonder if it is because of the absence of so many Republicans who are vitally interested in it.

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

Mr. LUCAS. I yield.

Mr. CAIN. The Senator from Illinois is probably conscious of the fact—I hope he is—that the Committee on Banking and Currency, by direction to its chairman and to the Senator from Vermont, wanted the bill now before the Senate to be disposed of on Wednesday of this week. Is the Senator conscious of that action taken by the Committee on Banking and Currency?

Mr. LUCAS. I am conscious of many things happening around here.

Mr. MAYBANK. Mr. President, will the Senator from Illinois yield?

Mr. LUCAS. I yield to the Senator from South Carolina.

Mr. MAYBANK. I think the Senator from Washington will agree with me that the Committee on Banking and Currency wanted action taken looking to a 30-day extension, but had no vote on the 1-year extension. So far as I am concerned, as I said earlier in the debate, I should be glad to vote for a 30-day extension at any time.

Mr. CAIN. If I am permitted to respond to the Senator from South Carolina in just a word——

Mr. LUCAS. I yield for that purpose.

Mr. CAIN. The Committee on Banking and Currency directed that the bill be called up before the Senate on Wednesday of this week. The chairman of the committee came to me, as I related this morning, and said, "I am about to take the action which I was instructed to take by the committee as of yesterday." He asked me, as an individual Senator, and as a member of his committee, if the action intended was acceptable to me. I said, "No," and I told him why, and that I would make an effort to get an extension of a year instead of 30 days. The chairman of the committee thought about my response to his position. Presumably he is still thinking about it, because some time later he went to the then acting floor leader, the Senator from Massachusetts [Mr. SALTONSTALL], and said, "I have changed my mind. As to the bill I wanted to ask unanimous consent to bring before the Senate today, I no longer want to take that action." The Senator from New Hampshire left the floor of the Senate, and to my knowledge has not as yet returned. I think that as soon as that happened it made all of us free agents to endeavor to debate a proposal which we think represents a very sound position.

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

Mr. LUCAS. I yield to the Senator from New Mexico.

Mr. HATCH. I have not been on the floor of the Senate all through the debate, and I do not know whether the Senator from Illinois can answer my question or not. If not, perhaps some other member of the committee will. I desire to know whether or not the particular amendment extending the time for 1 year was submitted to the Committee on Banking and Currency, and what action the committee took on this exact amendment.

Mr. LUCAS. It is my understanding—and the Senator from Washington will correct me if I am wrong—it was not submitted to the Committee on Banking and Currency for a vote.

Mr. HATCH. The committee did not consider it?

Mr. LUCAS. The committee did not consider it.

Mr. CAIN. If I may add a word, I think the committee considered the 1-year extension idea in two different ways. It has included the 1-year extension in what is known as title I of the housing bill which the Senate passed a short time ago. The committee did that.

Mr. HATCH. I mean separately, as now proposed in the amendment offered.

Mr. CAIN. No.

Mr. HATCH. It was never presented to the committee in that light?

Mr. CAIN. It most certainly was not.

Mr. HATCH. And the committee has never had a chance to pass on this amendment?

Mr. CAIN. What the Senator from Washington has proposed is that a provision, namely, title I, approved not only by the Committee on Banking and Currency but by the Senate as well, be put into force and effect tonight, rather than delayed until the House takes some action on Senate bill 866.

Mr. HATCH. The Senator is well aware that singling out one feature such as this and submitting it as a separate proposal is altogether different from considering an entire bill, as we did the other day, and what I wanted to know was whether or not the Committee on Banking and Currency had ever had this proposal submitted to it as a separate proposition, and if the committee had ever acted on it in that form.

Mr. CAIN. The answer to the question is "No."

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

Mr. McCARTHY. Mr. President, will the Senator withhold the suggestion?

Mr. LUCAS. I withhold the suggestion.

Mr. McCARTHY. The Senator from Illinois has made one suggestion which disturbs me very much. I personally do not care much whether we pass a 30-day extension or a 1-year extension, but unless the Senate today extends title VI, with authority, it will completely disrupt the housing program. This is the time of year when all the builders are making their plans for the year. Unless we extend the act for 30 days or 1 year, some young men, including veterans, will be unable to buy or rent homes this year. So I urge the Senator from Illinois not to attempt to get the Senate to adjourn before we obtain action on a 30-day or a 1-year extension.

Mr. LUCAS. The Senator has in mind builders having all their contracts in readiness and having to stop proceedings if we do not pass this bill by midnight tonight. Nothing is going to stop. The bill is going to be passed within the next 2 or 3 days, it will be made retroactive, and no one will be damaged.

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

Mr. LUCAS. I yield.

Mr. IVES. I could not quite hear what the distinguished Senator from Illinois said a moment ago. He may have said what I am going to inquire about. It is my impression, however, that the present Housing Act has elapsed at least twice heretofore. Is that not correct?

Mr. LUCAS. I am not quite sure about that.

Mr. IVES. I am sure that it has lapsed at least twice.

Mr. LUCAS. I thank the Senator for his contribution. Of course if it has lapsed twice heretofore no one was hurt very much, and no one can be hurt very much if it should lapse again. I have known of laws relating to governmental agencies which have lapsed for a period of months and then have been passed and their provisions made retroactive. Those employed by the particular agencies proceeded with their work because they knew that sooner or later legislation respecting them would be passed.

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

Mr. LUCAS. I yield.

Mr. HATCH. I desire to ask the Senator from Illinois a question, and if he cannot answer it, I should like to have the Senator from Washington answer it. I have been informed that the House has already passed a bill extending title VI for 1 year, as a separate measure, and that the bill has been before the Senate Banking and Currency Committee for some time, and that the Banking and Currency Committee has not seen fit to act upon it. Is that correct?

Mr. CAIN. In part the Senator's statement is correct. I am delighted that the Senator from New Mexico raised the question. The bill to which he refers came from the House, if I am not mistaken, on the 23d day of March. It was referred, if I am not mistaken, to a subcommittee of the Committee on Banking and Currency, which reported to the Chairman of the Committee on Banking and Currency that the bill should be reported to the calendar.

Mr. HATCH. That is, the subcommittee did?

Mr. CAIN. Yes.

Mr. HATCH. But the Committee on Banking and Currency itself has never acted on that bill which has already been passed by the House?

Mr. CAIN. I was told by the chairman of the subcommittee, the junior Senator from Virginia [Mr. ROBERTSON], that he made his proposal on behalf of the subcommittee to the chairman of the full committee, who said that, "Until such time as Senate bill 866 is finally resolved we will report no bill for a year's extension to the calendar."

Mr. HATCH. Then I take it that it is at least the feeling of the chairman of the Committee on Banking and Currency, supported perhaps by a majority of that committee, that no action should be taken separately extending the time for 1 year until the other bill has finally been acted upon one way or the other?

Mr. CAIN. All I know in that connection is that the full committee has seen fit, either by action or lack of action, not to report the House bill to the calendar.

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

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

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

Aiken	Gurney	Myers
Ball	Hatch	O'Conor
Brewster	Hickenlooper	O'Daniel
Bridges	Hoey	Overton
Cain	Holland	Saltonstall
Capper	Ives	Stennis
Chavez	Johnson, Colo.	Thye
Cordon	Knowland	Vandenberg
Dworshak	McClellan	Watkins
Ecton	McFarland	Wherry
Ferguson	Martin	Wiley
Fulbright	Maybank	
Green	Moore	

The PRESIDENT pro tempore. Thirty-seven Senators having answered to their names, a quorum is not present. The clerk will call the names of the absent Senators.

The legislative clerk called the names of the absent Senators, and Mr. ELLENDER, Mr. JOHNSTON of South Carolina, Mr. KILGORE, Mr. LUCAS, Mr. MCCARTHY, Mr. MCKELLAR, and Mr. O'MAHONEY answered to their names when called.

The PRESIDENT pro tempore. Forty-four Senators have answered to their names. A quorum is not present.

Mr. WHERRY. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. O'MAHONEY. Mr. President, a parliamentary inquiry. I desire to know whether the Sergeant at Arms is present.

The PRESIDENT pro tempore. The Parliamentarian advises the Chair that the Chair cannot entertain parliamentary inquiries until a quorum is developed.

After a little delay, Mr. CONNALLY, Mr. DOWNEY, Mr. MURRAY, Mr. YOUNG, and Mr. REED entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum is present.

The question is on the amendment in the nature of a substitute offered by the Senator from Washington [Mr. CAIN].

Mr. IVES. Mr. President, I have just received a communication from the senior Senator from Ohio [Mr. TAFT]. As all of us know, he is unavoidably detained and cannot be here on this occasion. His communication reads as follows:

I request postponement of action on the amendment to extend title VI for 1 year, until Monday, May 3, because we have already passed legislation extending title VI in S. 866.

The PRESIDENT pro tempore. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Washington [Mr. CAIN].

Mr. MYERS. Mr. President, as the debate on this amendment has continued, I have been reminded somewhat of the Hitler conquest of Europe. I can remember that first he took a little piece of the Rhineland, and then he took a little piece of Austria, and then he wanted the Sudetenland; until, bit by bit, Hitler gobbled up nearly all of Europe. That is somewhat similar to the fight on this bill, Mr. President.

Yesterday, I understand, the House Banking and Currency Committee reported a bill covering one feature of the housing bill which passed the Senate last week. It reported a bill providing for a separate secondary market for GI mortgages. Almost every Member of the Congress is in favor of that feature of the housing bill. So the House very shrewdly said, "Let us pass that as a separate bill," and it was reported yesterday by the House Banking and Currency Committee.

Today, for some reason which seems to be rather mysterious and rather strange, an amendment is offered to a very simple bill, one merely to extend title VI. Every Member of Congress is in favor of title VI. I do not think there would be one vote against title VI. That feature is incorporated in the general housing bill. But when the proposal is made in the Senate to extend title VI for 30 days, to which the subcommittee of the Banking and Currency Committee, of which I am not a member, agreed, suddenly an amendment is proposed to extend it for 1 year. Rather strangely, Mr. President, the House of Representatives is now in recess, waiting patiently until the Senate acts on this 1-year-extension amendment. I do not doubt that there is an agreement that the House will accept that 1-year extension; and, as Hitler gobbled up Europe piece by piece, so will they take bit by bit from the housing bill which has been passed by the Senate, and leave only the public-housing feature.

The debate this afternoon—and it has been an earnest and a vigorous debate, although there have been several quorum calls purposely designed to postpone until Monday the debate or the vote on this bill—is a debate on public housing.

I thought we had debated that question in the Senate a week or two ago when we passed the public housing bill, at which time the Senator from Washington [Mr. CAIN], who is now offering an amendment to extend title VI for 1 year, offered an amendment to strike the public-housing feature from the bill. His amendment was defeated by a vote of 49 to 35. Let me read the names of the Senators who voted against the amendment offered by the Senator from Washington to strike out of the housing bill the public-housing feature. In voting "nay" the following Senators thereby voted for public housing: AIKEN, BALDWIN, BALL, BARKLEY, BREWSTER, BRIDGES, BROOKS, CAPPER, CHAVEZ, CORDON, DONNELL, DOWNEY, ELLENDER, FERGUSON, FLANDERS, FULBRIGHT, GREEN, HATCH, HAYDEN, HILL, IVES, JOHNSON of Colorado, KILGORE, KNOWLAND, LANGER, LODGE, LUCAS, MCCARRAN, MCGRATH, MCMAHON, MAGNUSON, MAYBANK, MORSE, MURRAY, MYERS, O'MAHONEY, PEPPER, RUSSELL, SALTONSTALL, SMITH, SPARKMAN, TAYLOR, THOMAS of Oklahoma, THYE, TOBEY, VANDENBERG, WATKINS, WHITE, YOUNG.

By that vote, Mr. President, those Senators put their imprimatur on public housing. We are now endeavoring by the pending amendment to go through a back door for the purpose of destroying the public-housing feature which is in the housing bill as passed by the Senate.

Let us be out in the open, Mr. President. We all know that if the amendment submitted by the Senator from Washington to extend title VI for 1 year were to prevail this afternoon, the House would immediately reconvene; it would agree to the amendment, and public housing for this session would be dead. That is the issue, Mr. President, and I certainly hope Senators who voted for public housing a week or so ago realize and know that that is the issue in the present debate.

Why the hurry, Mr. President? Why the discourtesy to members of the majority party? Why the discourtesy to the Senator from Ohio [Mr. TAFT], one of the authors of the housing bill, who is now in Ohio fighting for his political life?

I shall not refer to the remarks made today by the Senator from Maryland [Mr. TYDINGS], but this again is an indication of how the majority party in the Congress feels toward their leader in the Congress, the Senator from Ohio, who is at least the leader on matters affecting the home front, and on domestic affairs.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. MYERS. I am happy to yield to the Senator from Illinois.

Mr. LUCAS. Was the Senator present when the junior Senator from New York a moment ago read a message from the Senator from Ohio, requesting the majority party to take the lead in postponing action upon the pending measure until next Monday?

Mr. MYERS. No, I did not hear the message read, but I am very happy to have the Senator call my attention to it.

Mr. LUCAS. I was sure the Senator did not hear the message read. The Senator from Ohio, the real leader of the majority party in the United States Senate, who is in Ohio campaigning for the Presidency, sends a message to the junior Senator from New York, merely asking that the majority party postpone action on the pending question.

Think of it. Notwithstanding the plea made by the distinguished Senator from Ohio to his colleagues on the Republican side, they still continue to debate the matter, and refuse to permit a postponement until Monday, when it could be voted upon at 2 or 3 o'clock.

Does anyone believe that if the Senator from Ohio had won the primary in Wisconsin, or if he had won the primary in Nebraska, some Senators on the other side of the aisle would not be eager to secure compliance with his request? The Senator from Ohio is still in the running. [Laughter.] I think the refusal by his colleagues is one of the most discourteous things I have ever seen happen in the United States Senate. The leader goes out of town on important business, and a majority on his side of the aisle simply turns aside from the request and brushes it away as though it were a messenger boy who had conveyed a message of that kind. Yet, as the Senator from Maryland [Mr. TYDINGS] said today, upon the shoulders of the Senator from Ohio has rested for the last 2 years the primary responsibility of carrying forward the program of the Republican Party in the Senate and throughout the country. But, one day out of town, two days out of town, and he makes a request. The request is unheeded; nobody pays any attention to it. Mr. President, I hope that Senators on the other side of the aisle will show a bit of fairness, a bit of deference to the Senator from Ohio in connection with the request he made. The request is not unreasonable, it is not unusual. The pending measure is not a matter of life and death. To say it must be passed by midnight is poppycock. That is not at all the case.

Mr. President, if the Senator from Kentucky [Mr. BARKLEY], who also is unavoidably absent today, were to send a plea from Oklahoma or California or wherever he might be, that the Senate take no action upon a certain measure until he returned on Monday, and if we were in the majority, ah, we would honor a request of that kind. We would honor a request of that kind, Mr. President, and I think perhaps the Senators on the other side of the aisle will honor the request the Senator from Ohio has made. I cannot imagine my good friend from Nebraska, who is so close to the Senator from Ohio, refusing to honor his request.

Mr. CAIN and Mr. WHERRY addressed the Chair.

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

Mr. MYERS. I note the Senator from Washington [Mr. CAIN] has been standing for several moments. I shall first yield to him, and then to the Senator from Nebraska.

Mr. CAIN. Mr. President, I have necessarily been interested in what the Senator from Illinois has just said, relating to something about which most of us know. A message from the Senator from Ohio was read to the Senate a few moments ago by the junior Senator from New York. The message expressed a wish on the part of the Senator from Ohio that consideration of the pending question be deferred until a particular hour on Monday. A few moments after the receipt of that message, the acting majority leader [Mr. WHERRY]—whether as a result of receiving the message, I do not know—came to the junior Senator from Washington and asked whether he would agree to a unanimous-consent request to set an hour—I think 4 o'clock—on Monday for continuing the debate.

I said I certainly would not do so at the moment; that it would cause me to compromise every conviction I had on the particular subject, and that for a period of time I wanted to think it over. That is not a denial by the Republican side of a request of the Senator from Ohio. It amounts to a denial of a request by a particular individual—myself; and I very much doubt that there are many Senators in the Chamber who have a greater affection or respect for the Senator from Ohio than I have. I simply think that on this particular occasion his judgment is wrong, and for the time being I am not inclined to agree to a request which I think should not be made.

A few minutes ago the distinguished Senator from Pennsylvania [Mr. MYERS] read a list of the Senators who, on a particular motion, several weeks ago voted in the negative. Forty-nine Senators voted against the motion and 35 voted in support of it. For several hours I have not been able to see why the amendment, which we all understand and with which we are all familiar, should not be voted upon in order that we may thus determine how many Senators are for it and how many are against it. If it is agreed to, it is the wish of the Senate; if it is rejected, it is the wish of the Senate. But whether we adopt it or reject it, the House of Representatives, awaiting action by the Senate—and, in my opinion, they are deserving of action on our part—would have an opportunity to act and to continue title VI before its expiration hour at 12 o'clock tonight.

Mr. MYERS. We are more considerate of the leaders on the other side of the aisle than is the Senator from Washington. We want the Senator from Vermont [Mr. FLANDERS], who reported the housing bill, to be present; we want the chairman of the Banking and Currency Committee [Mr. TOBEY] to be present, and we want the authors of the bill to be present. We are more considerate of the Republican leaders than are many Members on the other side of the aisle. That is the only reason we are endeavoring to postpone debate until next Monday.

Mr. CAIN. In this instance I think the Senator has a perfect right to be critical of me, but he must not criticize others who cannot act in any other way than they are now acting in the absence of an individual Senator's willingness to go along with a unanimous-consent request, and hold them responsible for any unwillingness to accede to the wish of the Senator from Ohio.

Mr. MYERS. I asked the Senator earlier in the afternoon to confer with a Member of the House who was here and who is chairman of one of the House committees. I now suggest that the Senator from Washington confer with my good friend, the majority leader of the House, who is at present on the Senate floor. I am sure he would agree that the matter should be postponed until Monday so that the Members of the House may go home and not have to wait until a late hour in the afternoon to vote on the amendment. Why not get together with the majority leader of the House, who is my good friend with whom I served in that body? I am sure the Senator can arrange a time to vote and to send the matter over to the House of Representatives on Monday.

Mr. CAIN. It happens that I am in position to answer both question. When the Senator suggested that I determine from Representative WOLCOTT what the vote on Senate bill 866 might be in the House if title I were deleted from it I thought it was an improper suggestion for the Senator to make. I thought the Senator should secure the answer to his own question. But later on I talked with Mr. WOLCOTT, and I recall that he said there would be no attempt on his part or on the part of the leadership of the House to prevent a vote by the House on the only subject which is of concern to those who oppose the amendment, namely, public housing; that it would be open, and there would be no closed door. If the Banking and Currency Committee of the House sees fit—I do not know what its action will be—to eliminate the public-housing provision from Senate bill 866, there will be no attempt on the part of the leadership to prevent any individual Representative from offering an amendment to replace it in the bill. If the contrary be true, if the bill in its present form is reported by the Banking and Currency Committee to the floor, there will be no attempt to prevent the offering of an amendment which will restrict public housing.

Secondly, I want to say to the very distinguished Senator from Pennsylvania that a few minutes ago I had an opportunity to chat for a brief time with the gentleman from Indiana, Representative HALLECK, the majority leader of the House, and, in answer to the question which the Senator has posed to me, he suggested, if it is proper to say so on the floor, in answer to the Senator's query, that he thought it would be a fine thing for the country if the Senate should take action and if the House also should take action before the existing law expires at midnight tonight.

Mr. MYERS. Did the chairman of the House Banking and Currency Committee predict that Senate bill 866 would be reported by his committee without the public-housing feature being in the bill?

Mr. CAIN. He made no prediction, for I asked him no question in that respect.

FIRST DEFICIENCY APPROPRIATION BILL, 1948—CONFERENCE REPORT

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

Mr. MYERS. The Senator from South Carolina [Mr. MAYBANK] has been seeking recognition, and I will yield to him.

Mr. MAYBANK. I yield to the Senator from Nebraska.

Mr. WHERRY. Mr. President, I call up the conference report on House bill 6055 and ask for its immediate consideration.

The PRESIDENT pro tempore. The conference report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6055) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, 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 12, 40, 42, 50, and 54.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 29, 31, 32, 35, 36, 37, 38, 39, 41, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"TEMPORARY CONGRESSIONAL AVIATION POLICY BOARD

"For an additional amount for salaries and expenses for completion of the work of the Temporary Congressional Aviation Policy Board created by the Act to establish a National Aviation Council, and for other purposes (Public Law 287, Eightieth Congress), to be available until June 30, 1948, and to be disbursed by the Secretary of the Senate on vouchers approved by the Chairman, $5,000: *Provided*, That expenditures hereunder shall be made in accordance with the laws applicable to inquiries and investigations ordered by the Senate."

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: In lieu of the matter inserted by said amendment insert the following:

"OFFICE OF VOCATIONAL REHABILITATION

"Such sums as may be necessary (not exceeding $4,500,000) are hereby appropriated for making for the first quarter of the fiscal year 1949 payments to States in accordance with the Vocational Rehabilitation Act, as amended (29 U. S. C., ch. 4): *Provided*, That the obligations incurred and expenditures made for such purpose under the authority of this paragraph shall be charged to the appropriation therefor in the Labor-Federal Security Appropriation Act, 1949: *Provided further*, That the payments made pursuant to this paragraph shall not exceed the amount paid to the States for the first quarter of the fiscal year 1948 in accordance with such Vocational Rehabilitation Act."

And the Senate 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 by said amendment insert "$970,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$20,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$262,500"; 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 named in said amendment insert "$1,000,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 22, 30, and 34.

STYLES BRIDGES,
CHAN GURNEY,
KENNETH MCKELLAR,
CARL HAYDEN,
Managers on the Part of the Senate.

JOHN TABER,
R. B. WIGGLESWORTH,
ALBERT J. ENGEL,
KARL STEFAN,
FRANCIS CASE,
FRANK B. KEEFE,
CLARENCE CANNON,
JOHN H. KERR,
GEORGE H. MAHON,
Managers on the Part of the House.

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

There being no objection, the Senate proceeded to consider the report.

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

Mr. LUCAS. Mr. President, I should like to know whether the conferees of the House agreed with the conferees of the Senate. I should like to have a report on what happened in the conference.

Mr. BRIDGES. The Senate would be concerned with only two amendments, which were eliminated from the bill. The amendments were inserted by the Senate Appropriations Committee, and agreed to by the Senate, providing $1,850,000 for the State unemployment compensation agencies, and $2,560,000 for grants to States for public employment offices. On those items the Senate conferees maintained their stand, but were unable to reach an agreement with the House. Representative KEEFE, chairman of the House Subcommittee on Labor and Federal Security and a member of the conference, took the leadership in the House group, stating that those particular divisions would be combined in the new Labor-Federal Security bill. For that reason, he did not believe these funds were needed. The conferees could reach no agreement. Finally, the understanding was reached that there soon would be another deficiency bill and that if, on the checking by our staff with the various State unemployment agencies and the State unemployment departments, the need still existed for funds, we would again insert the items in the next deficiency bill and urge their adoption.

I think those are the only two points as to which there is any question.

Mr. LUCAS. Do I correctly understand that if we adopt the conference report there will be no money whatsoever to carry on the unemployment-compensation feature?

Mr. BRIDGES. The amounts requested will not be included.

Mr. LUCAS. What will happen until Representative KEEFE can get around to the Labor-Federal Security bill and until an investigation can be made?

Mr. BRIDGES. They will have to get along with what they have in the various States.

Mr. LUCAS. In other words, when the money runs out, that will be the end of it?

Mr. BRIDGES. That would be the end of it.

Mr. LUCAS. Is this a quick way to liquidate those agencies? Is that what the attempt is?

Mr. BRIDGES. No. I would say to the Senator from Illinois that the Senator from New Hampshire was very sincere. I thought our case was justified. I sponsored the items and the Senate included them, but we ran into disagreement in conference with the House. It seemed that the only way to get the report adopted and effect a compromise measure was to serve notice that in the next deficiency bill we would include the items again and insist on them.

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

Mr. BRIDGES. I yield.

Mr. O'MAHONEY. I desire merely to emphasize the fact as I understand it, that the Senate Committee on Appropriations, when it put this appropriation in the bill, at the suggestion of the Senator from New Hampshire, was satisfied that the employment offices in the States were in need of this sum without any question.

Mr. BRIDGES. It was.

Mr. O'MAHONEY. That was the opinion of the committee, as I understood. Am I correct in my understanding now that the position of the House rather was that the money was not needed?

Mr. BRIDGES. Yes; plus the explanation that they were going to propose a new set-up for the coming year. They felt that these sums were not needed on the same basis as if the two divisions were to be continued for the coming year as they had been in the past.

Mr. O'MAHONEY. Does the Senator imply by that statement that the plan in the House is to change the existing legislation?

Mr. BRIDGES. I would assume so; yes.

Mr. O'MAHONEY. That, of course, raises a very serious question. The advice which comes to me with respect to this amendment is that unless this appropriation is allowed, and allowed very soon, the employment offices in a number of States will be required to close. So it poses a very serious issue, whether, because a member of the House conference suggests that there will be a change in legislation, we shall therefore deny the funds which the Senate committee thought were absolutely essential.

May I not ask the Senator, therefore, if in these circumstances it would not be desirable to have the Senate now reject this report, so that the Senate conferees could take it back to discuss it again with the House conferees?

Mr. BRIDGES. I was in favor of both items, the Committee on Appropriations was in favor of both items, and the Senate was in favor of both items. We went forward in good faith. We argued for their retention until it became apparent that we could not get an agreement unless we yielded on these items; so the only compromise I could see was that of putting the items in the next deficiency bill if the need still existed.

Having moved the adoption of the conference report, I do not intend to recommend that it be rejected. But if the Senate in its wisdom does not care to accept it, I shall accept that decision.

Mr. O'MAHONEY. I think the Senator has told us that his compromise agreement is not that this fund shall be provided in another bill, but that if legislation is not changed, then some other sum perhaps may be provided.

Mr. BRIDGES. No; I think the Senator misunderstood me. My statement was that I still felt that insofar as I was concerned, and insofar as I then knew, the funds were needed, but that if the Senate adopted the conference report we would recheck as to the needs, and if the facts as developed on the recheck were as I thought them to be, we would certainly insist on the items in the next deficiency bill.

Mr. O'MAHONEY. In other words, the Senator has put himself in the position of saying to the House conferees, as he now says to the Senate, that he sees no evidence to change his mind as to the necessity for this appropriation, and that if such evidence is not presented he will, upon the basis of the evidence which we have already had, seek to restore this appropriation in the next appropriation bill.

Mr. BRIDGES. That is correct.

Mr. O'MAHONEY. Does the Senator wish to have us understand that if it is handled in that way it will be in time to prevent cutting off the services in the States?

Mr. BRIDGES. It would be done before the current Congress adjourned. I do not know when the next deficiency bill will come along, but I should guess it would be sometime in May.

Mr. FERGUSON. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield to the Senator from Michigan.

Mr. FERGUSON. I merely wish to point out the importance of returning the report to the conference, so far as the State of Michigan is concerned. In the State of Michigan during April the service has been operated at the rate of $450,000 a month. At the present time the State has about $424,000, which would be less than enough to carry on the operations for a month at the present rate.

In Michigan we face this situation: Several strike votes have been taken, and if the strikes take place, employees in other plants which are geared to the main industry will be out of employment, and, therefore, great difficulty will be encountered if money is not received within a period of 30 days.

I think the State of Michigan has done everything it can to conserve the money which has been allotted to it, namely, $1,750,000. There was a serious gas shortage in the State, as a consequence of which 3 weeks of employment were lost in the city of Detroit, which placed a great burden on the administration of the act in Michigan. The State has even gone to the point of asking the employers to help to fill out certain blanks and applications so that money could be saved. The service operated at the rate of $536,000 in January, and it was able to cut the amount down to $450,000 in the month of April.

Mr. President, I feel that under the circumstances we actually face a shutting down of the Employment Compensation Commission and the work it has to do in Michigan. I do not feel we can take the chance of waiting until May or June for another deficiency bill in order that we may keep the service going.

As I understand, when people are thrown out of work, they immediately make applications. Although the law does not provide for compensation for the first week, it does provide compensation for the second week, and if the applications are not cleared and properly processed, the employees do not receive their compensation.

I was talking with Lansing today, and found that there is an item of $100,000 for rent and overhead expenses in the operation of this activity. I was informed that they might transfer some funds, but under no circumstances could they transfer more than $100,000.

In the circumstances, Michigan faces, within a little more than a month, I should say even less than a month, the shutting down of this facility, and I intend to move that the Senate disagree to the report, and request a further conference with the House. I think this situation should be forcefully presented to the House.

The PRESIDENT pro tempore. A motion to disagree would not be in order. The same purpose would be accomplished by voting down the conference report.

Mr. LUCAS. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield to the Senator from Illinois.

Mr. LUCAS. I wish to say to my distinguished friend from New Hampshire that the report rather shocks me, because, since the able Senator from New Hampshire was in charge of the appropriation, and was the author of these amendments, it seemed to me that there was nothing more any Senator could do or should do in attempting to protect his State, because I was sure the Senator from New Hampshire would come back to the Senate with a report embodying what the Committee on Appropriations had inserted in the bill.

What the Senator from Michigan has said presents a picture typical, perhaps, of a great number of States throughout the Nation. I am not sure what the condition is in the State of Illinois in respect to funds. It seems to me that the report is of such importance that we ought to delay action on it until Monday, at least, so that in the interim Members of the Senate may have an opportunity to investigate the situation existing in respect to their own States, and further investigate the problem as a whole, and then take action on Monday, when probably 75 or 80 Members may be present, instead of a bare quorum. The measure is one which is of tremendous importance to every State of the Union. I hope the Senator from New Hampshire will not urge immediate action on his motion, but permit the report to go over until Monday and deal with the matter at that time.

Mr. IVES. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield.

Mr. IVES. I merely want to point out that acceptance of the report will have a rather devastating effect on the State of New York in the two services involved. It would mean that beginning with May 15, or the day after, 900 employees would have to be dropped in the State of New York. This would come at a time of big rush in the recruitment services, and it would not only be demoralizing there but would be almost paralyzing.

Mr. President, far be it from me ever to want to see a conference report rejected for any personal reason, but knowing what I do about the situation, knowing not only how the measure would affect New York, but how it would affect Ohio and New Jersey, two States which are affected even more harmfully than New York, it seems to me action on the report should not be postponed. I think we ought to have immediate consideration of the report, and that the report should be rejected. I say that with all due respect to my good friend the Senator from New Hampshire, who, I happen to know, is in no way, shape, or manner to blame for the present situation.

Therefore, Mr. President, I hope that the report will not be adopted.

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

Mr. BRIDGES. I yield.

Mr. MYERS. What was done with respect to the amendment dealing with the Naval Home in Philadelphia?

Mr. BRIDGES. The Senate conferees receded from that amendment.

Mr. MYERS. The Naval Home in Philadelphia is really the home for old tars, old salts, some of them indigent, and some injured. They asked for a deficiency, Mr. President, of $9,100. The House gave them $3,800. The matter came to the Senate, and the Senate provided the full $9,100 asked for. In conference the Senate conferees have receded on that item. Do you know what that means, Mr. President? Those poor old fellows will be deprived of their tobacco, they will get milk only now and then, and perhaps meat once a week.

Mr. President, why should the Senate recede on this item? It means a saving of less than $6,000; yet the Senate conferees receded. I certainly think that is one amendment on which they could have held fast. $6,000 is involved, and those poor old fellows in the Naval Home in Philadelphia are going to be penalized. They are not only going to have their tobacco taken from them, but will receive less milk and less meat. I certainly wish to join with some of my other colleagues in urging that the report be rejected, and that the bill again go to conference.

Mr. BRIDGES. Mr. President, let me say that in a deficiency bill which contains many, many items there are always some which are in disagreement between the House and the Senate. The only way in which a conference report is finally agreed to is by means of give and take. In no instance do the Senate conferees yield easily. Senators who have been on conference committees know

what is involved. In order to agree upon a report it is necessary for the conferees on both sides to yield here and there. I am not at all satisfied at times with the results obtained in conference, and I regret that we sometimes are obliged to yield. But it is a case of reaching agreement on appropriations in order that the various branches of government may be enabled to function. Therefore in a conference, if the representatives of one House demand everything passed by that House, and the representatives of the other House demanded everything passed by their House we would reach a stalemate and nothing would be accomplished. As I stated, it is a matter of give and take. Some Senators may believe that there is a mistake in judgment on the part of House conferees or Senate conferees respecting certain items, but whatever is done is in good faith.

Mr. President, insofar as I am concerned I do not believe that postponement of the report until Monday or any other day will do any good. If the Senate would like to insist further upon its amendments I shall have no personal feeling in the matter.

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

Mr. BRIDGES. I yield.

Mr. HATCH. I wish to express the hope that the Senate will reject the conference report, and send the bill back for further conference. None of us are altogether familiar with the situation, but I was informed this morning that not only my own State but several other States will be obliged to close their unemployment compensation offices very early, probably before another deficiency bill can be passed, if the action taken by the conferees is agreed to. In that situation it will cause the abandonment of all the organizations in States affected. That will be a most wasteful procedure, aside from the injury done to the service generally. I do not know what will be required, but knowing that the Senator from New Hampshire will do his best to correct the situation, why not let the measure go back to conference, and there try to provide for funds to carry over for a period of 60 or 90 days, while the new plan is worked out, so there will be no interruption in the service. Can that not be done?

Mr. BRIDGES. The funds would be sufficient only for the next 2 months, until June 30. As I have said previously, I have no personal feelings in the matter. If the Senate desires to send the measure back for further conference, and insists on amendments which the Senate has approved, and which I personally supported, or if the Senate desires to send it back with instructions, certainly I do not want to delay the matter. I urged the adoption of the report and I may say that I feel that no good can be accomplished by postponing action. Whatever we do should be done this afternoon.

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

Mr. BRIDGES. I yield.

Mr. HOLLAND. As the Senator from New Hampshire knows, there is an item in the bill providing $1,600,000 for the deepening of St. Lucie Canal in Florida. While I do not want to put the needs or the necessities of my own State ahead of those of any other State, I do desire to call to the attention of the distinguished chairman of the Appropriations Committee and to all other Senators the fact that here is a vital matter, which must be acted upon, for it may mean life or death next fall. This is the first phase of the flood-control program to try to avert a disaster next fall similar to that of last fall, which caused approximately $59,000,000 in damages, according to the report of the Corps of Engineers. Plans and specifications are all ready. The engineers are ready to start their advertisements for bids, just as soon as the measure is passed. I have no objection at all to a rejection of the report if it will be accompanied by speedy action, followed within 2 or 3 days, by another report. But, Mr. President, I feel that we should recall that in a deficiency measure of this kind there are of necessity matters upon which action cannot be delayed, and I know that no Member of the Senate would want to cause additional delay in carrying on the project I have mentioned.

Mr. BRIDGES. I may say to the Senator from Florida, that he is one of the fortunate individuals whose particular appropriation is in the bill. Therefore he is not in the position of some other Senators who are interested in items on which the Senate conferees were forced to yield.

The PRESIDENT pro tempore. The question is on the motion of the Senator from New Hampshire that the conference report be agreed to.

The report was rejected.

Mr. BRIDGES. I move that the Senate further insist upon its amendments, request a further conference with the House of Representatives thereon, and that the Chair appoint as conferees on the part of the Senate at the further conference the same conferees as were previously appointed, with the addition of the Senator from Minnesota [Mr. BALL] and the Senator from Georgia [Mr. RUSSELL].

The motion was agreed to; and the President pro tempore appointed Mr. BRIDGES, Mr. GURNEY, Mr. BROOKS, Mr. BALL, Mr. MCKELLAR, Mr. HAYDEN, and Mr. RUSSELL conferees on the part of the Senate at the further conference.

The PRESIDENT pro tempore laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 6055, which was read, as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
April 29, 1948.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 30 and 34 to the bill (H. R. 6055) making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1948, and for other purposes, and concur therein.

That the House recede from its disagreement to the amendment of the Senate numbered 22 to said bill and concur therein with an amendment as follows: In lieu of the matter proposed to be stricken out and inserted by the said amendment insert: "$225,000: *Provided*, That the authorization granted the Secretary of Commerce in the Third Supplemental Appropriation Act, 1948, with respect to utilization of funds for export controls and for allocation and inventory controls or voluntary agreements relating thereto, is extended from March 31 to June 30, 1948: *Provided further*, That of the total amount made available herein."

Mr. BRIDGES. I move that the Senate agree to the amendment of the House to the amendment of the Senate numbered 22.

The motion was agreed to.

TEMPORARY EXTENSION OF TITLE VI OF THE NATIONAL HOUSING ACT, AS AMENDED

The Senate resumed the consideration of the bill (S. 2565) to provide for a temporary extension of title VI of the National Housing Act, as amended.

Mr. WHERRY. Mr. President, the hour is now about 5:30. We have been debating the Cain amendment for most of the afternoon, although we have branched off to other subjects. In view of the support from the other side of the aisle, it seems that the only thing we could do this afternoon would be to nominate the Senator from Ohio [Mr. TAFT] for President. [Laughter.] For that reason, after debating this question since noon, I feel that I should propound a unanimous-consent request.

I ask unanimous consent that on Monday, May 3, 1948, at 2 o'clock p. m., the Senate vote without further debate on the pending amendment of the Senator from Washington [Mr. CAIN], the time from 12 o'clock until 2 o'clock p. m. to be equally divided between the proponents and the opponents of the amendment, and controlled, respectively, by the Senator from Washington [Mr. CAIN] and the Senator from Vermont [Mr. FLANDERS] or some other Senator designated by him if he is unable to serve.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. MAYBANK. Mr. President, reserving the right to object, I should like to ask the distinguished junior Senator from New York [Mr. IVES] if he believes that would be a satisfactory arrangement so far as the Senator from Ohio [Mr. TAFT] is concerned. The Senator from Ohio testified before the committee; and I shall object to the request of the Senator from Nebraska if there is any objection on the part of the Senator from Ohio or the Senator from New York.

Mr. IVES. Mr. President, I have not had an opportunity to communite with the Senator from Ohio since receiving the message which was read a little while ago. The message was actually received. It was not a phony message. It did arrive, and it is absolutely accurate. In line with the message which the Senator from Ohio sent requesting that action on the proposed amendment be delayed until next Monday, I am sure that the hour suggested by the Senator from Nebraska would undoubtedly be satisfactory under those conditions. The same thing applies so far as the Senator from Vermont [Mr. FLANDERS] is concerned. I have not heard from them; but I believe that is all any of us should request.

Mr. MAYBANK. Mr. President, if the Senator from New York has no objection, I do not object.

Mr. CAIN. Mr. President, I had hoped that the Senate would be able to resolve the pending question during the course of this night. I continue to be aware, as I have been all day, that title VI of the National Housing Act expires at midnight tonight. That calls for action before midnight.

I wish to make it very clear that we ought to take some action. Apparently a sufficient number of Senators to prevent action have no intention of doing anything tonight. I wish to make myself very clear on that particular subject. I think the pending amendment is a reasonable one from my point of view. It has been exposed to close scrutiny and debate all day. I wish I could think of some way by which the question could be brought to a positive conclusion.

Mr. MAYBANK. Mr. President, I wish only to repeat what I stated earlier today. In March 1946 the same law expired. Thanks to the Senate Committee on Banking and Currency, I was one of the conferees at that time. We could not get the House to agree. The law was inoperative for some time before we finally reached an agreement. A hiatus of 1 or 2 days makes no difference. The law expired in March 1946 and was not in effect until May 27. Forty-eight hours makes no difference. The Senator from Ohio and the Senator from Vermont and other Senators who supported the measure should be present.

Mr. IVES. Mr. President, I have a very simple answer in reply to the question just raised by the Senator from Washington [Mr. CAIN]. If he really wants action on this subject tonight, I am sure that it can be obtained by unanimous consent if he will withdraw the amendment which he has offered and allow the Senate to pass the bill providing for a 30-day extension. I am sure that that would meet with no objection whatever.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska [Mr. WHERRY]?

Mr. CAIN. Mr. President, reserving the right to object, I should like to respond to the junior Senator from New York by saying that there are two different points of view concerning an important problem. How can either of us know whether or not the amendment would prevail?

Mr. IVES. Mr. President, I should like to point out, in reply to the observation of the Senator from Washington, that he has emphasized that action must be taken.

Mr. CAIN. It ought to be.

Mr. IVES. That is a little change in phraseology. The Senator stated that action must be taken.

Mr. CAIN. From my point of view it must.

Mr. IVES. The junior Senator from New York is merely trying to point out the process by which action can be taken, and by which this debate and controversy can be ended. If the situation is so serious as the junior Senator from Washington would have us believe—and I have every reason to think that the junior Senator from Washington himself thoroughly believes that it is that serious—he should withdraw the amendment which he has offered and allow the Senate to vote on the bill as reported by the committee, providing for a 30-day extension.

Mr. CAIN. All the junior Senator from Washington and other Senators who believe in his position have been asking all day is that the Senate vote on the amendment offered by the junior Senator from Washington. If that is defeated, the bill will be open for passage or rejection, in accordance with the wish of the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

Mr. CAIN. I object.

The PRESIDENT pro tempore. Objection is heard.

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

Mr. WHERRY. Mr. President, will the Senator withhold his suggestion of the absence of a quorum?

Mr. MAYBANK. Certainly.

Mr. WHERRY. Mr. President, I feel that every effort has been made to bring this issue to a successful conclusion. Apparently the will is that there shall not be a vote on this issue tonight if it can be prevented. I shall not quarrel with that viewpoint. However, we have had a long session. It is now 5:30. If it meets with the approval of the Senate I shall move that the Senate, as in executive session, consider the nominations on the Executive Calendar, and then take a recess until Monday.

Mr. MAYBANK. Upon that motion being agreed to, I shall withdraw the suggestion of the absence of a quorum.

Mr. WHERRY. As I understand, the unfinished business would be the amendment in the nature of a substitute offered by the Senator from Washington.

The PRESIDENT pro tempore. The Senator is correct.

Mr. MYERS. Mr. President, the Senate will shortly take a recess. The names of many leaders on the opposite side have been mentioned. When the deficiency bill goes back for further conference, I hope the Senator from New Hampshire [Mr. BRIDGES] will remember my old sailors in Philadelphia and try to do something for them.

CONSIDERATION OF EXECUTIVE NOMINATIONS

Mr. WHERRY. I ask unanimous consent, as in executive session, that the Senate proceed to consider nominations on the Executive Calendar as printed for Friday, April 30, 1948.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

The clerk will proceed to state the nominations on the Executive Calendar.

HOUSING EXPEDITER

The legislative clerk read the nomination of Tighe E. Woods to be Housing Expediter.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

PUBLIC PRINTER

The legislative clerk read the nomination of John J. Deviny to be Public Printer.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Sanford M. Rosenthal to be Medical Director in the Public Health Service.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTER

The legislative clerk read the nomination of J. Edwin McKee to be postmaster at Fort Worth, Tex.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed; and, without objection, the President will be notified forthwith of the nominations confirmed by the Senate today.

CONVENTION DISPPOSING OF CLAIMS BETWEEN NORWAY AND THE UNITED STATES

The PRESIDENT pro tempore. Before the consideration of the Executive Calendar is concluded, the Chair, with the indulgence of the Senate, desires to call attention to No. 18 on the Executive Calendar, being Executive G of the Seventy-ninth Congress, first session. It is merely a conclusion of a method of arbitration of claims between Norway and the United States, claims which have been lingering for many, many years, in connection with shipping in World War I. This convention is simply a method of arranging for arbitration in one instance, and an agreement on our part to permit the Government of Norway to submit all the claims to our Court of Claims.

The able Senator from Utah [Mr. THOMAS] was absent from his seat when the Chair undertook to make this explanation. He is in charge of the convention, and the Chair now recognizes him.

Mr. THOMAS of Utah. Mr. President, I am sure the President pro tempore has stated the proposition better than I could have. I think the Senate should act upon this convention tonight.

The Senate, as in committee of the whole, proceeded to consider the Convention, Executive G (79th Cong., 1st sess.), a convention between the United States of America and Norway, signed at Washington on March 28, 1940, providing for the disposition of a claim of the Government of Norway against the Government of the United States on behalf of Christoffer Hannevig, a Norwegian subject, and a claim of the Government of the United States against the Government of Norway on behalf of the late George R. Jones, an American citizen, which was read the second time, as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND NORWAY SIGNED MARCH 28, 1940

Whereas the Government of Norway has made claim against the Government of the United States of America on account of

damages alleged to have been sustained by Christoffer Hannevig as the result of acts of the Government of the United States of America, the United States Shipping Board Emergency Fleet Corporation, their officers and agents, in relation to certain properties in the United States of America in which he claims to have had an interest, the validity of which claim is denied by the Government of the United States of America.

Whereas the Government of the United States of America has made claim against the Government of Norway on account of alleged denial of justice by the courts of that country in connection with certain litigation involving the rights and interests of the George R. Jones Company, or the late George R. Jones, the validity of which claim is denied by the Government of Norway.

Whereas the President of the United States of America and His Majesty the King of Norway, desirous of reaching an amicable agreement for the disposition of such claims and of concluding a convention for that purpose, have named as their plenipotentiaries, that is to say:

The President of the United States of America:

Cordell Hull, Secretary of State of the United States of America; and

His Majesty the King of Norway:

Wilhelm Munthe Morgenstierne, Envoy Extraordinary and Minister Plenipotentiary of Norway to the United States of America;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

First. Within one year from the date of the exchange of ratifications of this convention, the Agent for the Government of Norway shall present to the Agent for the Government of the United States of America a Memorial or a statement of claim in which shall be set forth in a clear, categorical and full manner:

(a) the precise items of alleged loss or damage composing the claim on behalf of Christoffer Hannevig as they are finally conceived to be by the Government of Norway, indicating definitely the amount of each separate item thereof;

(b) the facts alleged in support of each such item of the claim;

(c) the principles of law upon which each item of the claim is alleged to rest.

Such Memorial shall be accompanied by all the evidence upon which all items of the claim are made to rest, it being clearly understood that no further evidence may be submitted in support of the claim, either during the stage hereinafter provided for its diplomatic consideration or during its possible adjudication, except such rebuttal evidence as is referred to hereinafter.

Second. Within one year from the date of the receipt by the Agent for the Government of the United States of America of the Memorial of the Government of Norway, he shall present to the Agent for the latter an Answer to the Memorial, in which shall be set out in a similarly clear, categorical and full manner:

(a) the defenses of the Government of the United States of America to each item of the claim;

(b) the facts upon which such defenses rest;

(c) the principles of law relied upon in each instance.

To such Answer there shall be attached all of the evidence upon which the defense of the case shall be made to rest and no further evidence shall be filed in defense, either during the stage of diplomatic consideration or during a possible adjudication of the claim, except such rebuttal evidence as is referred to hereinafter.

Third. Within six months from the date of the receipt of the Answer of the Government of the United States of America, the Agent for the Government of Norway may, if he so desires, file a Reply to such Answer. In such Reply the Government of Norway, without being allowed to augment or change any of the bases of the claim as stated in its Memorial, may explain such alleged bases in the light of the evidence filed with the Answer.

There may be filed with the Reply only such evidence as is strictly in rebuttal to evidence filed with the Answer and as does not present any new bases of claim. Any such evidence filed which is not strictly in rebuttal to the evidence filed with the Answer shall be entirely disregarded in deciding the case.

Fourth. Within six months from the date of the receipt of the Reply of the Government of Norway, the Agent for the Government of the United States of America may, if he so desires, file a Counter-Reply, which Counter-Reply shall be strictly limited to answering contentions advanced in the Reply.

There may be filed with the Counter-Reply only such evidence as is strictly in rebuttal to evidence filed with the Reply. Any such evidence filed which is not strictly in rebuttal to the evidence filed with the Reply shall be entirely disregarded in deciding the case. It is understood that no evidence may thereafter be submitted in support of or in defense of the claim, either during the period of its diplomatic consideration or during its possible adjudication.

Fifth. Within six months from the date of the receipt of the Counter-Reply of the Government of the United States of America, the Agent for the Government of Norway shall file with the Agent for the Government of the United States of America a legal Brief in which the Claimant Government shall set forth with clarity and fullness all its contentions with respect to the factual bases of the claim as already developed and the law applicable thereto.

Sixth. Within six months from the date of the receipt of the Brief of the Government of Norway, the Agent for the Government of the United States of America shall file with the Agent for the Government of Norway a Reply Brief in which the Respondent Government shall set forth with clarity and fullness all its contentions with respect to the factual defenses of the claim and the law applicable thereto.

It is declared to be the purpose of this Article to require a full, systematic and fair development of all the facts and law of the case for consideration by the two Governments and, if necessary, by the tribunal or tribunals.

ARTICLE II

In the event that the two Governments shall be unable to agree upon a disposition of the claim, or any portions thereof, within the six months next succeeding the filing of the Reply Brief of the Government of the United States of America, the pleadings thus exchanged shall be referred to the Court of Claims of the United States of America for a decision on the claim or any such unsettled portions thereof, it being clearly understood, however, that in no event shall the issues of the case, either factual or legal, or the contentions of either party, as submitted to diplomatic discussion, be changed in character, or the written record above described augmented in any manner in the event that the claim shall be so referred to the Court of Claims for adjudication.

It is understood that the provisions for possible reference of the case to the Court of Claims, and for possible appeal to the Supreme Court of the United States of America, as provided in Article V hereof, are subject to authorization by the Congress of the United States of America.

ARTICLE III

The issues to be decided by the Court of Claims shall be those formulated by the pleadings exchanged pursuant to Article I of this convention, or such of those issues as shall not have been previously settled by agreement of the two Governments.

The Court of Claims shall decide such issues in conformity with applicable law, including international law, and shall state fully the reasons for its decision.

ARTICLE IV

As soon as possible after the receipt of the above-mentioned pleadings by the Court of Claims, the Court shall convene for the purpose of hearing such oral arguments by Agents or Counsel or both for each Government as the respective Agents thereof shall desire to present. The conduct of the oral proceedings shall otherwise be under the control of the Court.

ARTICLE V

Within three months following the date of the decision of the Court of Claims (in the event the case shall be referred to the Court for adjudication), either or both Governments may petition the Supreme Court of the United States of America to review the decision and such review shall comprehend either the factual or the legal bases of the case, or both, as may be requested in the petition or petitions.

ARTICLE VI

In the absence of such a petition to the Supreme Court the decision of the Court of Claims shall be accepted by both Governments as a final and binding disposition of the case. In the event of such a petition to the Supreme Court its decision shall be accepted by the two Governments as a final disposition of the case.

ARTICLE VII

In the event that an award is finally rendered in favor of the Government of Norway, no part thereof shall be paid or credited to that Government for any purpose whatsoever until the claims of creditors of Christoffer Hannevig and of his various American corporations shall have been settled by an agreement between the two Governments.

ARTICLE VIII

The language of the pleadings and of the oral proceedings shall be English. Any evidence submitted in any language other than English shall be accompanied by a full and correct translation thereof into the English language.

ARTICLE IX

The two Governments agree that the claim of the Government of the United States of America against the Government of Norway on behalf of the George R. Jones Company, the late George R. Jones, or his heirs, successors or assigns shall be developed for consideration in the following manner:

(a) the pleading shall be limited to four in number, namely, a Memorial, an Answer, a Brief, and a Reply Brief, and they shall be prepared in the same manner, and filed within the same time limits as the corresponding pleadings provided for in Article I of this convention:

(b) all evidence in support of and in defense of the claim shall be filed with the Memorial and with the Answer in the manner prescribed in Article I, and no further evidence shall be filed except that such evidence may be filed with the Brief as is strictly in rebuttal to that filed with the Answer.

ARTICLE X

If the two Governments shall be unable to agree upon the settlement of the Jones case within the six months next succeeding the date upon which the Reply Brief shall have been filed in that case, the pleadings shall be

referred by means of a joint communication of the two Agents, to a sole Arbitrator for decision. The Arbitrator, who shall be neither Norway nor the United States of agreed upon by the two Governments, shall be a jurist of high reputation, well versed in international law, and shall be a national of America.

In the event of the inability of the two Governments to agree upon an Arbitrator within two months from the termination of the period last above mentioned, such Arbitrator shall be selected by His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India.

The place of arbitration of the Jones case (in the event that arbitration becomes necessary) shall not be within the territorial jurisdiction of either of the contracting parties.

In the matter of the conduct of oral proceedings, the Arbitrator shall be bound by the principles of Article IV of this convention. The decision of the Arbitrator, which shall be rendered within three months from the conclusion of oral proceedings, shall be accepted by the two Governments as a final and conclusive disposition of the Jones case.

ARTICLE XI

Each Government shall pay all expenses incident to the preparation and presentation of its own side of each case. All joint expenses, including the honorarium for the Arbitrator, shall be borne by the two Governments in equal proportions.

ARTICLE XII

The periods of time mentioned in Articles I and IX of this convention may be extended by mutual agreement of the two Governments.

ARTICLE XIII

This convention shall be ratified by the High Contracting Parties and shall take effect immediately upon the exchange of ratifications which shall take place at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed this convention and have hereunto affixed their seals.

Done in duplicate at Washington, this twenty-eighth day of March, 1940.

[SEAL] CORDELL HULL
[SEAL] W. MUNTHE MORGENSTIERNE

The PRESIDENT pro tempore. The convention is open to amendment. If there be no amendment to be proposed, the convention will be reported to the Senate.

The convention was reported to the Senate without amendment.

The PRESIDENT pro tempore. The resolution of ratification will be read.

The legislative clerk read as follows:

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of Executive G, Seventy-ninth Congress, first session, a convention between the United States of America and Norway, signed at Washington on March 28, 1940, providing for the disposition of a claim of the Government of Norway against the Government of the United States on behalf of Christoffer Hannevig, a Norwegian subject, and a claim of the Government of the United States against the Government of Norway on behalf of the late George R. Jones, an American citizen.

The PRESIDENT pro tempore. The question is on agreeing to the resolution of ratification. [Putting the question.] Two-thirds of the Senators concurring therein, the resolution of ratification is agreed to, and the convention is ratified.

RECESS TO MONDAY

Mr. WHERRY. I move that the Senate take a recess until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 5 o'clock and 31 minutes p. m.), under the order previously entered, the Senate took a recess until Monday, May 3, 1948, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate April 30 (legislative day of April 22), 1948:

DIPLOMATIC AND FOREIGN SERVICE

Ely E. Palmer, of Rhode Island, now Envoy Extraordinary and Minister Plenipotentiary to Afghanistan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

UNITED STATES ATTORNEYS

J. Skelly Wright, of Louisiana, to be United States attorney for the eastern district of Louisiana, vice Hon. Herbert W. Christenberry, resigned.

George L. Grobe, of New York, to be United States attorney for the western district of New York. (Mr. Grobe is now serving under an appointment which expired October 1, 1947.)

UNITED STATES PUBLIC HEALTH SERVICE

The following-named candidates for appointment in the Regular Corps of the Public Health Service:

To be dietitian (equivalent to the Army rank of major), effective date of acceptance:

Fonda L. Dickson

To be senior assistant surgeons (equivalent to the Army rank of captain), effective date of acceptance:

John L. Lewis, Jr.	Alvin L. Cain
Ralph Alperin	William W. Richards
William Weingarten	Walter J. Lear
Holman R. Wherritt	John P. Risley
Stanley H. Moulton	Vaso L. Purlia
Edgar A. Swartz	Milo O. Blade

To be assistant surgeons (equivalent to the Army rank of first lieutenant), effective date of acceptance:

Paul Fremont-Smith	Robert F. Wettingfeld
David L. Rodgers	Sidney Shindell
Robert M. Faine	Raymond W. Hermann
Laurence Finberg	William H. Baker
Carlyle F. Stout	Harry R. H. Nicholas III
John P. Utz	Sol Altschul
Charles O. Metzmaker	Keith H. Frankhauser
Arthur D. Fisher	Edward B. Lehmann
David H. Solomon	Ralph S. Paffenbarger, Jr.
Norman G. Hepper	
James V. Woodworth	John W. Cashman
Leonard J. Ganser	Robert A. Sammons
Charles M. Gillikin	Alan F. Thometz
Daniel M. Enerson	Lewis W. Moore
Arthur S. Keats	Delmo A. Paris
Wendell L. Pierce	

IN THE AIR FORCE

The following-named officers for promotion in the United States Air Force, under the provisions of sections 502 and 508 of the Officer Personnel Act of 1947. Those officers whose names are preceded by the symbol (×) are subject to examination required by law. All others have been examined and found qualified for promotion.

To be first lieutenants

First Lt. John Edward Lineberger, AO50377, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 1, 1948.

First Lt. Rudolph Junior Schweizer, AO56527, Air Force of the United States (second lieutenant, U. S. Air Force) with rank from May 1, 1948.

First Lt. William Claude Weldon, Jr., AO56528, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 2, 1948.

Second Lt. M. L. Buchanan, AO56530, United States Air Force, with rank from May 3, 1948.

×Second Lt. Clayton Darrell Mode, AO38456, United States Air Force, with rank from May 3, 1948.

First Lt. Bryan Roscoe Jolley, AO56529, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 3, 1948.

First Lt. Walter Brooks Badger, AO56533, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 4, 1948.

Capt. Frank Mann, Jr., AO50378, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 4, 1948.

Capt. Floyd Harrison Trogdon, AO50381, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 7, 1948.

First Lt. John William Trezise, AO50382, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 8, 1948.

First Lt. Clarence James Douglas, Jr., AO56534, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 9, 1948.

First Lt. Jewel Neal Craft, AO56536, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 10, 1948.

First Lt. Walter Scott Crum, AO50383, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 11, 1948.

Second Lt. John Malcolm Netterblad, AO50384, United States Air Force, with rank from May 11, 1948.

First Lt. Joseph Michael Kristoff, AO56538, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 12, 1948.

×First Lt. James Fred Gruben, AO50387, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 13, 1948.

Second Lt. John Joseph Burgmeier, AO50388, United States Air Force, with rank from May 13, 1948.

First Lt. Harold Wendell Petree, AO56539, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 13, 1948.

First Lt. John Boyd Flaig, AO50390, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 14, 1948.

First Lt. Donald Eugene Dano, AO50391, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 16, 1948.

Capt. Ellis Leroy Fisher, AO38461, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 17, 1948.

First Lt. Robert Allen Novotny, AO56541, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 17, 1948.

First Lt. LeRoy Perry Hansen, AO41333, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 18, 1948.

First Lt. Russell Lamar Lewis, AO56542, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 18, 1948.

First Lt. William Everett Davis, Jr., AO41332, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 18, 1948.

First Lt. William Daniel Johnston, Jr., AO50393, Air Force of the United States

(second lieutenant, U. S. Air Force), with rank from May 18, 1948.

First Lt. Frederick Warburton Joy, Jr., AO50394, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 18, 1948.

First Lt. Philip James Crossman, AO56544, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 19, 1948.

First Lt. Andrew Raymond Reeves, Jr., AO38462, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 20, 1948.

Capt. Robert Charles Tomlinson, AO38464, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 21, 1948.

First Lt. Nils Nelson, AO56545, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 21, 1948.

Second Lt. Robert Dale Miller, AO38465, United States Air Force, with rank from May 23, 1948.

First Lt. Spencer Crosby Savage, AO56546, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

×First Lt. Francis Harold Potter, AO38466, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

×First Lt. Cullen Bryant Morgan, AO38467, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

×First Lt. Alma Lord Potter, AO50399, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

×First Lt. Jerry William Tom, AO38468, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

First Lt. Benjamin Wilder Coolidge, AO56547, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

First Lt. Hoyt Cecil Bethell, AO56548, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

×First Lt. James Russell Lowell, AO38469, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

Second Lt. Smith Lorenzo Von Fossen, AO56552, United States Air Force, with rank from May 23, 1948.

Second Lt. Marlin Clyde Howard, AO56549, United States Air Force, with rank from May 23, 1948.

First Lt. Martin Luther Stutts, AO38470, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

First Lt. Kenneth Omar Wofford, AO56550, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

First Lt. Charles Herbert Proctor, AO56553, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

Second Lt. Robert Marion Denny, AO56555, United States Air Force, with rank from May 23, 1948.

First Lt. William Orville Lighty, AO56556, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 23, 1948.

Second Lt. Robert Wendell Dodson, AO56551, United States Air Force, with rank from May 23, 1948.

First Lt. Vernon Alfred Lindvig, AO56557, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 24, 1948.

First Lt. Keith Gordon Robison, AO56558, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 25, 1948.

First Lt. Donald Raymond Butterfield, AO56559, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 26, 1948.

First Lt. Lyle Albin Wykert, AO50404, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 30, 1948.

First Lt. Douglas James Nelson, AO50405, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 30, 1948.

First Lt. Hewitt Eldridge Lovelace, Jr., AO50406, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 31, 1948.

First Lt. James Stuart Schofield, AO56561, Air Force of the United States (second lieutenant, U. S. Air Force), with rank from May 31, 1948.

Regular Army and Regular Air Force

The following-named persons for appointment in the Regular Army and Regular Air Force of the United States, in the grade of second lieutenant, with dates of rank to be determined by the Secretary of the Army, under the provisions of section 506 of the Officer Personnel Act of 1947:

REGULAR ARMY

Albert N. Abelson
Eugene K. Andreasen
John F. Archer
Edward J. Arlinghaus
Thomas Y. Awalt
Guy A. Baber, Jr.
Andrew W. Baird
George M. Barrack, Jr.
Sam L. Barth
Rutland D. Beard, Jr.
Donald J. Beckwith
Richard A. Benefield
Robert B. Bernstorf
George W. Bickerstaff
George H. Bickley
Colon R. Britt, Jr.
William E. Brockmeier
Joseph W. Brouillette, Jr.
Bobby C. Bush
Thomas E. Cantrell
Marco J. Caraccia
Robert E. Carlson
Murray L. Carroll
Esper K. Chandler
William W. Chandler
John W. Chism
Byron R. Clark
William P. Clay
Ray W. Coffey
Samuel N. Cohen
Charles C. Collins
William I. Compton
James Corey
George L. Cross
Harrison P. Crowell
Victor R. Cullens
William J. Cummings
Charles T. deLorimier
Albert P. Dempsey, Jr.
Clinton A. Drury, Jr.
Eugene M. Dutchak
Charles W. Edwards
Earl E. Emerson, Jr.
Irving Feldman
Robert J. Fiscella
Thomas C. Fischer
Harley B. Fisk, Jr.
James R. Flannery
Joe A. Font
Edward F. Foster
Reinhart C. Gauerke
Owen J. Giblin
Warren A. Gilbert, Jr.
John P. Gilman
George W. Gordon
Douglas M. Graham
Edward Greer
Sidney C. Guthrie
M. B. Guyton
Spencer V. Halgren
Elton F. Hammond, Jr.
Albert H. Hanger
Clifton S. Harris, Jr.
Walter R. Harrison, Jr.
Thomas J. Heller
Benjamin C. Hilliard
Charles B. Hinson
William R. Huff
Harold Hutcherson
Clarence H. Jackson
James A. Jeffers
William F. Jester
Charles M. Johnson
Ivor R. Jones
Edward S. Karon
Roy D. Kaylor
Oliver T. Kelly
Clayton A. Kemp
Ernest L. Kerley
John H. Klein, Jr.
Joseph Knight
Irvin S. Kramer
Donald K. Kuehl
George S. Kukuchek
John E. Lambert
Robert D. Lambourne
Delbert E. Lane
Arthur L. Laughry
Francis Lebaron
Henry H. Lentz
Francis E. Lougee
Jose H. Lowry
Benjamin E. Lumpkin, Jr.
John R. Manning
James S. Martin
William R. Massey
Wesley J. Matson
William D. McLean
Homer C. McNamara, Jr.
Donald C. Mead, Jr.
James O. Melton
Robert W. Merchant
Carl J. Merck
Francis Meredith, Jr.
Malachi M. Mills.
Guy E. Mitchell, Jr.
Robert D. Monical
Victor O. Morris
John E. Mulhern
Harry F. Mumma
Robert A. Munford
Paul E. Myers
Norman J. Newman
John M. Nolan
Edward H. O'Donnell
Carlo J. Ortenzi
Robert L. Patterson
Trevor J. Perry
Galen W. Pike
Harvey D. Piper
Martin L. Pitts, Jr.
David D. Powell
Leonard L. Preston
Robert M. Quinlan
William R. Ramsey
John M. Reardon
James B. Reed
Rolfe Robertson
William B. Roth
James J. Rubash
Louis G. Sandkaut
Tommy F. Satterfield
Henry A. Schenk
Robert C. Schindling
Robert G. Schmitt
Paul E. Schwab
Robert D. Sheppard, Jr.
Thomas P. Shiely
Cyril Sidun
Orvis H. Skolos
Forest J. Smith, Jr.
Melvin Smith
John E. Steinke
Lorenzo E. Stephenson
John W. Stevenson
Julian R. Story
Robert P. Story
Donald L. Synolds
Hunter G. Taft.
Jerrol E. Taylor
Mack Taylor, Jr.
William M. Taylor
Richard H. Timmins
George R. Truex, Jr.
Blaine E. Twitchell
Jack C. Utley
Clifton F. Vincent
Louis H. Wagner
John E. Walden II
Andrew J. Waldrop
Joseph L. Walker, Jr.
Paul A. Watkins
Robert W. Webb
James S. Weeks
John M. Welch
Hal D. White
Charles Wiersch
Robert T. Wilkerson
Theodore C. Williams, Jr.
Charles L. Worley, Jr.
Charles S. Wylie
Walter E. Yerkes

REGULAR AIR FORCE

Avan T. Adams
Robert L. Adams
Carl W. Ballard
Melvin R. Bandle
Lester Banks
Herbert B. Barentine
Arnold G. Barker, Jr.
Harold L. Bellairs
Donal D. Bloodgood
John H. Bost
Manuel Bracete, Jr.
Ray B. Bressler, Jr.
Paul L. Briand, Jr.
Pat D. Brinson
Charles Buhman, Jr.
Richard W. Burkholder
Warren F. Chrisman
George H. Christena
William N. Cornett
George A. Crane, Jr.
Benjamin B. Davis
Victor M. Davis, Jr.
William E. Donlon, Jr.
Lawrence A. Doyle
Rudolph W. Ebacher
Shirley J. Eby
William H. Field
Harrell D. Foitik
Richard Foster
Carl R. Frear, Jr.
Joseph E. Hammond
Raymon W. Harlow
Robert L. Harrison
Gerald L. Hendryx, Jr.
William A. Hofacker
Clarence T. Jane
Robert P. Keller
Ulysses S. Knotts, Jr.
Robert L. Lieberman
John H. Lomax
Howard B. Long, Jr.
Frank C. Longwell
Owen L. Lovan
Brice E. Lytle
Edward A. Malone, Jr.
Robert E. McGee
John A. Middleton III
Clay H. Miller, Jr.
Robert B. Monier
Earl M. Monroe
William W. Mullally
James W. Newberry
Alan H. Noyes
William H. O'Bryan, Jr.
Robert H. Papy, Jr.
Michael N. Parker
Virgil F. Perkins, Jr.
Lennox I. Petree
Laverne W. Poland
Donald A. Preble
Charles A. Rodenberger
Wesley K. Sasaki
Robert A. Schlapper
Bennett E. Smith
James A. Snell
Marlowe B. Sorge
Maynard D. Stewart
Francis R. Stokes
Stanley L. Sturgill
Phillip R. Tatnall
Jacques K. Tetrick
John C. Thompson
William J. Thorpe
Richard R. Tibbetts
William A. Toombs, Jr.
James S. Tucker
Paul J. Vican
Joe E. Webb
Frank R. Williams
Harry L. Wytock
Joe E. Zollinger

CONFIRMATIONS

Executive nominations confirmed by the Senate April 30, 1948.

Housing Expediter

Tighe E. Woods to be Housing Expediter.

Public Printer

John J. Deviny to be Public Printer.

Public Health Service

APPOINTMENT IN THE REGULAR CORPS

Sanford M. Rosenthal to be medical director (equivalent to the Army rank of colonel), effective date of acceptance.

Postmaster

TEXAS

J. Edwin McKee, Fort Worth.

HOUSE OF REPRESENTATIVES

FRIDAY, APRIL 30, 1948

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Be Thou our peace, O Lord, the peace that makes the yoke easy and the burden light; the peace which prepares for toil, stimulates action, and inspires fellowship in a common purpose. Help us to live the life of the spirit, conscious that no duty is too simple, no position too humble to show forth the grandeur of Thy trust in us. No act can be better than the servants of the Ship of State striving in every redemptive effort. O bless our entire citizenship, that our people may rest and abide under just laws, wisely administered; in the bond of unity, grant us light where there is twilight and purge away the weakness of prejudice and error. In the Master's name we pray. Amen.

The Journal of the proceedings of yesterday was read and approved.

HON. JOHN TABER

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, I rise to protest an attack against our hard-working, conscientious colleague, JOHN TABER. The Washington Post in its April 29 editorial, Hands Off, Mr. TABER, has, in fact, affronted not only Mr. TABER but also the entire Appropriations Committee and House of Representatives.

The Post seems to have forgotten that part of the Constitution which says "no money shall be drawn from the Treasury, but in consequence of appropriations made by law." Mr. TABER and his committee are specifically charged with the duty of scrutinizing and passing on the expenditure of every taxpayer's dollar. He is performing a very patriotic duty, and for editors to be perturbed at the fact that Mr. TABER manifests an interest in ECA is an unwarranted affront to the entire Congress.

The Washington Post seems to feel that Mr. Hoffman's preliminary guesses should be treated by the Congress as Mr. Hitler's suggestions were ratified by the Reichstag. I know my distinguished colleague will pay no attention to the Washington Post. We all are relying on him and his committee for a real examination of the fantastic guesses made by the State Department, which, as the Post says, "Mr. Hoffman has not even had time to check and revise."

The Washington Post would apparently like us to give the wealth of our citizenry to the Socialists of Europe without raising any serious question as to how the money will be spent and what results can be reasonably expected. American citizens everywhere should thank God for JOHN TABER, who, with his committee, is giving this program the only sound scrutiny it has ever received.

HANDS OFF, MR. TABER

The interest manifested by Chairman TABER of the House Appropriations Committee in Administrator Hoffman's plans for allocation of ECA funds is decidedly perturbing. In the first place, any estimates of the amounts required by the participating countries are at present in the nature of preliminary informed guesses. Mr. Hoffman has not even had time to check and revise those estimates. Secondly, premature announcements of decisions subject to change raise hopes that may be disappointed and are likely to bring protests from participating countries that think they are entitled to a larger slice of the common fund.

But these are minor irritations after all; the major danger suggested by Mr. TABER'S probing activities is the possibility that he will use the information placed at his disposal to work out some plan of his own for distributing ECA funds, or attach conditions to their utilization that would tie the hands of the Administrator and impair the effectiveness of the recovery program. In view of Mr. TABER'S habit of incorporating policy-making legislation in appropriations measures, there is good cause for anxiety regarding his intentions.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD.

Mr. TWYMAN asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mrs. BOLTON asked and was given permission to extend her remarks in the RECORD and include a talk made by her before the Daughters of the American Revolution.

Mr. FLETCHER asked and was given permission to extend his remarks in the RECORD and include an article from the February issue of Home Builders' Monthly, the official publication of the Home Builders' Association of Metropolitan Washington.

Mr. RICH. Mr. Speaker, I ask unanimous consent to insert in the Appendix of the RECORD an article by George S. Benson, president of Harding College at Searcy, Ark., on Federal aid to education. He is one of the soundest men I know of in this country, and I would like for people to read his article.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEND-LEASE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I notice in this morning's paper that the President of the United States is going to send us a message next week on lend-lease. The article is as follows:

TRUMAN TO URGE NEW LEND-LEASE UNDER AID PLAN

WASHINGTON, April 29.—President Truman will ask Congress in a special message next week for limited shipments of American arms to the 16 Marshall-plan nations, informed sources reported tonight.

He will ask Congress to endorse a limited program of lend-lease shipments for countries now participating in the European recovery program, including the five powers which recently signed a "western union" mutual defense pact, it was said.

Lend-lease is what we had in this country during the last World War. It is going to give practically everything we have in this country to foreign countries. I want to say to you, as a leader of the Republican Party, and to the Republicans and to the Democrats of the House, that if we do not stop trying to take care of all the nations in all the world and simply tend to our own business and look after America, we had better just adjourn and go home, because I tell you that you are only sticking your nose out now into everybody's business all over the world, and you cannot do that. We do not have enough to take care of the people of America and look after our country. It just burns me up to think that you are going to go on with that sort of thing. It is about time to stop it.

EXTENSION OF REMARKS

Mr. LANHAM asked and was given permission to extend his remarks in the RECORD and include an editorial by Ralph McGill in the Atlanta Constitution.

Mr. TEAGUE asked and was given permission to extend his remarks in the RECORD and include extraneous material in three instances.

Mr. GOSSETT asked and was given permission to extend his remarks in the RECORD and include a radio address he made last week.

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the Appendix.

DOMESTIC PROBLEMS

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

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

There was no objection.

Mr. GATHINGS. Mr. Speaker, when the war ended and the country was in a high state of optimism for peace, Congress and the Nation hoped that at long last we could settle ourselves into a normal routine and take a look at our domestic problems. There were many problems concerned purely with domestic matters; some of these problems had been increased manyfold because of the war.

Uppermost on the list of matters needing the serious study of the Congress were the problems of the farmers of this country. We were very happy here in Congress and I am sure the farmers were also relieved that legislation had been provided which assured them an adequate price-support program during the war and for 2 years after the termination of the war emergency.

In order to make it possible for the farmers to do the tremendous job which they did during the war, the Congress wisely had provided agriculture legislation which has supported the price of farm commodities at 90 percent of par-

ity and 92½ percent of parity for cotton. This support program ends on December 31 of this year, making it necessary to pass legislation at once to assure fair prices for farm products.

But much has happened since the days of victory. And it is very wise that farmers have had the protection of emergency farm legislation. Today, in this brief space, I should like to discuss two aspects of the agriculture picture which are of paramount importance. First, the soil-conservation program, and, second, the long-range farm program and price supports.

The House could not vote adequate funds under House rules, to provide for a real and successful program for conservation of the soil. Whereas the American farmer needs for this purpose Government assistance in the minimum amount of $300,000,000, funds in the amount of only $150,000,000 had been authorized last year for this purpose for the calendar year of 1948. At that time, an effort was made in vain to wipe out soil-conservation benefits all together.

Every Member of the Arkansas delegation in Congress fought this provision and asked that the authorization of $300,000,000 be restored.

But there is still hope that the meager and inadequate authorization of funds can be increased. I should like to explain, however, that it will be impossible to increase this appropriation in the House at this time. Under the rules of the House, no funds in excess of the authorization can be appropriated. However, there is still the Senate, where such a rule does not prevail.

Therefore, the entire Arkansas delegation is taking our fight for more funds to back the farmer in his struggle against soil erosion directly to our friends in the United States Senate. If our friends in that body are successful in increasing the funds for this purpose over the amount set aside by the House—and I am happy to say that I believe such will be the case—the House then will be privileged to vote on compromise legislation. When this happens, as I believe it will, we can hope that the sum of $150,000,000 for soil conservation can be increased. How much more, I cannot, of course, predict. That is the situation as it now stands. I speak frankly on this issue because it is vital to the farmers of the entire Nation. I have never ceased to fight for more money for soil conservation. I am also endeavoring—along with other friends of the farmer in Congress—to wipe out the ridiculous limitation on soil payments. There is no earthly reason why a farmer should be forced to limit his conservation practices if we do the job of conserving the soil. The result of such a limitation would be that farmers and their tenants will not come into the program at all.

This situation is one of the most flagrant examples of false economy.

On the issue of a long-range farm program, the House Committee on Agriculture decided not to pass such a proposal at this time. Instead, the committee, of which I am privileged to serve, has recently voted to extend for a year and 6 months the support price program at 90 percent of parity. This bill should be before the House soon.

We did this for the reason that we felt that these unsettled times is not the proper time to draw up a long-range program which would commit the farmer for years to come, regardless of the world situation.

I believe this course was right. How do we know at this moment what the world situation will be a year from now? The Amercan farmer knows well that his welfare is tghtly knit with the international economic situation. After the war, it appeared we were in for a period of peace and stability, but the events of the past 6 months alone have shown us that this is not the case. The American farmer has an important stake in the Marshall plan. How can we make long-range plans for the farmer until we know of the outcome of the operation of this measure? Having been mobilized for war and having performed a magnificent job, the American farmer—in all fairness—should not be tied to a program at this time when he is being asked to continue to produce more food and fiber in order to assure the peace.

EXTENSION OF REMARKS

Mr. THOMPSON asked and was given permission to extend his remarks in the RECORD and include a statement by Hon. Marley O. Hudson, formerly judge of the World Court.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include a very interesting editorial which appeared in an Italian language newspaper in New York.

PATRICK J. CONNELLY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Mr. Speaker, on the last day of this month, one of the most distinguished careers in the history of the Postal Service will be officially terminated with the retirement of Patrick J. Connelly after nearly 52 years of faithful and meritorious service in the Boston postal district.

In relinquishing the postmastership of the city of Boston, "Pat" Connelly, as he is affectionately known to his multitude of friends, leaves behind him a record of achievement which stands as its own tribute, not only to his sterling character, but to the merit system which operates so effectively within the Post Office Department.

Beginning with his initial appointment from the civil-service rolls as a substitute clerk in November 1896, he steadily progressed by well merited promotions to positions of increasing responsibility which culminated in his appointment as postmaster on April 16, 1943.

Throughout that span of years, recognition came to him from within and without the service. And it is in that one word, "service," wherein will be discovered the reason for such recognition, because it more aptly characterizes his predominant quality than any other.

From the very beginning, he conceived his public career as an opportunity to devote his organizational and executive talents to the service of his country, his community, his fellow workers, and the great department in which he labored.

After appointment as a regular clerk in 1897, he successively became supervisor of clerks and carriers, superintendent of the Uphams corner branch office, assistant superintendent of mails, assistant postmaster in charge of finance, and finally postmaster of the entire Boston postal area.

In each successive capacity, through his supervisory and administrative abilities, he effected marked improvements in personnel management, internal administration, public relations, and mail distribution.

At the same time, every worth-while community and civic project elicited his whole-hearted sympathy and cooperation. His activities on behalf of such organizations as the Dorchester Board of Trade, the American Red Cross, the Children's Safety League, the various Boston relief and and emergency campaigns, the chambers of commerce, the community chest, and the Boy Scouts of America, and in religious and charitable activities, have evidenced his public-spirited concern for his fellow citizens, as well as his willingness to give generously of his time and efforts for social welfare and public benefit.

Throughout his long career, he has left the imprint of his character upon the organization he has so faithfully served and upon the community he has loved so well. All who know him regret his retirement from public life—but rejoice that the wisdom of his years and the sagacity of his counsel will still be available to his State, his community, and his beloved city.

With his entry into a period of well-deserved rest from the responsibilities of public office, his host of friends and well wishers sincerely join in the one tribute and accolade which will honor him most and please him best: "Well done thou good and faithful servant."

SALE OF BRITISH AIRCRAFT ENGINES TO THE SOVIET UNION

Mr. FULTON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULTON. Mr. Speaker, there has been a great deal of newspaper comment lately about the shipment by Britain of plane parts to Soviet Russia. In the interest of our national security, I think we should speak very frankly and openly about it. I would like to comment on it at this time in order to explain the facts.

The total number of airplane engines so far sold by Britain to Russia since 1946 is 55. All of these planes are on the "open list," which means that they were almost obsolete and available to any country which wanted to buy them.

The delivery of almost all of the 55 planes to Soviet Russia was completed by November 1947, with the remainder delivered in January of 1948.

The sale of 40 more aircraft engines to Russia occasionally referred to in the press has not been authorized and any statement to the contrary is incorrect. These are so-called Derwent and Nene engines, also on the "open list."

There was a verbal promise made by Sir Stafford Cripps to a Soviet purchasing mission that Soviet Russia could purchase six jet aircraft, three meteors, and three vampires, both again on the "open list," but no order has so far been placed. The Soviet Union has been told that in any case delivery could not take place until at least 15 months from the date of the order. So that at the present time the delivery of these aircraft engines will be 15 months from the date of the order, which yet is to be entered by Soviet Russia.

In addition to that, Great Britain has applied the principle of reciprocity to the sale of aerial engines and aircraft to the Soviet Union, which requires Russia to allow Britain to inspect their aircraft factories and make similar purchases of some of their later models. This reciprocity principle appears unlikely to be accepted by the Soviet so that the sale of the 40 Derwent and Nene engines and of the 6 jet aircraft is now unlikely to be authorized. As a matter of fact, in Britain airplane engine manufacturers are no longer permitted to sell engines or aircraft without specific authority from the Government. So that there are controls being placed in Britain upon the sale of these engines to Russia.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania [Mr. FULTON] has expired.

EXTENSION OF REMARKS

Mr. BUCHANAN asked and was granted permission to extend his remarks in two instances and to include extraneous material.

CONTROL AND USE OF CERTAIN TIDELANDS

Mr. RICH. Mr. Speaker, I call up House Resolution 548 and ask for its immediate consideration.

The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5992) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. RICH. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. SABATH].

I yield myself 1 minute at this time.

Mr. Speaker, this resolution which you have just heard read gives the House 2 hours to deliberate on the question that is now before you relative to the tideland controversy that has been before various committees of the House during the last several years.

I am sure that after listening to the debate which will take place within the next 2 hours you will determine what action you take on this legislation.

Mr. Speaker, I now yield 5 minutes to the gentleman from California [Mr. BRADLEY].

Mr. BRADLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include a resolution from the Senate of the State of California and other resolutions from my district.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BRADLEY. Mr. Speaker, I do not intend to take a great deal of time, I merely would show why my home town, the City of Long Beach, the place most immediately affected by this so-called tidelands decision wants this rule brought to the floor for discussion.

The first grant of tidelands by the State of California was made in 1851—think of it, almost 100 years ago—and it has stood without dispute until 1937.

In 1936 oil was discovered in the uplands around Long Beach, fairly close to the harbor. The city made no move to develop that oil at that time.

In 1937, to our great surprise, the Federal Government made claim to ownership of submerged lands which are now called the "tidelands" but more properly might be referred to as the marginal sea area.

And now let us go back to 1933. I read an excerpt from a letter written by the Secretary of the Interior to one of the residents of Long Beach, Dr. Olin Proctor, who was then endeavoring to get a grant of undersea lands. The Secretary of the Interior at that time quoted the following excerpt from the decision of the Supreme Court—*Hardin* v. *Jordan* (140 U. S. 371):

"With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of the lands so granted inures to the State within which they are situated, if a State has been organized and established there. Such title to the shore and lands under water is regarded as incidental to the sovereignty of the State—a portion of the royalties belonging thereto and held in trust for the public purposes of navigation and fishery—and cannot be retained or granted out to individuals by the United States."

The foregoing is a statement of the settled law, and therefore no rights can be granted to you either under the leasing act of February 25, 1920 (41 Stat. 437), or under any other public land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

There, Mr. Speaker, is a definite statement by the Secretary of the Interior in 1933, yet, in 1937, for some reason unknown to the rest of us he suddenly changed his opinion and made claims to submerged lands. When we investigated this is what we found. Just look at this map which I have before you. Here is the harbor of Long Beach—every single inch of it smeared up and blanketed with claims which have been filed with the Federal Government for the underwater areas. Just look at the size and number of these marked areas. These are claims. It is all very confusing. This presents something like the old question—which came first, the chicken or the egg? I do not know whether all these claims came first or whether the Government's decision to claim this territory came first. I do not know whether the Government's decision is incidental to these claims having been filed or whether these claims are incidental to the Government having decided to claim the land; but, there they are and if this tidelands bill should not prevail, if this Congress should allow the Supreme Court's decision to stand, what do you suppose is going to happen? Do you suppose the Government is going to retain permanent title to this submerged area? Or do you think, as I do, that all of these people who have filed are promptly going to begin litigation, and then come to Congress to get special bills passed to make these claims valid? It is just a difference between tweedledee and tweedledum as far as the Government's interests are concerned. If the State of California does not take the oil out, or the city of Long Beach does not take it out, for the use of the people, I venture to say that these present unauthorized claimants will get it in the long run.

Two of the biggest claims, held by the Robert E. Lee Jordan outfit, were filed in 1937. They are still actively prosecuting them and trying to get them approved by the Department of the Interior. I do not know how many of these 90 claims may have been denied. I do not know if any of them have been denied. I do know that many are still being prosecuted.

Mr. Speaker, I ask that this rule be adopted.

I am pleased to publish in the Appendix of the RECORD several resolutions from the State of California and from governmental units within the Eighteenth Congressional District.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. SABATH. I yield myself as much time as I desire.

Mr. Speaker, I want to express my views on this bill very clearly. It aims to nullify a decision of the Supreme Court of the United States. It is an effort to pass again a bill that was vetoed by the President last year, which veto was sustained by this House.

The money that has been spent and appropriated unwisely by those on the other side of the aisle in the last 1½ years is exceedingly large. The Republicans promised the people to conserve, practice economy, and save every-

thing that properly could be saved for the taxpayers of America. But instead of reducing the expenditures as you have promised, you are increasing them. In fact, since you came into power you have voted not only millions but billions above what was expended under the Democratic administration that you loved to attack and assail as great spenders. During the Democratic administration we were at war and most of these great expenditures and appropriations were made to conduct and win the war. But the war has been over for 3 years and for the last year and a half since you have been in power, you have appropriated recklessly and have given away unnecessarily not only millions but billions of dollars.

In that connection I refer to the statement that appeared in the CONGRESSIONAL RECORD of April 27, pages 4910 and 4911. You have appropriated nearly $20,000,000,000 for Great Britain, Germany, Italy, France, China, and even to despicable Japan; and you are continuing to appropriate hundreds of millions more for so-called national defense. I myself am ready and willing to vote for any amount necessary for actual and necessary national defense, but the money that has already been appropriated was due to a hysteria created by the military gentlemen and the Wall Street representatives, some of whom are in our State Department. Today, regardless of the ruling of the Supreme Court and the President's veto, you are going to pass this bill which will give away more millions upon millions of dollars' worth of property, including indispensable oil.

When history is written on this matter it will be like the infamous Teapot Dome incident of some years back. The gentleman from California has stated that California has the title to this land. Here are the indisputable facts. Even the great, resourceful lobbies for this proposed legislation have been unable to disprove these facts.

In 1848 the land in question in the California case was ceded by Mexico to the United States. This territory so ceded included the islands offshore to the west of California's coast line. Mind you, the land was ceded to the United States and not to the State of California because there was no such State in 1848.

California was admitted to the Union in 1850 and at the time it possessed no land, but, by virtue of the enabling act, became a sovereign political State upon its admission.

The Congress by legislative act provided that the new State of California should be granted 500,000 acres of land within the boundaries which California set for itself; but there was a restriction that the State could not select that land before it had been surveyed by the Federal Government. Further, it was provided that the land should be selected by the State legislature. The record shows that it was not until 1865 that the State of California made any selection of any of the 500,000 acres. The important point is that proprietorship in land was not an essential element of State sovereignty and did not prevent the State from functioning as a sovereign State.

Next, the State of California did not select any tide, submerged, or upland waters as a part of the Government's donation of 500,000 acres; because only by selection after survey could title be acquired. At no time did the State of California select any of these lands in question.

Under the Constitution Congress alone has the power to dispose of the land of the Government. As the Congress has not divested the title of the United States in the tidal, or submerged lands, or inland waters, by any specific act, title still remains in the United States Government.

Again it seems certain beyond reasonable doubt that the State of California did not acquire title to the tide, submerged lands, and inland waters, by virtue of any law covering the disposition of real property of the United States.

It has been shown that the title to the tide, submerged lands, and inland waters still remains in the Government and that by the act of 1851 the Congress appropriated these lands and made them a part of the public domain. The questions of the alleged rights of California in them have been definitely settled, and the decisions of the Supreme Court does not in any way infringe upon her sovereignty with respect to the land in suit or the inland waters which were purposely omitted from the action.

As I have said, the act under which the State of California was granted 500,000 acres of land included the restriction that the selections could only be made after the territory had been surveyed. There has not been any such survey up to this good hour. Therefore the State of California could not possibly have any claim to these lands.

Moreover the courts have granted the United States injunctive relief against trespassers on the land in question, and, of course, no injunction or restraining order will issue to enjoin trespassers unless the applicant shows ownership of the property concerned.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I am always happy to yield to the gentleman.

Mr. HOFFMAN. There is oil under this land; is that right?

Mr. SABATH. There is a lot of oil there.

Mr. HOFFMAN. Does the gentleman favor giving it to Palestine?

Mr. SABATH. Sir?

Mr. HOFFMAN. This oil.

Mr. SABATH. No; I do not want this oil for Palestine or for any other purpose other than for our own national welfare. If the gentleman is in favor of it, I am not. I am for America's interest first and all the time.

We are spending billions and billions of dollars to conserve oil in Arabia that we never can get in case of war. Billions are being expended, even endangering the peace of the world, because we want to protect a few oil companies, British as well as American. By this proposed action we would give away land that contains many, many times as much oil—land situated right within a stone's throw of one of our great naval establishments in the United States, as well as other tidewater lands.

Mr. Speaker, under the leave given me, I insert an article appearing in today's PM, bearing on a speech made by a Member of the other body with respect to Saudi Arabian oil purchased by the Navy Department, which, I am sure, will be of interest to the membership in that it shows the tie-up of American oil companies with foreign oil interests, as follows:

BREWSTER RAKES OIL FIRMS IN SENATE—PRICES TO UNITED STATES NAVY FOR SAUDI ARABIAN OIL ARE TERMED "OUTRAGEOUS"

(By Alexander H. Uhl)

WASHINGTON.—Senator OWEN D. BREWSTER (Republican, Maine) in a 2-hour speech in the Senate, yesterday made a slashing attack on the American oil companies which control the oil of Saudi Arabia, terming as "outrageous" the prices they are demanding and getting from the United States Navy.

"The oil companies," his Committee on the National Defense Program reported, "have shown a singular lack of good faith, an avaricious desire for enormous profits, while at the same time they sought the cloak of United States protection and financial assistance to preserve their vast concessions."

Declaring sarcastically that the Justice Department had not shown much zeal in checking into the revelations made by his committee, BREWSTER, asked that the Senate Finance Committee look into the tax position of the Arabian-American Oil Co. and its subsidiaries, and that the Judiciary Committee look into the recent sale of 40 percent of Aramco holdings to the Standard Oil Co. (New Jersey) and the Socony-Vacuum Oil Co.

HOW ABOUT OLD DECREE?

He wants to know whether this sale was in contravention of the decree dissolving the original Standard Oil Co.

The committee report was one of the strongest attacks on a major American industrial concern that has come out in a long time.

It is a 55-page document that traces the history of the Saudi Arabian oil concessions:

The role played by Aramco in developing the concessions.

The benefit which Aramco derived from American lend-lease aid to King ibn-Saud.

An early Aramco offer to sell oil to the United States Navy at 40 cents a barrel, later negotiated to give Aramco $1.05 cents a barrel.

The latest Aramco contract with the Navy by which the price has been jacked up to $1.48 a barrel effective October 1 of this year.

OIL IN PALESTINE?

One highly important revelation BREWSTER made in his Senate speech was that there was a strong likelihood of oil being eventually discovered in Palestine. He cited a report of a United States Middle East petroleum mission in 1943 which read:

"No drilling has been done in Palestine and a small amount has been done in Syria. There are, however, untested structures of some promise in both countries."

It is highly doubtful if anything can come out of the early offer of the company to the Government to sell oil to the Navy at 40 cents a barrel. That offer never was taken up.

So far as these early negotiations are concerned, the committee says that as late as 1943 "the company offered to set aside reserves and to sell its petroleum products 'at prices well under world prices' or at 'cost plus a nominal profit.'"

TAKE IT OR LEAVE IT

Yet, when it came to making a deal later, "the companies offered the Navy fuel oil at $1.05 on a take-it-or-leave-it basis."

Commenting on this deal, the committee said:

"The oil companies exploited the Government by exacting high prices for their products, despite the high expenditures and assistance granted to Saudi Arabia at the companies' behest to protect and preserve the companies' concessions.

"The committee is of the opinion," the report continues, "that in paying $1.05 a barrel, the United States Government was overcharged between thirty and thirty-eight million dollars on sales made to the Navy by Aramco and its affiliates between January 1, 1942, and June 30, 1947, by payment of prices higher than those the oil companies had a right to insist on in the light of their previous dealings with the United States."

CRITICIZES NAVY

The Navy comes in for sharp criticism, the report stating:

"The testimony indicated clearly that the Navy officers were far from diligent in seeking cost records from Aramco. Millions of dollars might have been saved the taxpayers had the Navy insisted on or demanded the cost figures * * *."

In connection with the negotiations between the oil companies and the Navy, the committee reported that the Navy justification for the $1.05 price included a statement that ibn-Saud had doubled his royalties from 21 cents to 42 cents a barrel.

This was not correct, and the committee concludes that if such a statement was made, "then the committee concludes that the Government clearly was defrauded."

TAX POLICIES

One highly important phase of the investigation dealt with the tax policies of Aramco and its affiliates. The committee declared that Bahrein, a subsidiary of Standard (Calif.) and Standard (Tex.), founders of Aramco, was a Canadian corporation and had accumulated profits and surplus of over $91,000,000 in the course of 15 years on a capital stock of only $100,000.

"The company, according to the record," the committee said, "had paid no taxes to the United States or even to Canada." Another subsidiary, Cal.-Tex., which acts as sales agent, is a Bahama corporation and paid $1,000,000 in taxes to the United States in the course of 10 years.

BREWSTER during the investigation said:

"It is a liberal education on how corporations organized under foreign flags yet seek the shelter of the American flag."

TAX DODGING

In its conclusions, the committee recommended "that the subject of tax avoidance by the formation of foreign subsidiary companies of United States corporations should receive consideration by the Joint Committee on Internal Revenue Taxation for such study and possible legislative correction as may seem proper."

The committee also made some tart observations on the appearance of oil men in the Government service during the war, listing half a dozen who came from oil companies or went back to oil companies after the war was over. It said that while this might be inevitable because of the need of specially trained men, it placed an "added burden on the companies to deal fairly and openly with the Government."

GOVERNMENT INTEREST

During the early days of Aramco, efforts were made to obtain an interest in the Saudi Arabian oil fields for the United States of America. These were abandoned when the oil companies and Members of Congress expressed objections on the grounds that this meant the entry of the Government into a field of private enterprise. The Brewster committee again came back to this issue, declaring:

"The committee believes that appropriate and equitable arrangements should be consolidated to secure an interest by our Government in these vast reserves which are so utterly important in time of war."

I think it is unfortunate that this great lobby that has been working here for many years to secure this legislation was finally able to mislead many Members of this House in favoring this proposed legislation. Unfortunately, because of the propaganda that has been carried on, many of you seem to believe that a great injustice is being done to California by the United States not ceding these rich oil lands to that State and other States. If California itself, or the State of Texas, or any of these other States affected for that matter, would derive the benefit and the wealth, I would not complain so much; but this tremendous wealth will go to the oil companies who have no unselfish interest in the welfare of our country, but who have an interest solely in accumulating greater wealth, more oil, more power and greater control and influence over the United States.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield for a question.

Mr. WALTER. Is the gentleman from Illinois intimating that the State of California would not have the best interests of the people at heart when they dispose of the use of these lands?

Mr. SABATH. Again I thank the gentleman from Pennsylvania for the interrogation as it gives me the opportunity to call attention to a matter that I otherwise would have omitted. Notwithstanding the attacks and the criticisms against the Federal Government, I think the interests of the American people have been protected especially in the last 14 or 15 years, under a Democratic administration, and it was not so easy for the vested and special interests to obtain legislation that they were heretofore able to obtain. Unfortunately there are very few State legislatures that are able to thoroughly cope with the great influence and great power that is utilized from time to time, demanding and urging special legislation for the oil interests and other vested interests. Unfortunately the masses have very few men or very few organizations that can come before these legislative bodies and urge that such special legislation for the vested interests and for the combines, should not pass. Consequently I fear that the rights and interests of the people would be protected to a greater degree by the Federal Government than they would be by any individual State, regardless of what State it might be. I know the history with respect to legislation in many States. I know that formerly first the railroad companies and then other interests would come along and control the legislation of those bodies.

Fortunately we have been able, to some extent at least, in the last 15 years, to protect and preserve the rights and interests of our country. I feel that these oils will be needed in peacetimes as well as during war, although I hope to God there will be no war for many, many years, because we have hardly begun to bring our dead boys back; and still there are some of those gentlemen interested in oil that would like to involve us in another war. That should not happen.

It would be the greatest crime against humanity, because we know what the last war was. I know the great majority of the American people, certainly the masses, are pleading and praying against war. It is only the few war profiteers and some of the military gentlemen, most of whose sons are found in swivel chairs and not at the front that are talking war, war, war. Let us try to bring about peace, peace for which the American people, especially parents and relatives, are praying and pleading.

Instead of talking war, preparing for war, and spending millions upon millions in preparation for war, why can we not spend a little of this money to actually promote peace? I feel that if we would spend $1 out of every hundred that we are appropriating to strengthen the United Nations, it would be expended for a better cause. It is my fervent hope that these militaristic gentlemen and those they influence in our State Department will not succeed in destroying or weakening the United Nations as they did the League of Nations.

The power and influence that this militaristic group is permitted to exercise is indeed amazing. This group has already expended millions to protect the English and a few American oil companies in Saudi Arabia under the pretense, as I have said, that we may need these oils in the future. The War Department has, against the best interests of America, supplied these companies and shipped to Arabia hundreds upon hundreds of tons of steel pipe and other materials in short supply here. At the same time the War Department has refused our domestic oil companies the needed supplies for the increased production of oil; it has denied our neighboring republic, Mexico, small quantities of the steel that would enable it to rehabilitate and increase its oil production, as was pointed out so clearly and forcefully by the gentlemen from New Mexico, Senator CHAVEZ, a few weeks ago.

Mr. Speaker, I appreciate that the majority of the gentlemen here are anxious to get away. Some of you have important engagements and others extremely important trips, including one to Kentucky, which I doubt will be beneficial. It seems to me I am a lone voice in the wilderness trying to offset the bewildering mass of misinformation that has been fed to the Members and the country by the powerful and resourceful lobby. Mr. Speaker, I wish I could more strongly impress upon the membership that it should desist from appropriating and giving away these many millions to which I have called attention. I repeat that in the last year and a half, since you Republicans came into power, we have voted away and authorized to be given away hundreds of millions, yes, billions not only for food but for war materials in many instances of nations that have attempted willfully and shame-

fully to destroy us of our standing as the citadel of the democratic form of government. It is beyond my understanding why we should supply these millions to Germany and her late satellites to reconstruct themselves so that they will be in position in a few years to start world war III, which is their aim. This also applies to the tremendous sums of money that we have given to Great Britain and the other nations, notwithstanding our great indebtedness, which is greater than the combined wealth of all these nations. I ask how long we can continue in this reckless course.

Mr. Speaker, notwithstanding all of these foreign appropriations, I understand our military gentry is urging more money and arms for the European nations and partly, I presume, to aid Great Britain to fight the Jews in Palestine. I wonder how much of this war material and money will go to Germany in addition to that already given as I have observed in today's press that the Nazis are active in the Reich again. Surely it cannot be that it is intended that the moneys we have appropriated is to be used in furnishing arms and war material to Germany, notwithstanding the statement appearing in PM that General Clay is cognizant of the activities of the Nazis. For the information of the House and the country, I insert the article, which reads as follows:

CLAY SAYS NAZIS ARE ACTIVE IN REICH AGAIN

FRANKFURT.—United States military governor, Gen. Lucius D. Clay, predicts that Germany's surviving Nazis will try a strong political come-back.

He indicated at a press conference they might be supported by Germans fearing a Communist dictatorship.

Clay said Russia's anti-Allied campaign in Berlin did not foreshadow immediate war, and that he was "not worried about war tomorrow or for the next day."

Clay's remarks on the possible resurgence of nazism came less than 12 hours after United States and British deputy commandants charged the Russians in the four-power Kommandantur with permitting Nazis to rise again in their zone under the guise of National Democrats.

ELECTION FRAUD IN UNITED STATES AREA SUSPECTED

Associated Press reports that United States and German officials suspect a fraud in the Wiesbaden city election helped the National Democratic Party win unexpected successes there. Dr. James R. Newman, United States military governor of the State of Hesse, says the party is supported by ex-Nazis; party leaders deny this.

The officials said it appeared that the Wiesbaden election board issued ballots to thousands of persons forbidden to vote because of their Nazi sympathies. The party won 25 percent of the vote last week end and 15 out of the 60 seats in the Wiesbaden City Council.

(German officials said they are investigating other cities where the party gained strength, and that the elections might be voided if fraud is discovered.)

RUSSIA TO SEND GRAIN TO ITS ZONE

The official Soviet Army organ, Taegliche Rundschau, meanwhile reported that Russia has promised small emergency shipments of grain, fodder, and fertilizer to make up shortages in the Russian zone. It was believed the first time Russia will send food into Germany.

The announcement came as thousands of workers in the Ruhr, in the British zone, threatened to strike because of food shortages. Scattered walk-outs already have started.

In Berlin, 1½ miles of the downtown subway will be shut down tonight because Soviet authorities have seized German construction equipment in their zone, United States headquarters announced.

Confiscated equipment belonging to 17 German firms with main offices in the United States and British zones was valued at $850,000. All the firms affected were bankrupted by the Russians' action, the announcement said.

Mr. Speaker, I also insert at this point a United Press report that United States arms are to be furnished the western European bloc, as follows:

TRUMAN TO ASK UNITED STATES ARMS FOR WESTERN BLOC

WASHINGTON.—President Truman will ask Congress in a special message next week for limited shipments of American arms to the 16 Marshall plan nations, informed sources reported.

He will ask Congress to indorse a limited program of lend-lease shipments for countries now participating in the European recovery program, including the five powers who recently signed a "western union" mutual defense pact, it was said.

Contents of the message are a closely guarded administration secret, and its provisions are known to only a few top level officials.

It is expected to be sent to Congress Monday or Tuesday.

First reports were that the program, described as military insurance for the huge ERP investment, would pledge American guns, planes, and tanks for the "western union" of Britain, France, Belgium, Luxemburg and the Netherlands.

But authoritative sources said later that other ERP countries would be included.

TRUMAN'S PLEDGE

One proposal under consideration would permit diversion of ERP funds from peacetime to arms purposes and authorize recipient countries to use raw materials for arms as well as for economic reconstruction.

The broadened program, it was said, would be accompanied by a pledge from Truman for a more specific military program for the five "western union" countries as soon as they establish a general staff and draw up their needs.

This additional program probably would not be sent to Congress until next year.

Meanwhile, it was revealed that the State and Defense Departments recently sent the House Foreign Affairs Committee a bill providing for military aid to all the ERP nations.

This measure may be withdrawn for revision under the new program.

WHY PLAN WAS MOVED UP

It was made clear that the White House is speeding up the plan mainly because Congress plans to adjourn about June 15 for the national political conventions, and not because of any new developments on the international scene.

If Congress quits as scheduled, it will have 6 weeks to act on the request. The Administration was reported as convinced that any delay would make action this year almost impossible.

The program would fulfill President Trumans pledge—made on the day on which the pact was signed at Brussels—of American support for the mutual-defense alliance. At that time Truman told Congress:

"I am confident that the United States will, by appropriate means, extend to the free nations the support which the situation requires. I am sure that the determination of the free countries of Europe to protect themselves will be matched by an equal determination on our part to help them do so."

Defense ministers of the five European nations are schedule to meet in London today.

Mr. Speaker, for years the Republicans have been criticizing the New Deal for allegedly spending recklessly and, as I have said, they pledge and promise that they would practice economy and eliminate the vast expenditures. Unfortunately, as the RECORD will show and I am sorry I have not the figures—how many millions they have recklessly appropriated above estimates and for propositions not recommended by the administration or the departments.

Why, the New Deal did not commence to spend this amount of money, and what it did spend it necessarily spent to feed deserving and willing people who were in enforced idleness when the Democratic administration and President Roosevelt came into power. They were hungry and had no place to live. Money was spent for that purpose, but you are spending it for Wall Street and the war bosses.

I realize how busy you all are and that you cannot give these important matters the consideration that they deserve, but some day in the near future I hope that you will consider and think of the responsibility we owe to our country. It is about time that we stop giving away the taxpayers' money, which it will require 100 years for us to repay, yes, that our great-grandchildren will be obliged to pay.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include certain articles and letters with regard to this matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Under the leave granted to me, I include excerpts from an article by a gentleman whom I believe to be better informed on the subject of this legislation than any other man in the United States, namely, our former Secretary of the Interior, Mr. Harold L. Ickes, as follows:

MAN TO MAN

By Harold L. Ickes

Lucullan feasts, free of cost, and much else besides, are in prospect for Members of Congress from now until the close of the session. The California Legislature has appropriated $43,500 "to carry forward California's fight for its tidelands," according to a United Press dispatch from Sacramento under date of March 23.

Of this total it was announced unblushingly that $25,000 would go for "lunches and entertainment" for Congressmen. Assemblyman John W. Evans, of Los Angeles was quoted as saying, "This money is to pay lunch checks for congressmen from midwestern States."

So even if congressmen—and there are some—outside of California should propose to betray the interests of their own constituents, by voting the tidelands to California, they should coyly hang back. If they make it appear that they are in doubt, the more the "lunches and entertainment" that will be theirs. The California Legislature is wise enough to know that "the surest plan to please a man is through his

appetite." And here are $25,000 worth of "lunches and entertainment."

* * * * *

No more scandalous proceeding in connection with this whole malodorous affair could be imagined. Nor is it to be supposed for a minute that this appropriation of $43,500 by a cynical State legislature will be all that will be made available if the jaded appetites of the Senators and Representatives require more stimulation. There are always the oil interests, and they are more generous and finished spenders than any lobbyist representing a State could hope to be. For if this proposed steal of property belonging to all of the people of the United States, can wiggle its oily way through the Congress, the benefits to the oil industry would far exceed those to the State of California.

Moreover, money spent by the oil interests would not cost them anything. The bill would be paid by the people of the United States, whose property it is proposed to filch by bills now in both Houses of Congress. Any money spent by any oil company or its lobbyists would be charged on the books as an expense of doing business and deducted on its next income-tax return.

This noisome scandal has gone far enough. The cynical proposal of California is nothing less than that it should be allowed to take over hundreds of millions of barrels of valuable crude oil that belongs to all of the people of the United States. It is difficult to understand how any Member of Congress could even think of participating in such a notorious affair. Even some of the Congressmen elected from California will find it difficult to support this bill without holding their noses.

* * * * *

There should be a roll call on this legislation in both Houses, so that the people may know just how many Members there are who will succumb to the quality, amount, and degree of the lunches and entertainment that the oleaginous Legislature of California is willing to provide. Secrecy should not be allowed to protect those who will support an oil-besmeared bill designed to take money out of the pockets of every non-Californian in order to bail out the poor oil companies and the equally indigent State of California. If the late Albert B. Fall were still a Senator from New Mexico, he might have been expected to support such a bill.

Mr. Speaker, I also insert a short editorial appearing in the February 13, 1948, issue of the St. Louis Post-Dispatch, entitled "Attempt To Rig Congress." It bears on the lobby activities of the committee for constitutional government in behalf of this proposed legislation and is enlightening as to the facts in support of the Supreme Court decision. The article follows:

ATTEMPT TO RIG CONGRESS

A propaganda campaign is being waged to fake a popular demand for giving up the national interest in tidelands oil. Its promoters hope by this synthetic whipped-up clamor to stampede Congress into adopting a bill quitclaiming the United States Government's right in favor of the separate States.

The outfit that is stirring up the phony agitation for quitclaim legislation is the committee for constitutional government. This is the outfit which Representative PATMAN, of Texas, 4 years ago called one of the most powerful, one of the most effective, most wealthy lobbies, and also the most sordid and sinister lobby that has ever been organized in the history of the United States.

This is the outfit which, in the same year in which Representative Patman spoke, decided to withhold its list of contributors from a House campaign expenditures committee on the grounds that it was not engaged in politics and therefore did not come within the committee's purview.

The Committee for Constitutional Government has been in politics from the word "go" and in the tidelands controversy it is attempting to rig Congress in as cynical and highly organized a way as any stock manipulator ever rigged the market.

The quitclaim lobby hitherto has been supported by the California oil companies which profited from exploitation of tidelands oil under State leases. It lost last year when the Supreme Court decided that the Federal Government possesses paramount rights to the oil reserves in the California tidelands.

The Supreme Court, not the Congress, is the proper agency to decide whether the paramount interest in the tidelands oil reserves of other States is State or Federal.

The States were admitted to the Union under specified conditions, and the conditions were not uniform. In the case of each coastal State, the question whether the State or the Federal Government owns the tidelands oil reserves is a subject for judicial construction.

Apparently the lobbyists think the States do not possess the rights which they assert they have, or they would not be in such a fever to have Congress enact legislation about it. Congress will need to keep its head, and a good way to do it will be to make a clinical examination of the lobbyists who are trying to befuddle it.

Marquis Childs, in an article appearing in the Los Angeles News of February 26, 1948, says that to justify any policy anywhere in these times, you have only to say: "Oil." He contends that if the national need for oil reserves is anything like as urgent as our military planners say, then the first duty is to conserve what is left of our vast resources. I am including excerpts from Mr. Childs' article which I am sure will be of interest to the membership and to the country, as follows:

MARQUIS CHILDS

WASHINGTON.—To justify any policy anywhere in these times, you have only to say: "Oil." It is the magic password that explains action in the farthest corners of the globe.

The American public is told that with our dwindling supplies of oil it would be impossible for us to fight another major war. Our security is at stake. Therefore Greece, therefore Palestine, therefore Saudi Arabia.

Against this background of extra special urgency, a remarkable proposal is before Congress with the likelihood that it will be adopted. Under this proposal, Congress would hand over for immediate exploitation the largest single reserve of oil in this country.

Stripped of the oratory, that would be the net effect of the bill to give the States title to oil-rich lands under coastal waters. It would nullify a decision of the United States Supreme Court holding such lands belong to the Federal Government.

The issue is dressed up with the old battle cry of States' rights. A parade of governors and other officials representing 44 States have come before a joint Senate-House committee considering the measure. They talk about undermining the Bill of Rights and jeopardizing all that the States have done in developing harbors and fisheries.

The administration has a counterproposal. This would permit the development of tidelands oil under careful Federal supervision, with prime consideration given the Navy's needs. Most of the revenue from the oil would go to the States.

* * * * *

Since then, the protest has taken on a larger scope. Many of the witnesses are undoubtedly sincere when they talk about States' rights. But they should understand how costly States' rights can be when this doctrine cuts across the imperative need to fix a national policy.

If the national need for oil reserves is anything like as urgent as our military planners say, then the first duty is to conserve what is left of our once vast resources. This may mean reduced profits for a few oil companies. It may mean temporarily reduced revenues for the tideland States. But oil reserves are a lot more secure a mile off the coast of California than they are in the Arabian desert 5,000 miles away.

Members of the congressional committee should read a just-published book that has already stirred controversy. It is A National Policy for the Oil Industry, by Eugene V. Rostow of the Yale University Law School. Published by Yale University Press, the book was prepared with the help of a committee of Yale experts in economics and political science.

Rostow shows that present methods of exploitation of American oil fields are wasteful. State conservation laws and compacts do not enforce the best conservation methods.

The author recommends a Federal law under which each oilfield would be operated as a unit. Only in that way, he says, can serious waste be stopped. Under proration for individual companies in each field today, there is shocking waste.

A Federal law might seem to indicate the need for elaborate Federal regulation. Rostow would avoid that by restoring competition. He points to a recent Supreme Court decision by Justice Harold Burton, in the American Tobacco Co. case, which opens a new way to enforcement of the antitrust laws against great combines.

"The companies grew big," Rostow writes, "as the whole history of the industry testifies, in order to gain the profits of monopoly position. Integration is not a means of achieving economies in production, nor does it result in such economies. It is the basic means of achieving and maintaining monopolistic control over price."

* * * * *

Keeping title to the tidelands oil in the Federal Government is one simple, immediate way of protecting our own oil reserves. From there the Government should move to a far-reaching conservation policy.

Mr. Speaker, under the permission given me, I include as part of my remarks the veto message of President Truman on House Joint Resolution 225, of the second session of the Seventy-ninth Congress, which was passed by the Congress during the pendency of a suit brought by the Attorney General in the Supreme Court to determine the rights in the land and minerals situated in the bed of the Pacific Ocean adjacent to the coast of California and within the 3-mile limit, as follows:

QUIET TITLES TO TIDEWATER LANDS

(Message from the President of the United States returning without his approval the joint resolution (H. J. Res. 225) to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles, August 2, 1946, referred to the Committee on the Judiciary, and ordered to be printed)

To the House of Representatives:

I return herewith, without my signature, House Joint Resolution 225, entitled "A joint resolution to quiet the titles of the respective States, and others, to lands beneath tidewaters and lands beneath navigable waters within the boundaries of such States and to prevent further clouding of such titles."

The purpose of this measure is to renounce and disclaim all right, title, interest, claim, or demand of the United States in "lands beneath tidewaters," as defined in the joint resolution, and in lands beneath all navigable waters within the boundaries of the respective States, and to the minerals in such lands. The phrase "lands beneath tidewaters" is defined so broadly as to include all lands, either submerged or reclaimed, situated under the ocean beyond the low-water mark and extending out to a line three geographical miles distant from the coast line or to the boundary line of any State whose boundary, at the time of the admission of the State to the Union, extended oceanward beyond three geographical miles. Lands acquired by the United States from any State or its successors in interest, or through conveyance or condemnation, would be excluded from the operation of the measure. There would also be excluded the interest of the United States in that part of the Continental Shelf (lands under the ocean contiguous to and forming part of the land mass of our coasts) which lies more than 3 miles beyond the low-water mark or the boundary of any particular State.

On May 29, 1945, at my direction, the then Attorney General filed a suit in the United States district court at Los Angeles, in the name of the United States, to determine the rights in the land and minerals situated in the bed of the Pacific Ocean adjacent to the coast of California and within the 3-mile limit above described. Thereafter, in order to secure a more expeditious determination of the matter, the present Attorney General brought suit in the Supreme Court of the United States. The case in the district court was dismissed. I am advised by the Attorney General that the case will be heard in the Supreme Court and will probably be decided during the next term of the Court.

The Supreme Court's decision in the pending case will determine rights in lands lying beyond ordinary low-water mark along the coast extending seaward for a distance of 3 miles. Contrary to widespread misunderstanding, the case does not involve any tidelands, which are lands covered and uncovered by the daily ebb and flow of the tides; nor does it involve any lands under bays, harbors, ports, lakes, rivers, or other inland waters. Consequently the case does not constitute any threat to or cloud upon the titles of the several States to such lands, or the improvements thereon. When the joint resolution was being debated in the Senate, an amendment was offered which would have resulted in giving an outright acquittance to the respective States of all tidelands and all lands under bays, harbors, ports, lakes, rivers, and other inland waters. Proponents of the present measure, however, defeated this amendment. This clearly emphasized that the primary purpose of the legislation was to give to the States and their lessees any right, title, or interest of the United States in the lands and minerals under the waters within the 3-mile limit.

The ownership of the land and resources underlying this 3-mile belt has been a subject of genuine controversy for a number of years. It should be resolved appropriately and promptly. The ownership of the vast quantity of oil in such areas presents a vital problem for the Nation from the standpoint of national defense and conservation. If the United States owns these areas, they should not be given away. If the Supreme Court decides that the United States has no title to or interest in the lands, a quitclaim from the Congress is unnecessary.

The Attorney General advises me that the issue now before the Supreme Court has not been heretofore determined. It thus presents a legal question of the great importance to the Nation, and one which should be decided by the Court. The Congress is not an appropriate forum to determine the legal issue now before the Court. The jurisdiction of the Supreme Court should not be interfered with while it is arriving at its decision in the pending case.

For the foregoing reasons I am constrained to withhold my approval of the joint resolution.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 1, 1946.*

Mr. Speaker, I also offer for insertion part of a statement by Mr. Orin deMotte Walker made before a subcommittee of the Senate Judiciary Committee which, to my mind, is a very clear and comprehensive summary that establishes the title of the United States in the tide, submerged lands, and inland waters of the United States. I think the House will find this statement very interesting and informative. It is as follows:

From opinions expressed by some of those conducting this hearing, it would appear that those of us who are in opposition to the proposed bill 1988 should apply for a change of venue. We, however, do not believe the opinion and decree of the Supreme Court in *United States* v. *California*, Original 12, is fallacious or holds the implications or contain the elements, which the proponents and supporters of bill 1988 have alleged and presented to this committee.

It is always well in considering any measure, that, first of all, the facts should be discovered and presented, then what laws are applicable, for the purpose of establishing legal rights and interests, if any.

With reference to bill 1988, now before the committee, I think it necessary to submit certain facts which are essential to full and fair consideration of the problem of protecting the natural resources of the Nation, which facts do not seem to me to have been disclosed, as a basis for action on the proposed bill. With your patient indulgence, I should like to present some facts and show or point out, if possible, the errors in fact which have been presented to the committee, and, which do not sustain the deductions or conclusions which the proponents of the measure place upon them, or justify the forecast of confusion and disaster which will result by the application of the opinion and decree in *United States* v. *California* to the States.

In 1948, that part of the territory, embraced in the action of the *United States* v. *California*, was ceded by the Republic of Mexico, under the terms of the Guadaloupe Hidalgo Treaty to the United States. This included all of the territory theretofore owned by Mexico, north of the line of the international boundary set by the Commissioners, appointed for that purpose. This territory, including the islands offshore, to the west of California's coast line, was ceded, not to the State of California, which did not exist at that time as either State or Territory, but to the United States Government. This was a transfer of all rights, title, and interest in the territory to the Government.

California was admitted into the Union as a State in September 1850, at which time it possessed no land, but by virtue of the Enabling Act, became a sovereign political State, upon its admission. The land within the territory ceded, out of which California was created, contained certain grants made by the Governments of Spain and Mexico to their respective citizens, which under the terms of the treaty the United States agreed to confirm, upon proof of grant and allowing 2 years within which the grantees were to establish their claims. As a consequence, on March 3, 1851, the Congress passed an act which provided in section 13, in part, as follows: "and be it further enacted that all lands, the claims to which have been finally rejected by the Commissioners in manner herein provided, which shall be finally decided to be invalid by the District or Supreme Court, and all lands the claims to which shall not have been presented to the said Commissioners within two years after the date of this act shall be deemed, held and considered as part of the public domain of the United States."

We, therefore, have, first of all, the grant or cession by Mexico of all the land north of the international boundary, which contained the uplands, tide, and submerged lands, and the islands off the coast, as well. This act of 1851 provided in the section of the law quoted above that "all lands the claims to which shall not have been presented to the said Commissioners within 2 years after the date of this act shall be deemed, held, and considered as part of the public domain of the United States." We have, therefore, an appropriation by Congress of the land, and the taking of title to the whole territory, subject to the claims of the grantees of Spain and Mexico.

The Congress, by legislative act, provided that the new State of California should be granted 500,000 acres within the boundaries which the State set for itself. But, this grant was subject to certain restrictions in that California was not permitted to select any part of the 500,000 acres until after the territory composing that State had been surveyed by the Government surveyor; and, a further restriction that the selections of sections of land were to be made by the legislature of the State of California. This resulted in California being without any proprietary interests in any land in the State of California, from the date of its admission in 1850 until after the territory had been surveyed and the legislature had made selections of the land. The records of the Interior Department show that the first grant of land made under the grant of 500,000 acres was patented or certified to the State of California in 1865. Therefore, for 15 years, California had title to no lands within its boundaries and yet was a sovereign political State during all that period of time. The point that I wish to emphasize is that proprietorship in land was not an essential element of State sovereignty and did not prevent the State from functioning as a sovereign State.

The next question in our quest of title is, did or did not California select any tide, submerged lands, or inland waters as a part of the Government's donation of 500,000 acres, for only by selection, after survey, could title be acquired. The Department of the Interior states, under date of August 5, 1942, that "this office in the past has not knowingly patented to the State of California any land, shown by our records to be tidal or submerged lands, and we do not find any record of any applications for tidelands as swamps and overflowed lands."

We, therefore, come to the conclusion that inasmuch as the grant by Congress was limited to 500,000 acres which California was to select through its legislature, and that their selections did not include tidal or submerged lands as any part of the acreage donated to California, California acquired no legal title to the tidal or submerged lands within its boundaries. This is the third step in confirmation of title in the United States.

Under the Constitution, Congress alone has the power to dispose of the land of the Government. As Congress has not divested the title of the United States in the tidal or submerged lands, or inland waters, by any specific act, title still remains in the United States.

The fourth step in our chain of title—it, therefore, seems certain and beyond reasonable doubt that California did not acquire title to the tide, submerged lands, and inland

waters by virtue of any law covering the disposition of real property of the United States.

It having been shown that the title to the tide, submerged lands and inland waters, still remains in the Government, and that by the act of 1851, Congress appropriated these lands and made them a part of the public domain, the questions of the alleged rights of California in and to them, have been definitely settled, and the decision of the Supreme Court does not in any way infringe upon her sovereignty with respect to the lands in suit, or the inland waters which were purposely omitted from the action.

The act under which California was granted 500,000 acres of land included the restriction that the selections could only be made after the territory had been surveyed. Further proof that California did not select any tidal or submerged lands will be found in the fact that there has been no survey, up to the present date, of the tidal or submerged lands, and no possible way of acquiring title without having made a selection of surveyed lands. California, thus, is unable to establish a claim of any right, title, or interest in the tidal or submerged lands of California. The recent decision of the United States Supreme Court in the case of the *United States* v. *Wyoming*, which was decided in June of last year, with reference to the rights of the State of Wyoming in certain unsurveyed lands which Wyoming claims were granted to it under the enabling act states:

"The interest of the State vest at the date of its admission into the Union only as to those sections which are surveyed at that time and which previously have not been disposed of by the Federal Government," citing in support, *Wisconsin* v. *Lane* (245 U. S. 427); *United States* v. *Stearns Lumber Co.* (245 U. S. 436). This finding by the Supreme Court definitely precludes any claim on the part of California to any particular lands or waters under the Enabling Act, and the title to any property in that State could only vest as to property surveyed at the time of the passage of the Enabling Act. To pass title there must be a conveyance, grant or patent. Nothing passes by implication.

Another step in our chain of title is confirmed by the decree of the Supreme Court, in the California case, which is the fact that the Court granted injunctive relief, to restrain the trespassers in California from continuing to drain the oil from the lands owned by the United States. It is hardly necessary for me to state to the eminent counsels for the States that it is impossible to secure an injunction or restraining order, to enjoin trespassers, unless the applicant for the order of injunction is the owner of the property. The Supreme Court, by granting the injunction to the Government to restrain the trespassers in California was fully aware and advised in the premises that the title was in the United States Government, and so granted the injunction.

There was a further restriction with reference to the donation to the State of California of the 500,000 acres of land, which was set out in U. S. C. A. title 43, chapter 20, paragraph 865, which provided that in granting the land to the State of California, no minerals were included in that grant. It was, therefore, clear, that as far as the sovereignty of the State was concerned, reservations by the Government of minerals in the land donated to California did not in any way affect or destroy the sovereignty of the State. It has previously been shown that the ownership of land was not an essential element in the grant of State sovereignty to California and to that was added the ownership of minerals in the State. Probably the best distinction between political and sovereign authority was made by Chief Justice Field in the case of *Moore* v. *Shaw* (17 Calif. 199), while he was on the bench of the Supreme Court of the State of California. He explains the difference as follows:

"To the existence of this political authority of the State—this qualified sovereignty, or to any part of it—the ownership of the minerals of gold and silver found within her limits is in no way essential. The minerals do not differ from the great mass of property, the ownership of which may be in the United States, or in individuals, without affecting in any respect the political jurisdiction of the States. They may be acquired by the State, as any other property may be, but when thus acquired she will hold them in the same manner that individual proprietors hold their property, and by the same right—by the right of ownership, and not by the right of sovereignty."

It might be well at this point to consider just what sovereign rights could be granted to a new State coming into the Union, under the provisions of the Constitution. What did the Constitution grant to these new States? The Constitution, itself, will be our best guide, and in article IV, section 4, of the Constitution, we find:

"The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion, and on application of the Legislature or the Executive (when Legislature cannot be convened) against domestic violence."

Under this provision of the Constitution, there is no guaranty made by the Federal Government of any sovereign or proprietary ownership in any land or a guaranty that each new State shall be on an "equal footing" with the other States. The "equal footing" clause appears in the Enabling Act. In the words of that act, with reference to the declaration of the admission, appear these words: "shall be one and is hereby declared to be one of the United States of America, admitted into the Union on an equal footing with the Thirteen Original States in all respects whatsoever." The Thirteen Original States or Colonies which formed the Federal Union were each, at the time of entering the Union, owners of all of the territory within their respective borders. They retained their original State ownership of land and their rights or claims to the tide and submerged lands. These rights were not surrendered to the Federal Government as a consideration for joining the Union. The same facts exist with respect to the State of Texas, which was admitted to the Union as a sovereign State and it did not surrender its rights, title, or interest to any part of its land, including tide and submerged lands which formed its southern and eastern boundaries.

Did California, in law or fact, come into the Union on "an equal footing with the Thirteen Original States?" The statutes at large disclose that much the same language was used "on an equal footing" in the enabling act, admitting many of the States to the Union regardless of whether or not they were States bordering on the ocean or landlocked States. The words "on an equal footing" surely were not meant to mean that the landlocked States which had no tide or submerged lands would have the same rights as the Thirteen Original States in tide and submerged lands of other States.

The rights of the States subsequently formed, and admitted into the Union, under the Constitution, were in no respects similar to the Thirteen Original States and Texas. These new States had no land and most of them had no coast lines. They were not sovereign or independent in themselves at the time of admission, and the powers which were granted to them under the Constitution carried no grant of property upon which to found the claim of ownership of land solely upon the basis of political sovereignty.

The enabling act was not a donation of land, a deed to any particular land, or a congressional grant, but on the contrary contained the following provision:

"California is admitted into the Union upon the express condition that the people of the State, through their legislature or otherwise, shall never interfere with the primary disposition of the public land within its limits and shall pass no law and do no act whereby the title of the United States and the rights to dispose of the land shall be impaired, or questioned."

In the light of this provision, a question very properly arises as to whether or not the State of California, since 1929, at least, is living up to the obligations which it assumed under the provisions of the enabling act. Has not California violated the provisions of the enabling act with reference to the rights of the Government in the public lands? Did it not appear before the Supreme Court, questioning title to certain parts of the territory, which by act of Congress were appropriated to the Federal Government? Has it not been and is it not now issuing leases for the taking of minerals, which it has been the policy of the Government to reserve, without respect to the provisions of the enabling act, and to the loss and damage of the Federal Government?

The enabling act also provides that—

"Nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that State."

This unusual provision in the enabling act raises a very interesting question as to the validity of any claims which California might make as to property rights, in the State, under the enabling act, and that it has no rights which are not covered by the acts of 1841, 1851 and other specified acts relating to grants of property to California. Whether Congress was suspicious of the good faith of California, or not, it was definitely unwilling to go on record by confirming the provisions of its constitution and ordinances, and certainly failed to do so. This action might even raise the question as to whether or not Congress intended to admit California to statehood on an equal footing with the original States.

It does not appear that California has any rights to the submerged lands or minerals in them, which can be safely based upon the Enabling Act as being a grant of title to any land within the State.

The act of 1851, hereinbefore referred to, provided that after all of the claims to the land within the boundaries of the State had been determined, that all lands "shall be deemed, held, and considered as part of the public domain of the United States." If we are to align the facts and the law, the land in California having been declared to be a part of the public domain and the Enabling Act provided that California shall not interfere with the disposal of the public domain, we must conclude that any acts which California has performed on land not selected by its legislature and certified to it by the Government, was directly contrary to the provisions of the Enabling Act, of which they were advised and had due and full notice; and, they are not now in a position to advance on their own behalf any claims against the Government or to set up any equities which do not conform with the law and the provisions of their admission to statehood.

I think the foregoing fully establishes the title of the United States in the tide, submerged lands, and inland waters.

Mr. Speaker, I realize that the gentleman from California and those States that will be the beneficiaries under this legislation will maintain that the benefits will not accrue to the oil companies but to those respective States. But judging the future by the past it will not take long before these avaricious oil compa-

nies will be able to hoodwink the States the same as they are hoodwinking and trying to hoodwink the United States.

Mr. HARNESS of Indiana. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FLETCHER].

Mr. FLETCHER. Mr. Speaker, the issue before this Congress, involved in H. R. 5992, which is identical with a bill which I introduced, H. R. 5010, directly affects all of our coastal and Great Lakes States, and indirectly all States with navigable waters. I refer to the recent Supreme Court ruling that the State is not the owner of all lands below the low-water tideland, a ruling originally expected to apply only to California but actually so broad that it casts a shadow on the title of billions of dollars' worth of property in many States.

California is not the only State concerned, as almost every State in the Union has submerged lands. Members of Congress from Massachusetts could find that their State was deprived of their clam flats. Our friends from North Carolina could wake up one day to find that the Federal Government owns their fishing grounds where so many Members find relaxation.

The fact that oil exists beneath the tidelands in California is irrelevant, since the question at hand is purely that of States sovereignty. Congress must enact legislation acknowledging and affirming ownership of submerged lands and resources in the respective States. From the very beginning of our Nation, it has been assumed that each State has ownership and control of the tidelands in what are known as the navigable rivers, bays, and along the shores of our oceans. The Supreme Court's decision of June 23 questions the ownership of the submerged lands of at least 42 States, and the decision was based almost entirely upon the right and responsibility of the Federal Government to have whatever power necessary to protect this country against danger to the security and tranquility of its people. This is a direct threat to the doctrine of States rights, and could be applied on a national scale in such a manner as to be a distinct step in the direction of totalitarianism. The Federal Government has always had constitutional methods for acquiring that which it needs for the national defense. I believe this is part of what looks to be a determined plan to direct all government from Washington. It gives good grounds for the people to call Washington the Octopus on the Potomac, because of the grasping methods by which Federal bureaucracy is trying to extend its controls and influence into everything within the States. Think of the magnitude and the power that could be concentrated in the hands of a few bureaucrats if Congress does not act favorably upon this bill to affirm and establish the titles of the States to lands and resources in and beneath the navigable waters within States boundaries. I urge the passage of this bill in order to forever allay the fears and doubts caused by this shadow cast upon the sovereignty of the States.

Before I close I do want to say, that when the gentleman from Illinois states that the Federal Government is being asked to give away oil which belongs to the Federal Government, he is misrepresenting the facts. The Supreme Court in its decision, merely stated that ownership of these submerged lands did not vest in the States. This decision did not affirm ownership of submerged lands vested in the Federal Government. Under this bill we are giving away nothing, but merely we are clearing title in this situation by quitclaiming any right the Federal Government might claim to have.

Mr. SABATH. Mr. Speaker, I yield such time as he may require to the gentleman from Pennsylvania [Mr. WALTER].

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the remarks of the gentleman from Maryland [Mr. FALLON] may be inserted in the RECORD at this point.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FALLON. Mr. Speaker, it was my privilege to testify before public hearings several weeks ago, affirming Maryland's opposition to the tidelands decision of the Supreme Court in the case of United States against California, and I rise today in support of H. R. 5992, confirming and establishing titles of States to lands beneath navigable waters within State boundaries, and natural resources within such lands and waters, and providing for use and control of said land and resources.

I have always supported legislation providing for State ownership and shall vote today for full State ownership of submerged lands and the power to use such lands in any manner that does not interfere with constitutionally delegated Federal powers.

The State of Maryland owns approximately 1,600,000 acres of submerged lands of which substantially all is covered by the tidal waters of the Chesapeake Bay and its tributaries. In addition, the State owns 61,440 acres of submerged land on the Atlantic Coastal Plain within 3 miles of the shore. In and around the city of Baltimore, millions of dollars have been invested in port facilities in reliance on ownership of the submerged lands by the State. During 173 years the State of Maryland and its citizens have derived great benefit from the submerged lands belonging to the State. There are 275,000 acres of oyster beds, of which 8,638 have been leased for a period of 20 years to private oyster growers. The oyster bottoms not under private cultivation are being cultivated by the State for the public. The State of Maryland derives each year from the fish, crab, and oyster industries conducted on the submerged lands belonging to the State approximately $110,000 and the State appropriates each year for the promotion and development of the oyster and fish industries the sum of approximately $500,000.

In the brief time permitted me, I cannot discuss the law involved in the California tidelands case. But suffice it to say, this decision disregards the rule of property law that is as old as our Nation itself. In fact, the whole theory of Federal and State relationship is violated by this extraordinary decision, and I share and wish to express the amazement and resentment of the people and the public officials of Maryland over it, and, this new ideology of government which would establish and enable the Federal Government to confiscate the tidelands and submerged lands within the boundaries of our State—or any State in the Union.

There is involved in this matter much more than meets the eye—much more, perhaps, than can even be dreamed of. Only last week, we read in the press of the recent "discovery of significant geological structures underlying the Continental Shelf from 20 to 75 miles from shore in the Gulf of Mexico, and that these structures may, like the similar domes lying inland from the Gulf, contain vast stores of petroleum recoverable by modern drilling techniques."

Unless the tidelands decision is refuted by the Congress, what is there to prevent the Federal Government from asserting paramount rights in and power over all of the lands of the different States, whether they be submerged lands of the Atlantic Coastal Plain and the Chesapeake Bay, or whether they be in the beds of the Gulf of Mexico, adjacent to Texas.

If the United States can take from the States the title of the land under navigable waters, or assert "paramount rights" thereto, then the Federal system and the rights of the sovereign States under that system will become a mockery. Our last vestige of the Federal system created by the Constitution will be gone. For these reasons, and being a believer in States' rights, I cannot urge too strongly the passage of this legislation recognizing and affirming State ownership of these tidelands, submerged lands, and their natural resources to the States in accordance with their heretofore long-recognized rights.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that the remarks that I intend to make in Committee of the Whole may be revised and extended so as to include some statistics concerning the effect of this legislation on the State of Pennsylvania.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HARNESS of Indiana. Mr. Speaker, this resolution provides consideration for H. R. 5992, a bill to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources.

This bill is aimed specifically at settling the question of title to the tidelands, which has been a controversial matter for the past decade.

The tidelands are the lands lying beneath the tidewaters. The term does not refer only to the land beneath the low and the high-water marks—but, as defined by numerous court decisions—it embraces all of the lands lying beneath the waters of the 3-mile belt extending

seaward from the coast. For more than 150 years following the founding of this Nation, the States have been recognized as the owners of the tidelands lying off their respective coasts.

In the early 1920's oil was discovered in the tidelands off the coast of California—which understandably created some interest in the ownership of the land. California entered into leasing agreements with private operators—and tremendous investments were made in exploiting the oil resources. But no question of ownership of the lands was ever raised by the United States until 1937.

There were many applicants for Federal oil leases about that time, and some of these applicants were demanding their due under the New Deal patronage system. It was the lawyers for these oil operators who first raised the question of ownership of the tidelands. Harold Ickes, who was then Secretary of the Interior, was quick to see the advantages that would accrue to the administration if ownership of the tidelands were vested in the Federal Government. With the Federal Government in control of the tidelands, leases could be let in satisfaction of patronage demands on the New Deal, and Federal revenues to cover New Deal spending could be increased at the expense of the individual States.

In an attempt to secure ownership of the tidelands for the Federal Government, a number of bills have been introduced during the past 10 years, but each one has failed of passage. Harold Ickes was determined to get the tidelands, however, and he made continuing threats to grant Federal leases on portions of the submerged lands. To settle the question, House Joint Resolution 225 was passed by the Seventy-ninth Congress. This resolution, which would quiet title to the tidelands in the States, was vetoed by President Truman. The House failed to override the veto.

On May 29, 1945—while House Joint Resolution 225 was still being considered—Attorney General Clark brought a suit against the Pacific Western Oil Corp. to recover for the Federal Government a part of the submerged lands which were being leased by the corporation from the State of Califonia. This suit was subsequently dropped, and another action was brought before the Supreme Court by Attorney General Clark against the State of California. In this suit, the Attorney General alleged that the United States "is the owner in fee simple of, or possessed of paramount rights in and power over" the submerged lands within 3 miles of the California coast. On October 27, 1947, a decree was entered—giving the Federal Government paramount rights in, and full dominion and power over the lands, minerals, and other things underlying the Pacific Ocean lying seaward 3 nautical miles.

The Supreme Court refused to hold the United States owner in fee simple of the tidelands, but merely held that the Federal Government had paramount rights.

But even though it was only a momentary victory, this decision by the Supreme Court giving the Federal Government paramount rights in the tidelands must have gladdened the calloused old heart of the New Deal. Another victory had been won—another right which formerly belonged to the States had been usurped by the Federal Government.

Of course, we must recognize that it is within the province of the Supreme Court to define the law as the Court believes it to be at the time of the opinion. However, the Supreme Court does not pass upon the wisdom of the law—that decision is exclusively within the power of Congress. That is the purpose of this bill—in the name of common justice and equity—to quiet title to the tidelands in the several States. This bill does nothing more than to enunciate by statutory enactment—rights and title which had been recognized for more than 150 years before the New Deal program started to systematically reduce our States to vassals.

The resolution now under consideration embodies a simple open rule. It merely provides consideration and 2 hours of general debate on H. R. 5992. Amendments to the bill are allowed under the 5-minute rule. Nothing about this rule can possibly be repugnant to any Member of the House, and I urge you all to vote for its adoption.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. MADDEN. Mr. Speaker, I hold in my hand the front page of last evening's Washington Daily News. The block headline states "GOP won't pick Stassen.—TAFT." The news item underneath this headline quotes Presidential Candidate TAFT's opinion regarding Republican Presidential primaries:

> I wouldn't say they have a great influence in determining the result.

In other words, Presidential Candidate TAFT, by that statement, completely repudiates the vast majority of Republican voters who went to the polls in Wisconsin, Nebraska, and Pennsylvania, and registered the fact that the rank-and-file voters in the Republican Party want Harold Stassen for President of the United States.

If Candidate TAFT's statement of yesterday holds forth, our two-party system is in danger of collapse. It means in effect that the American people who vote in Republican Presidential primaries are being fooled and misled and are the victims of a gigantic political confidence game.

I am today asking Democratic National Chairman HOWARD MCGRATH to insist that National Republican Chairman Reese either confirm or deny the statement of Candidate TAFT and inform us whether the National Convention in Philadelphia will ignore the wishes of the great majority of Republican voters in this country who have declared themselves for a progressive liberal as the Republican nominee.

The American people will not tolerate another smoke-filled room in Philadelphia where the party leaders will ignore the wishes of the voters. In 1920, the great liberal and people's candidate, Hiram Johnson, swept the Republican Presidential primaries, but in that Chicago convention the Penroses, the Mellons, the Pews, and other Republican bosses gathered in a smoke-filled room and selected Warren G. Harding as the Republican nominee. The result is now history. That election gave us the Doughertys, the Falls, the Denbys, the Forbes, Teapot Dome, and led up to the depression of 1929.

As long as the rank and file of the American people can choose the nominees of their respective parties, our country will be safe. Democracy, not dictatorship, must rule our major party conventions when we select the person who is to occupy the highest office in the land.

That confidence in our two-party system be upheld, I call upon National Chairman Reese to clarify, by either affirming or denying the statements made by Candidate TAFT yesterday.

The SPEAKER pro tempore. The time of the gentleman from Indiana [Mr. MADDEN] has expired.

Mr. SMITH of Wisconsin. Will the gentleman grant the gentleman an additional minute so I can ask him a question?

Mr. SABATH. I yield to the gentleman one additional minute.

Mr. SMITH of Wisconsin. Will the gentleman yield?

Mr. MADDEN. I yield.

Mr. SMITH of Wisconsin. I would like to ask the gentleman from Indiana which one of these Republican candidates he is supporting?

Mr. MADDEN. I have a personal admiration for Candidate Stassen because of the great progressive record he made as Governor of Minnesota; furthermore, because he is the only liberal Presidential candidate on the Republican side.

I forgot to mention the statement of my good friend the gentleman from Ohio, CLARENCE BROWN, who is Candidate TAFT's campaign manager. He also made a statement which was reported in last night's Star that Stassen would get only 1 of the 72 delegates out of Pennsylvania. I claim that statement is an insult to every liberal in Pennsylvania who went to the polls and voted for Harold Stassen and gave him a great majority last Tuesday.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. HARNESS of Indiana. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, just to keep the record straight: I believe every Member of the House will agree that the gentleman from Indiana, who is well known as a radical New Dealer, is not interested in any way in the welfare of the Republican Party, and many, many times I have questioned whether he was even interested in the welfare of the people of this country.

Mr. SABATH. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas [Mr. HAYS].

Mr. HAYS. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. HAYS. Mr. Speaker, the Foreign Affairs Committee has announced hearings beginning next Tuesday on a resolution introduced by the gentleman from Minnesota [Mr. JUDD] and myself, together with six Members from the Republican side and six Members from the Democratic side. On Thursday of next week Members of the House will be heard in support of this resolution.

This resolution has for its purpose the exploring of possibilities under articles 51 and 109, the former provision pertaining to regional security, the revision of the United Nations Charter, so as to limit the power of the veto which has been invoked on 22 occasions, and otherwise to strengthen this agency for peace.

I hope many Members of the House will appear before the Foreign Affairs Committee to urge the adoption of these resolutions, strictly bipartisan in character, to give the Nation a valid hope of lasting peace.

Mr. HARNESS of Indiana. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

PROGRAM FOR WEEK OF MAY 3

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute to announce the program.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. ARENDS. On Monday the Consent Calendar will be called.

On Tuesday the Private Calendar will be called and there will be called up for consideration the bill (H. R. 4954) to authorize the construction, operation, and maintenance, under Federal reclamation laws, of the Kennewick division of the Yakima project, Washington; and House Joint Resolution 334, giving the consent of Congress to the compact on regional education entered into between the Southern States at Tallahassee, Fla., on February 8, 1948.

On Wednesday the legislative appropriation bill for 1949 will be considered.

On Thursday the District of Columbia appropriation bill for 1949.

Friday is undetermined.

Conference reports may be called up at any time.

If rules are granted any time after Tuesday the following bills may be considered: S. 2287, to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes; H. R. 6263, extension to provide a Federal charter for the Commodity Credit Corporation, and for other purposes; and H. R. 5852 to combat un-American activities by requiring the registration of Communist-front organizations, and for other purposes.

CALENDAR WEDNESDAY

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday next may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

APPROPRIATION BILLS MADE IN ORDER

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that notwithstanding any rule of the House it may be in order to consider the legislative and District of Columbia appropriation bills any time next week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF REMARKS

Mr. MILLER of Nebraska asked and was given permission to extend his remarks in the Appendix of the RECORD.

THE ECONOMY OF HAWAII IN 1947

Mr. LECOMPTE. Mr. Speaker, by direction of the Committee on House Administration I present House Concurrent Resolution 151, authorizing the printing as a House document of the report entitled "The Economy of Hawaii in 1947" and authorizing the printing of additional copies thereof (Rept. No. 1838).

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the letter of the Secretary of Labor, transmitted to the House and referred to the Committee on Public Lands on February 4, 1948, together with the report of The Economy of Hawaii in 1947, with special reference to wages, working conditions, and industrial relations, which was prepared by the Bureau of Labor Statistics pursuant to the Organic Act of the Territory of Hawaii in 1900, as amended April 8, 1904, be printed as a document, and that 2,000 additional copies be printed, of which 1,500 shall be for the use of the House of Representatives and 500 copies shall be for the use of the Senate.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELLA J. ICKES

Mr. LECOMPTE. Mr. Speaker, I call up House Resolution 539 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House to Ella J. Ickes, widow of William G. Ickes, late an employee of the House, an amount equal to 6 months' salary at the rate he was receiving at the time of his death, and an additional amount not to exceed $250 toward defraying the funeral expenses of the said William G. Ickes.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MARY A. CONRAD

Mr. LECOMPTE. Mr. Speaker, I call up House Resolution 566 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House to Mary A. Conrad, widow of Dorsey B. Conrad, late an employee of the House, an amount equal to 6 months' salary at the rate he was receiving at the time of his death and an additional amount not to exceed $250 toward defraying the funeral expenses of the said Dorsey B. Conrad.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BUTLER asked and was given permission to extend his remarks in the Appendix of the RECORD and include a statement he made a year ago.

Mr. JUDD asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. HARDY asked and was given permission to extend his remarks in the Appendix of the RECORD and include a resolution.

CONTROL AND USE OF CERTAIN TIDELANDS

Mr. MICHENER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 5992) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 5992, with Mr. HOEVEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. MICHENER. Mr. Chairman, I yield myself such time as I may desire.

Mr. Chairman, the purpose of H. R. 5992, like that of House Joint Resolution 225, which passed the Seventy-ninth Congress by a very substantial majority but was vetoed by President Truman, is to confirm and establish the rights and claims of the 48 States, long asserted and enjoyed with the approval of the Federal Government, to the lands and resources beneath navigable waters within their boundaries; subject, however, to the right of the United States to exercise all of its constitutional regulatory powers over such lands and waters.

Throughout our Nation's history the States have been in possession of and exercising all the rights and attributes of ownership in the lands and resources beneath the navigable waters within their boundaries. During a period of more than 150 years of American jurisprudence the Supreme Court, in the words of Mr. Justice Black, had "used language strong enough to indicate that the Court then believed that the States also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not."

That same belief was expressed in scores of Supreme Court opinions and in hundreds of lower Federal courts' and State courts' opinions. Similar beliefs were expressed in rulings by Attorneys General of the United States, the Department of the Interior, the War Department, and the Navy Department.

Lawyers, legal publicists, and those holding under State authority accepted this principle as the well-settled law of the land.

The claims of the States in this particular were first challenged by Federal officials in 1937. From that time on there has been controversy between the States and the Federal Government.

On June 23, 1947, the Supreme Court rendered its opinion in the case of United States against California, and on October 27, 1947, a decree was entered which reads, in part, as follows:

1. The United States of America is now, and has been at all times pertinent hereto, possessed of paramount rights in, and full dominion and power over, the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California. The State of California has no title thereto or property interest therein.

It naturally follows that this Supreme Court decision overruling that which had generally been accepted as the law of the land for so many years has caused not only confusion but consternation in many instances, and in reality it is intended in this bill to restate that which we thought was the law before the California decision.

Mr. Chairman, I come from Michigan, which is one of the Great Lakes States, and naturally and necessarily Michigan is vitally interested in who owns the submerged lands affected by the recent California case, and which would be affected by the enactment of this legislation.

In the hearings before the joint committee the Attorney General of the United States testified that he intended to bring in the near future similar suits against other coastal States and that, although each State would probably urge special defenses based upon the law and facts under which it joined the Union, the California decision was a precedent for the suits he intended to bring against other States.

The attorneys general of several Great Lakes States and other qualified witnesses testified that the California case was likewise a precedent which the Federal Government could properly urge in any suit against the Great Lakes States to recover for the Federal Government the submerged areas under the Lakes within the boundaries of such States. These witnesses called attention to the fact that the Supreme Court in *Illinois Central Railroad* v. *Illinois* (146 U. S. 387) held that because the Great Lakes partook of the nature of the open sea, the same rule of ownership would be applied to them that had been followed by the Court with reference to ownership of lands under tidewaters on the borders of the sea. These witnesses also pointed out that the Great Lakes are located on an international boundary and the Federal Government has the same right to conduct international negotiations involving the Lakes as it does with respect to the 3-mile belt off the shore of California.

The Attorney General of the United States when questioned on the applicability of the rule as announced in the California case to the submerged lands of the Great Lakes within the borders of the Great Lakes States was somewhat equivocal. He insisted that Lake Michigan was wholly an inland lake and, consequently, in his opinion, the rule in the California case could not apply to Lake Michigan. He also stated it to be his opinion that the rule would not apply with respect to the other Great Lakes. However, he was frank to say that this was a personal opinion without study and that he had not conferred with or consulted other members of his staff on this point. The Attorney General also conceded that all of the Great Lakes except Lake Michigan constituted international-boundary waters. Later in the testimony it was developed that the Chief of the Land Division of the Department of Justice and others in that Department had, soon after the Court decided the California case, held the opinion that in the event the United States should discover anything of value in the beds of the Great Lakes that it needed for national defense or which should become the subject of international negotiations, the Government could then, under the theory of the California case, assert its paramount power and full dominion over the lands and resources in such lands lying under the waters of the Great Lakes to the same extent and with the same force and effect as it had done within the 3-mile belt on the coast of California.

Apparently, in anticipation that the rule applicable to California submerged lands would be applied to the Great Lakes, an applicant following the California case applied to the Department of the Interior for a Federal oil lease on a part of Lake Michigan within the boundaries of the State of Michigan; thus, the State of Michigan is at the moment actually confronted with this legal problem, and it follows that the other States bordering on Lake Michigan and the other Great Lakes are directly affected.

The implications in the California decision have clouded the title of every State bordering on the sea or on the Great Lakes, and the committee is unable to estimate how many years it would take to adjudicate the question of whether the decision is applicable to other coastal and to the Great Lakes States. We are certain that until the Congress enacts a law consonant with what the States and the Supreme Court believed for more than a century was the law, confusion and uncertainty will continue to exist, titles will remain clouded, and years of vexatious and complicated litigation will result.

This bill, if it becomes a law, will affect to some extent every State in the Union. Be it thoroughly understood that this legislation is not aimed solely at preserving the rights of the States in coastal or tidewater lands.

Mr. Chairman, it is to avoid this confusion and clarify the rights of the States that this bill is presented to the Congress. Briefly:

(a) It confirms, establishes, and vests in the States or persons lawfully entitled thereto under State law all right, title, and interest of the United States, if any it has, in and to the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and the right and power to control, develop, and use such natural resources, subject to the reservation of all Federal powers under the Constitution.

(b) It releases any claims that it may have arising out of the previous operations conducted on the submerged lands or in the waters covering them under State authority.

(c) It gives the United States a preferential right in time of war, or at any other time, when necessary for national defense, to purchase any of the natural resources produced from the lands included in the bill.

(d) The bill protects the jurisdiction and authority of the United States Government and all of its agencies, such as the Federal Power Commission, and all departments of the Government, such as the Army, Navy, Interior, and Commerce, to exercise constitutional powers to control and improve navigable waters in aid of navigation and commerce, or to regulate navigable waters for flood control, and to use such waters for the development of hydroelectric power and for all other purposes necessary to regulate commerce. It protects the jurisdiction of the Federal Government and all rights exercised under the reclamation laws by an express provision that the act may not be construed to repeal, amend, or modify any of the reclamation acts or amendments thereto. It protects and confirms the rights of those holdings under Federal authority with respect to the beds of streams now or hereafter constituting a part of the public lands of the United States not meandered in connection with the public survey of such lands under the laws of the United States. By the express provisions of the bill, all rights and claims of the United States to the Continental Shelf lying outside the boundaries of the States are preserved.

(e) Finally, it is the intent and purpose of this bill to establish the law for the future so that the rights and powers of the States and those holding under State authority may be preserved as they existed prior to the decision of the Supreme Court of the United States in the California case.

Mr. Chairman, the hearings were held by Subcommittee No. 1, and an exceptionally detailed and complete report accompanies the bill. The bill and the report have been available to the membership for some time, and I assume those having a special interest in this proposal have already studied the report. The bill will be thoroughly explained by members of the subcommittee, and germane amendments will be in order when the bill is read under the 5-minute rule.

Mr. MICHENER. Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois [Mr. REED], chairman of the subcommittee in charge of this matter.

Mr. REED of Illinois. Mr. Chairman, it is my desire very briefly to discuss the necessity for the enactment of H. R. 5992 which I consider a bill to quiet title, to preserve and maintain our dual form of government and to prevent the confiscation of property upon which individual States, relying upon treaties, our Federal Constitution, acts of our Congresses, and decisions of our courts, covering a period of 160 years, have expended untold millions of dollars in dams, wharves, harbors, piers, bridges, breakwaters, sewage-disposal systems, and other improvements and have encouraged and promoted the extraction and development of minerals, oil, gas, kelp, fish, sponges, and other marine life. More than 36 bills, similar to the one now before us, were considered in extensive joint hearings for 17 full days by the Committees on the Judiciary of the House and Senate. This legislation has the approval of 44 out of the 48 Governors of the respective States of the Union, several of them appearing in person to urge its passage. It is likewise endorsed by such organizations as the National Conference of Attorneys General, National Conference of Mayors, American Association of Port Authorities, and the American Bar Association.

A similar bill—House Joint Resolution 225—was passed by the Seventy-ninth Congress because of a threat by the Department of the Interior that that Department intended to grant Federal oil and gas leases on tide and submerged lands off the coast of California in spite of repeated decisions of the Supreme Court that the title to these lands vested in the States. While that legislation was pending in the Senate, a suit was instituted in the Supreme Court challenging the title of the State of California to these lands, nevertheless the Senate passed the resolution, but it was vetoed by President Truman largely on the ground that the litigation then pending would probably settle the matter without the necessity of legislation.

A decision was rendered in June of 1947. Instead of clarification, it has created a condition of confusion confounded. It states that the State of California has no title or property interest in the lands in question. Although urged by the Attorney General to declare that the United States was the owner in fee simple or had paramount rights of proprietorship, it merely held that the United States is possessed of paramount rights in and full dominion and power over the lands, minerals, and other things underlying the Pacific Ocean lying seaward three nautical miles from the California coast.

The situation, therefore, resolves itself into this:

It is a general rule of law that all land within the boundaries of any sovereign State of the Union must have an owner. The Supreme Court has said that these lands, part of the geographic limitations of the State of California, do not belong to that State. It says that the United States of America has paramount rights in them, but it does not declare title in the Federal Government.

As Justice Frankfurter aptly observed in his dissenting opinion:

> Of course, the United States has "paramount rights" in the sea belt of California—the rights that are implied by the power to regulate interstate and foreign commerce, the power of condemnation, the treaty-making power, the war power.

The paramount interest, said Mr. Justice Reed in his dissent, is "precisely as it is over every river, farm, mine, and factory of the Nation." Yet here is a judicial finding by the majority of the Court that the State has no title. The Federal Government has paramount interest. Yet there is no owner. What happens in such contingencies? Why, it is a rule of law, of course, that where there is no owner real property escheats to the State.

So here we are back to where we started with at least a probability that the State still owns these lands in spite of the Supreme Court decision.

This is a proposition that needs clarification. The Congress can perform that task simply and thoroughly. The enactment of this legislation is sufficient. It will place title to these lands in the States, where it has been from the time of the adoption of the Constitution, where it has been recognized by Congress after Congress and by the Supreme Court in many, many decisions too numerous to mention.

Mr. Chairman, I trust that the Members will pass this piece of legislation and clear once and for all this situation that now amounts to confusion confounded.

Mr. WALTER. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the legislation under consideration is necessary because of the decision of the Supreme Court in the case of United States against California, decided last year and reported in 330 U. S. The legislation is necessary because, in my judgment, the Supreme Court has again invaded the legislative field. Up to the time of the unfortunate decision which has created the chaos my distinguished friend from Illinois discussed, nobody had any doubt but that the title to the submerged lands contiguous to the States was in the several States. As proof of that statement I call to your attention the language of Justice Black, contained in the majority opinion, that during a period of more than 150 years of American jurisprudence the Supreme Court has used language strong enough to indicate that the Court then believed that the States also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not.

In further support of my statement that there was no doubt up to the time of the decision as to the ownership, I call to your attention a statement made by Harold Ickes, who at the time he made the statement was Secretary of the Interior. He stated:

> Title to the soil under the ocean within the 3-mile limit is in the State of California, and the land may not be appropriated except by authority of the State.

Then, further, in the pleadings filed by the Attorney General of the United States in this case, he alleged:

> The United States is the owner in fee simple of or possessed of paramount rights in and power over these submerged lands.

It certainly seems to me that nobody believes that the United States has any authority at all over the waters adjacent to the several States except for navigation purposes.

The Constitution did not delegate to the Federal Government any proprietary interest in the submerged lands within State boundaries, and not having been given authority expressly then, of course, the authority over that land was reserved to the States. Under the tenth amendment to the Constitution, the powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or to the people.

In that connection, I should like to call to your attention the views of Justice Reed, who filed a very strong dissenting opinion in this case.

He said:

> In my view the controversy brought before this court by the complaint of the United States against California seeks a judgment between State and Nation as to the ownership of the land underlying the Pacific Ocean, seaward of the ordinary low-water mark, on the coast of California and within the 3-mile limit. The ownership of that land carries with it, it seems to me, the ownership of any minerals or other valuables in the soil, as well as the right to extract them.
>
> The determination as to the ownership of the land in controversy turns for me on the fact as to ownership in the Original Thirteen States of similar lands prior to the formation of the Union. If the Original States owned the bed of the sea, adjacent to their coasts, to the 3-mile limit, then I think California has the same title or ownership to the lands adjacent to her coast. The Original States were sovereignties in their own right, possessed of so much of the land underneath the adjacent seas as was generally recognized to be under their jurisdiction. The scope of their jurisdiction and the boundaries of their lands were coterminous. Any part of that territory which had not passed from their ownership by existing valid grants were and remained public lands of the respective States. California, as is customary, was admitted into the Union "on an equal footing with the Original States in all respects whatever" (9 Stat. 452). My S. 3 of the Act of Admission, the public lands within its borders were reserved for disposition by the United States. "Public lands" was there used in its usual sense of lands subject to sale under general laws. As was the rule, title to lands under navigable waters vested in California as it had done in all other States. (*Pollard* v. *Hagan* (3 How. 212); *Barney* v. *Keokuk* (94 U. S. 324, 338); *Shively* v. *Bowlby* (152 U. S. 1, 49); *Mann* v. *Tacoma Land Co.* (153 U. S. 273, 284); *Borax Consolidated, Ltd.* v. *Los Angeles* (296 U. S. 10, 17).)
>
> The authorities cited in the Court's opinion lead me to the conclusion that the Original States owned the lands under the seas to the 3-mile limit. There were, of course, as is shown by the citations, variations in the claims of sovereignty, jurisdiction or ownership among the nations of the world. As early as 1793, Jefferson as Secretary of State, in a communication to the

British Minister, said that the territorial protection of the United States would be extended "three geographical miles," and added:

"This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts." (H. Ex. Doc. No. 324, 42d Cong., 2d sss., pp. 553–554.)

If the Original States did claim, as I think they did, sovereignty and ownership to the 3-mile limit, California has the same rights in the lands bordering its littoral.

This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of those marginal lands, to me the tone of the decisions dealing with similar problems indicates that, without discussion, State ownership has been assumed. (*Pollard* v. *Hagan, supra; Louisiana* v. *Mississippi* (202 U. S. 1, 52); *The Abby Dodge* (223 U. S. 166); *New Jersey* v. *Delaware* (291 U. S. 361; 295 U. S. 694).)

Let us look at that just for a moment. Was there any doubt in the minds of anybody in the Thirteen Original States or in the States as to the ownership of the submerged lands adjacent to the States? No, because if you examine all of the transactions between the States and the United States relative to these submerged lands, you will find that the United States entered into agreements with the sovereign States for the use of these lands. In my own State of Pennsylvania, the United States entered into an agreement for the construction of the League Island Navy Yard. Certainly if there was any question even as to the right to use the submerged lands contiguous to the State of Pennsylvania, the United States would not have gone to the State of Pennsylvania in order to obtain permission to erect a navy yard along the Delaware River.

Mr. BRADLEY of California. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield to the gentleman from California.

Mr. BRADLEY of California. I offer the congratulations of the people of California and the Members of the House upon your very excellent and fair exposition.

Mr. WALTER. I thank the gentleman.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. PLUMLEY. May I say in all modesty and without throwing bouquets at myself as a former instructor of constitutional law, when the gentleman suggests the fundamental question relative to the position taken by the original States as against the United States, he hits the nail exactly on the head.

Mr. WALTER. Of course, the gentleman very clearly remembers that the treaty of peace with Great Britain was made with the Thirteen Original States and not with the United States, so that at the time the treaty was entered into all the rights that the colonists had under the common law belonged to the several States.

Mr. PLUMLEY. Yes, I recall it. The gentleman is absolutely correct, and without taking any further time, I want to say that I follow you and the majority 100 percent. Over and over again I have said and I repeat, the Federal Government should not be allowed to encroach upon the rights reserved to the States by the tenth amendment. I shall always attempt to maintain the fundamental conception of the founders, which involves both or either the life or death of our representative form of government.

Mr. WALTER. I thank the gentleman.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. McDONOUGH. Reference has just been made to the clear memory of the gentleman from Vermont concerning the treaty between Great Britain and the Thirteen Colonies. Was that because of his presence at the time the treaty was made?

Mr. PLUMLEY. The gentleman from California does not embarrass me by his interrogation. I confess I am an aboriginal original. Vermont, which was an independent republic, got into the Union under almost its own protest, certainly because it insisted upon the reservation of its rights not theretofore or ever granted to the Union.

With that background, I certainly will back the Chadwick bill to the last ditch. So should all Representatives of every State. The tideland characterization is well made. The tide ebbs and flows. If when it goes out this time, the rights of the States float out with it or are in the backwash there go the reserved rights of the States into water so deep no diver will ever bring them back. "There is a tide, and so forth"—you know. It is time to watch your step lest you get into the undertow. Now is the time for the States to undertake to maintain and to preserve the rights they reserved or forever after to hold their peace.

Mr. MUHLENBERG. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. MUHLENBERG. May I inquire of the gentleman whether in the list of those people and organizations who are opposed to the project any statement was made by the State legislature of the State of Pennsylvania? I do not find any in this document.

Mr. WALTER. The legislature of the State of Pennsylvania did not act on this matter because the legislature was not in session when the bill was before the committee. But under our constitution when the legislature is not in session, then the Governor has certain powers in connection with matters of this sort. The Governor delegated the Attorney General of the State of Pennsylvania to appear in support of this legislation. His deputy appeared before the committee and made a very fine logical and convincing statement in support of the legislation.

Mr. Chairman, I ask unanimous consent to insert in the RECORD at this point certain statistics showing the effect of this legislation on the State of Pennsylvania.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The matter referred to is as follows:

STATEMENT OF FACTS, SHOWING IN PART THE AREA OF PENNSYLVANIA'S SUBMERGED LANDS, THE RESOURCES THEREIN, AND THE NUMBER AND VALUE OF DEVELOPMENTS AND IMPROVEMENTS UPON OR CONTIGUOUS WITH SUCH SUBMERGED LANDS

PORT OF PHILADELPHIA

The distance in statute miles from the head of tidewater at the upper railroad bridge, Trenton, N. J., to Chestnut Street, Philadelphia, is estimated as 33.72 miles. The distance on the Schuylkill River from the Fairmount Dam, the head of tidewater, is 8.6 miles. This portion of the Schuylkill River is available for commerce from both sides, giving a water frontage of 17.2 miles. The Philadelphia city water front on the Delaware and Schuylkill Rivers is 37 miles long, about one-half of which is improved. The water frontage at Chester is 10 miles.

The United States Army Engineers credit Pennsylvania with a total of 20.23 square miles of submerged land in the tidal basin at mean high tide, as follows: 19 square miles in the Pennsylvania section of the Delaware River and 1.23 square miles in the Schuylkill River.

Every port facility in Philadelphia is built on State property under grant by license. The director of wharves, docks and ferries is also the agent of the Commonwealth of Pennsylvania. Of the city piers, 28 percent are city-owned. The city is still spending $1,500,000 annually towards amortization of bonds for improvements costing over $40,000,000 prior to 1942. Annual rental receipts from city-owned piers approximate a half million dollars annually. The estimated value of other improvements undertaken in the port is approximately $1,000,000,000.

Examples of the facilities in the port of Philadelphia are as follows:

1. Two hundred and sixty-seven wharves, of which 159 are projecting piers and 108 are individual sections of bulkhead frontage. Of the projecting piers, 41 represent the water front terminals of the Pennsylvania, Reading, and Baltimore & Ohio railroads. Fourteen are large municipal piers. Three are piers built by the United States Government and are devoted exclusively to ocean commerce.

2. Along the water front are 8,000,000 square feet of covered storage space and a total berthing space of 190,000 lineal feet. There are two modern coal tipples, two large grain elevators, two large rapid oil-handling piers, and the largest shipbuilding yards on the American Continent.

The annual net volume of commerce in the port of Philadelphia is approximately 45,000,000 tons, which represents imports and exports of 18 municipalities served by the Delaware River and its tributaries. Only 5 of these 18 municipalities are in Pennsylvania, but the total tonnage of imports and exports for these 5 municipalities is 42,191,266.

An act of June 8, 1907 (Pennsylvania, Public Laws 321) created the department of wharves, docks, and ferries and delegated to it responsibility for the development of the waterfront within the city of Philadelphia. Dredging in the waterways shoreward from the pierhead line must be under permit from the director of that department (act of April 27, 1925, Pennsylvania Public Laws 191); for example, permits to the United States Maritime Commission to dredge at piers 96, 98, and 100.

The Navigation Commission, an administrative commission in the Department of Forests and Waters, issues licenses and permits for the Delaware River and its tributaries not within the city of Philadelphia. (Act of June 8, 1907, Pa, Public Law 496, supplemented and amended by the acts of 1913, 1919, 1921, 1925, and act of June 21, 1937, Pa. Public Law 1960).

It has not been possible to determine the value of park improvements along the rivers at Philadelphia, nor the acreage or the value of the land reclaimed from the river bed along the Delaware, at the southern limits of the City of Philadelphia.

LAKE ERIE

Pennsylvania owns the land and water in Lake Erie to the international boundary line between the United States and Canada, that is, to the middle of the Lake. Therefore, Pennsylvania exercises sovereign jurisdiction over the 570,240 acres beneath Lake Erie and its water front of 46 miles.

The Pennsylvania Water and Power Resources Board issues permits in writing for dredging or removing sand and gravel from Lake Erie. (Act of June 25, 1913, Public Law 555, sec. 1808 of the Administrative Code of 1929, as amended by Act No. 137, approved May 6, 1937.)

For nearly 20 years this dredging for sand and gravel has been done under permits issued by the Water and Power Resources Board of the State Department of Forests and Waters (no revenue to the State) in designated areas, totalling 9,990 acres.

The Erie Park Commission on Presque Isle peninsula, at Erie, reports that roads, improvements and protective works have cost approximately $2,000,000. The city of Erie receives no revenue. The docks are privately owned. The Erie Park Commission receives annually a minimum of $800 from private licenses for dockage for pleasure boats and $1,100 from concessions.

In the Port of Erie, the Pennsylvania Railroad owns and operates all the terminal facilities with the exception of the Sand and Gravel Company Pier, and the Municipal Steamboat dock constructed by the Commonwealth of Pennsylvania in 1909 at a cost of $150,000 but now used as a boat landing wharf for pleasure and fishing boats.

The principal efforts of recent years have been to prevent beach erosion on the outer shore of the Presque Isle peninsula—the drifting of sand into Erie Harbor has been a detriment rather than a benefit. Engineering plans for improvements in the Port of Erie contemplate an expenditure of one and one-half million by the Federal Government for the dredging of the Harbor Channel in order to justify economically a proposed expenditure of eight and one-half million by private, State and local interests.

The State Geologist reports that there has been no exploratory drilling in the Pennsylvania portion of the bed of Lake Erie, but there is a definite probability that gas supplies will be developed in this area and at least a strong possibility that drilling will develop additional oil resources.

INLAND WATERS

Pennsylvania contains about 15,000 streams, in the Delaware, Susquehanna, Ohio, Potomac, Lake Erie, and Genesee Basins. The combined area drained by these streams is 45,126 square miles and 95.2 percent of the area is within three of the basins, namely, Susquehanna, Ohio, and Delaware.

	Percent
Susquehanna	46.4
Ohio	34.5
Delaware	14.3
Potomac	3.5
Lake Erie	1.1
Genesee	.2
	100.0

Approximately 4,400 streams are designated by name and listed in the Gazeteer of Streams. Descriptions for 644 of the most important streams have been collected and published in that publication. About 570 of the named streams drain areas greater than 25 square miles. Of this number, two have tributary areas greater than 10,000 square miles, 4 streams drain from 5,000 to 10,000 square miles and 420 have areas from 25 to 100 square miles.

The Department of Forests and Waters has surveyed 293 lakes in Pennsylvania. Of this number 256 contain water surface areas greater than 20 acres each, while 19 of the latter cover more than 200 acres each. These lakes are found principally in the northeastern portion of the State; the remainder, with the exception of one each in Carbon, Rauphin, Fayette, and York Counties, are located in Crawford, Erie, and Mercer Counties. The largest natural lake in the State is Conneaut, situate in the west central part of Crawford County, with an area of 928.5 acres. Lake Wallenpaupack, in Pike and Wayne Counties, contains the greatest volume of water stored in an artificial lake in the Commonwealth; it covers 5,760 acres.

There are 5,900 dams in the streams of the State, of which 645 are important structures storing large volumes of water situated above cities and boroughs. The portion in Pennsylvania of the Pymatuning Reservoir constructed by the Water and Power Resources Board of the Department of Forests and Waters, floods the greatest surface in the State with an area of 12,170 acres and has a shore line of 61 miles, but does not store as great a volume of water as Lake Wallenpaupack.

According to information compiled from surveys by the Pennsylvania Water and Power Resources Board (see Annex hereto attached), our nine navigable rivers have a water frontage of 2,849 miles and submerged lands totaling 148,616 acres. Excluding approximately 61 miles of water frontage, and the 12,947 acres of submerged lands beneath the tidal waters of the Delaware and Schuylkill Rivers, the inland water frontage of our nine navigable rivers is 2,788 miles, and an area of 135,668.2 acres.

The water frontage of the principal lakes and ponds, including the portion of the Pymatuning Reservoir in Pennsylvania, but excluding Lake Erie—46 miles water front and 570,240 acres—totals 241 miles and the area of the submerged lands thereunder is 39,680 acres.

Therefore, the total area of submerged lands beneath all of the inland waters of Pennsylvania is 175,348.8 acres, and the total water frontage 3,029 miles.

Fifteen thousand and five hundred applications for stream encroachments have been investigated by the Encroachment Division of the Water and Power Resources Board. About 80 percent of these represent bridges across the streams, 10 percent fills along the stream banks, and the remaining 10 percent channel changes, wharves, docks, and other miscellaneous projects. About 500 encroachment applications are handled annually.

The only revenue to the State is comprised of filing, investigation, and inspection fees and, in addition, the general fund of State treasury receives approximately $12,000 annually in fees for limited hydroelectric power permits for operations at Lake Wallenpaupack, Safe Harbor, and at reservoir of the Conewingo Dam. (The Administrative Code of 1929.)

Dams have widened the rivers in some areas which are underlain by coal, and in some of these areas productive oil sands underlie the surface, e. g., (1) the Pittsburgh coal bed underlies the Monongahela River from Brownsville to Greensburg; and (2) the Allegheny coals, some of which are thought to be workable, underlie all of the Monongahela River in Pennsylvania, the Youghiogheny River below Connellsville, and the lower Allegheny and Ohio Rivers from Pittsburgh to Beaver. The valuable clays of Pennsylvania are mostly associated with the Allegheny group coals, the Upper Freeport to the lower Kittanning, and will underlie the rivers in the same areas as the Allegheny coals do.

Rivers draining from the anthracite region have yielded annually one-half to one and a half million tons of fine anthracite coal. Many industries are dependent upon coal so recovered, notably from the Susquehanna River at Harrisburg.

Statement of facts on behalf of Commonwealth of Pennsylvania

AMOUNT OF WATER FRONTAGE AND AMOUNT OF SUBMERGED LANDS OF PRINCIPAL RIVERS AND LAKES AND PONDS IN PENNSYLVANIA

[All statistical data approximate]

River	Length (miles)	Water frontage (miles)	Average width (miles)	Land submerged (acres)
DELAWARE BASIN				
Delaware River	255	255	0.12	19,600
Schuylkill River	131	262	.08	7,040
Lehigh River	100	200	.06	4,480
Total	486	717	.....	31,120
SUSQUEHANNA BASIN				
Susquehanna River	112	224	.74	53,376
North Branch	166	332	.22	23,050
West Branch	228	456	.06	8,450
Juniata River	86	172	.07	3,840
Total	592	1,184	.....	88,716
OHIO BASIN [1]				
Ohio River	39	78	.2	5,820
Allegheny River	260	520	.07	11,950
Monongahela River	92	184	.14	7,940
Youghiogheny River	83	166	.06	3,070
Total	474	948	.....	28,780
LAKES AND PONDS				
Lake Erie	.....	46	.....	570,240
Pymatuning Reservoir	.....	61	.....	12,170
Wallenpaupack	.....	45	.....	5,760
Miscellaneous lakes and ponds	.....	135	.....	21,750
Total	.....	287	.....	609,920
Total, all streams, lakes, and ponds	1,552	3,136	.....	758,536

[1] The water frontage and submerged lands at Pittsburgh are included in the Ohio Basin figures.

Mr. REED of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. CHADWICK], the author of the bill.

Mr. CHADWICK. Mr. Chairman, I hope that I can say all that I have to say which will be of any assistance or contribution to you in less than 15 minutes.

It seems to me it might be well worth while to spend a few minutes translating to those of you who are not lawyers, the situation as it prevailed in the Supreme Court, and as it has prevailed since the adjudication of the Supreme Court in the case of United States against California; because you are bound to be asked that by your constituents. In all probability this bill will become a controversial issue in the United States. It is not impossible that this bill and the decision of the Supreme Court which preceded it, will lay the foundation of an issue almost as fundamental as the Missouri Compromise; because the fundamental problem for us to resolve, and for all Americans to resolve for themselves, is the question of States' rights as against the encroachment of the Federal Government, against the superstate.

Let me remind you, if I may, that what was presented to the Supreme Court was a simple lawsuit, differing from the normal lawsuit only in the fact that the case was brought in the Supreme Court;

the Attorney General sought original jurisdiction of the United States Supreme Court, rather than starting in the lower court and having it come up in the normal fashion to the Supreme Court.

I listened to the testimony of the Attorney General at the interesting joint hearings conducted by the Senate Judiciary and our own Judiciary Committees, and if I read his mind aright, he would have preferred that this case should have come up in the normal way. There is strong testimony in the record from at least one person who was a very active witness, Mr. Ickes, that the Attorney General was urged from a higher quarter to institute this bill, although there was already a suit pending which would have raised the same question, in the District Court for California.

The only disadvantage of that particular kind of proceeding is that the Supreme Court, like all courts, is human. The reason we accomplish something like justice, equality, and great judicial policy is because cases being started at the lower level, are carried up by appeal and looked at again and again, until the Supreme Court usually gets a proposition which is preserved like a fried fish on a platter. If it does not like the side which is up, it turns it over and sends it back with the other side up; and that is a rather dependable judicial procedure.

However, if the Supreme Court takes initial jurisdiction it must examine the matter de novo, and it must arrive at a judgment which is dependably sound and according to law, we hope, without any review or appeal.

I realize we are on delicate ground in this particular aspect of the matter. This great body has the highest respect for the Supreme Court of the United States. We all individually have that high respect, but, as attorneys we are under a special obligation of regard. Yet, as lawyers, we are inclined to feel that the Supreme Court reached an unfortunate conclusion in this case. How we can convey that to the public and to you gentlemen without bad taste is a problem. So I am going to tell you a little story of my college days.

We had a German professor of mathematics at the University of Pennsylvania who was very forceful and emphatic in all his statements. One of his students, who had become illuminated with his interest but had gotten off the track, indulged in some special demonstration of higher mathematics, in which he reached a conclusion that Professor Schwatt could not justify. The student stuck to his ground. Finally Dr. Schwatt lost his patience and said, "If Gott in himmel came down and pointed to that demonstration and said, 'Dr. Schwatt, that is correct,' I would have to say, 'Gott, you vas mistaken.' "

What did the Supreme Court actually say in this case? It decided as a matter of adjudication that the State of California does not own title to the strip of land along its shores. That is all that is decided. They did not decide, and it has never been decided, that Oregon does not own its strip of land under the marginal sea; or that Florida does not own that strip of land; least of all that the Thirteen Original States do not own that piece of land; and perhaps particularly that Texas does not, because Texas came into the Union under a treaty which reserved that very right to Texas.

The Attorney General very frankly said, and I listened to him with great attention—I think that his presentation of his case was fair and careful, properly enthusiastic as behooved the advocate of the Government's case; he needs no apology for his enthusiasm for his client, but I have a lurking suspicion that he does not believe in it himself—the Attorney General of the United States frankly states that no decision has been finally adjudicated with respect to even a square inch of land, whether under the marginal seas or inland rivers or elsewhere, except in the strip off California. This bill therefore, when it undertakes to quitclaim back to the States the rights which they have heretofore been uniformly known and accepted to have for over 150 years, is not going contrary to any judicial decision of the Supreme Court or any other court; it is doing something which is in line with the rights of all the other States as they have been uniformly recognized.

With respect to California, the situation is different. There I take it that we must agree that the Supreme Court has decided, first, that California does not own that land, and, second, while not deciding that the United States does have title, it has declared that the United States has a paramountcy of right, amounting to dominion over that land, as an incident of its having the duty to defend the United States and to carry on foreign relations.

Now, just look at how far around Robin Hood's barn the Supreme Court had to go to get there. They had to find a rationale of reasoning under which these lands under the marginal seas of California should be rendered stateless, converted into a no-man's land; they had to become "displaced lands"; they had to be made a deodand—if you lawyers remember that word—like a cask or a crate washed up out of the sea.

The Supreme Court could not have reached this decision if it followed the approach of title which even the least of us lawyers know something about, because title is very basic in the law. You would not believe that the Supreme Court could decide this case without deciding the matter of title. When you say that the United States owns something, it means that the United States has title; and why not say it? Because the United States has everything else, paramountcy of right, dominion, and the right to take and dispose of the unseparated minerals and oils in the land.

That would mean title in my State; that would mean title in your State. It just is not admitted to be title in the Supreme Court.

Let me take just a moment of time to call your attention to the hearings; they took about 15 days. When you see the pile of books representing the hearings, it will appall you. The hearings in this matter were worthy of the witnesses we had there, great Governors from many, many States. We had the attorney generals of practically every State, and on the negative we had—I say this in a kindly way—we had the bureaucracy of the United States Government testifying the other way.

It was a very gratifying thing that among all the testimony which was adduced, in my humble opinion, the finest, most statesmanlike declaration came from the Governor of California, which seems to me to be appropriate. I had never heard Governor Warren before. I left that hearing with a profound sense of recognition of the great qualities of this man. Since you, I know, will not take time to read these reports, will you permit me to read to you now what Governor Warren said about this bill, which, I think, constitutes a great contribution of a great statesman to a great question of government. I am quoting from Governor Warren's statement:

> I am a believer in a strong Central Government within the limits of the Constitution, but I do not believe that the Federal Government should encroach upon the powers and rights which were reserved to the States by the tenth amendment to the Constitution.
>
> During the first half of the existence of the Nation, the States were strong, and the Federal Government was weak. It was during this time that our great leaders strove to strengthen the Central Government, so that it could perform its functions as a true sovereign; but now the situation has materially changed. As so often happens, the pendulum which in our early history had swung too far toward States' rights, is now swinging in the opposite direction toward Federal power, until now it has reached a point where the continuance of our States as independent, sovereign political entities is threatened.
>
> If we are to preserve our constitutional system of a Federal Union made up of sovereign States, it is just as important now to protect the States from excessive concentration of power in the Federal Government as it was 150 years ago to protect the Federal Government from an excessive concentration of power in the several States.
>
> In 1819, Chief Justice Marshall said: "No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass." (*McCullough* v. *Maryland* (4 Wheat 403).) Let us hope that Marshall was right. Nevertheless, it must be recognized that the constant encroachment of Federal power and the extension of the jurisdiction of Federal bureaus over every aspect of our life has tended to weaken our States to such an extent that I believe now it is the duty of everyone who believes in the American Constitution to exert his efforts to bring back to the States the political and property rights which have been taken from them and to restore the just balance as between local and national power which is indispensable to the maintenance of our constitutional system.
>
> And what would the Federal Government lose by the enactment of this bill? Precisely nothing. The States have never interfered in any way with the sovereign rights of the Government to impose its will over and its use upon these tidelands for the purposes of national defense, navigation, and international relations. We have never claimed nor wanted any such jurisdiction. The legislation before you expressly disclaims any such intent. The Federal Government now determines beforehand whether any proposed use by the States would be an interference with any of those national interests.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. CHADWICK. I yield to the gentleman from California.

Mr. JOHNSON of California. Governor Warren is not only a great Governor; he is a great lawyer. He was the greatest attorney general California ever had. The gentleman is making a very learned and convincing argument for which I want to compliment him. It is tragic that a man with his talents and courage will not be with us in the Eighty-first Congress.

Mr. CHADWICK. I can believe that. I did not sit there exactly spellbound, but I was very much moved when I listened to Governor Warren's statement, as we are when we find a great character which we have not been privileged to identify before. It is to our national disadvantage that we have not known Governor Warren better in the East.

There were several great statements made. All are good. Governor Caldwell, of Florida, made a fine, scholarly, lawyerlike presentation on this question. It has already been suggested that my own State of Pennsylvania was very adequately represented with a very fine argument made by a deputy attorney general, M. Vashti Burr, sent there by the Governor, who himself had been attorney general and who was much interested in this problem.

It would be almost invidious to pick which were the best among so many fine statements. But there is one more that I wish I had time to tell you about. There was present an expert witness—this is unusual in these cases—called by the State of Texas, a gentleman by the name of Hudson, former judge of the World Court, former member of the International Court of Arbitration, and now a professor of law at Harvard. If I may turn aside for a personal touch, when I saw him come down to the witness chair I realized that here was a man; and I turned to my friend, the gentleman from Texas [Mr. GOSSETT], and I said, "Ed, now you and I are going to find out what we missed by not going to Harvard Law School."

My prophecy was correct. His contribution was tremendously effective. That is the only other matter I would like to have a chance to read to you today.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. REED of Illinois. Mr. Chairman, I yield the gentleman two additional minutes.

Mr. FELLOWS. Mr. Chairman, will the gentleman yield?

Mr. CHADWICK. I yield to the gentleman from Maine.

Mr. FELLOWS. I want to take this opportunity of saying this is a great exposition the gentleman has made of this question. I want to say more than that. It has been a wonderful privilege to serve with the gentleman on the Committee on the Judiciary, not only because he is a fine lawyer, a fine legislator, but a real fine gentleman, and we have all come to know that in the last year and a half. If anything lately might indicate to any of us that everybody does not feel just like that, it is their loss. I am but 1 of 435 Members of this House, all of whom I believe feel just as I do.

Mr. CHADWICK. I am overwhelmed at the kind words of the gentleman from Maine.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CHADWICK. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I want to concur in what my distinguished friend, the gentleman from Maine, has stated, and say one thing more, that it not only has been a great privilege to me and other members on the Committee on the Judiciary to serve with the distinguished gentleman, who has worked so hard on this problem, but I am sure that he has made as great a contribution to the work of that committee during his short service on it as any other man has made in the same length of time.

Mr. CHADWICK. I thank the gentleman.

Mr. KEATING. Mr. Chairman, will the gentleman yield?

Mr. CHADWICK. I yield to the gentleman from New York.

Mr. KEATING. I want to say to the gentleman that I do not want to embarrass him, but as he knows, he and I are in some slight disagreement on this particular measure before us, so that perhaps this can come more appropriately from me than from some of the others. I do not feel that this moment should pass without expressing to the gentleman the great pleasure and profit which I have had in sitting next to him during many hearings in the Committee on the Judiciary. It is a matter of great regret to me and a great loss to the people of this country that the gentleman from Pennsylvania is not likely to serve in this body during the next session. Wherever he is and to whatever task he may bring his unusual talents, we who have served with him so intimately wish him success and happiness without limit.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. CHADWICK. I yield to the gentleman from Michigan, the great chairman of our committee.

Mr. MICHENER. I want to join the others in what has been said about the services of the very capable gentleman from Pennsylvania who is now addressing us. I have served on the Committee on the Judiciary of this House for 26 years. I have never known a member of the committee who commanded more general respect than has the gentleman from Pennsylvania, and in addition to that I have never known a member to make progress faster on the committee. I am sure he has the love, respect, and confidence of every member of the committee, regardless of politics.

Mr. CHADWICK. I thank the gentleman.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. CHADWICK. I yield to the gentleman from California.

Mr. McDONOUGH. I just want to say, Mr. Chairman, that the State of California is indebted to the gentleman from Pennsylvania for authorizing this bill. We appreciate the interest he has taken, and we are conscious of his ability to present facts to the Committee on the Judiciary relating to the advantages of this bill as a fundamental act to protect States' rights. It is with deep regret to the State of California and, I am sure, to all Members of the House, that he will not be with us in the next Congress.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WALTER. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. LARCADE].

Mr. LARCADE. Mr. Chairman, I represent one of the largest oil-producing districts in the State of Louisiana, and our State is the third largest oil-producing State in the United States, and aside from this fact, I am a strong believer in, supporter of State's rights, and I will defend States' rights to the last ditch. Therefore, Mr. Chairman, I am supporting to the full limit of my capacity H. R. 5992, to confirm and establish the title of States to lands beneath navigable waters within State boundaries, and natural resources within such lands and waters, and to provide for use and control of said lands and resources.

Since the Supreme Court's decision on June 23, 1947, in the case of the United States against California, the subject and the decision covering the matter has been of great concern to the people of Louisiana and their State officials, and I share and wish to express the amazement and resentment of the people and the public officials of the State of Louisiana over this decision and the new ideology of government it would establish by enabling the Federal Government to confiscate the tidelands and submerged lands within the boundaries of our State or any State in the Union.

The State of Louisiana is not the only State affected by the decision of the Supreme Court in this matter. Practically every other State in the Union is affected by this decision, and in order to preserve to my State and all other States title to tidelands and lands beneath the navigable waters within their boundaries, I strongly urge my colleagues to vote for the enactment of H. R. 5992. The Chairman, I would go further and say that I urge the defeat of any legislation which would divest the States, parishes, counties, or cities of title to and ownership of their lands and natural resources, without compensation, and vest same in the Federal Government or any agency thereof in any capacity.

Mr. Chairman, I have studied the testimony before the joint Senate and House committees of the attorney general of Louisiana, Attorney L. H. Perez, of Louisiana, the Governor of Texas, and other public officials, and their arguments are so clear and convincing that I am taking the liberty to quote in this statement from some of these officials the legal phases and implications of the California decision of the Supreme Court, and, as was so properly said, this decision "disregarded the rule of property law that is as old as our Nation itself."

It is the first United States decision holding that any private or governmental agency has the right to take property and resources beneath the soil without lease or fee ownership or without compensation to the true owner.

It is also the first decision in America holding that the Federal Government's responsibility to protect the shores can give it rights heretofore identified with the ownership of shores.

Since the Declaration of Independence, both State and Federal Governments had recognized that the ownership vested in the States of all submerged lands within their respective boundaries. Throughout these years legal background was established, and precedent—bulwarked by 244 Federal and State court decisions, 49 United States Attorney General opinions, 32 Department of the Interior opinions, and 52 Supreme Court decisions—became so firmly established that State ownership of these lands became recognized as invulnerable to successful attack.

Under these circumstances, Louisiana felt certain and secure in our title to our submerged land and all public lands, for revenues amounting to approximately $60,000,000 has been dedicated and appropriated largely for school purposes. The loss of this continued revenue would seriously affect the economy and tax structure of our State.

All of the tidelands States, since their entry into the Union, have had and exercised their proprietory rights in these submerged lands.

While the Supreme Court denies proprietory rights in these lands to California, it is significant that the Court failed to find that the Federal Government owned the property.

It stated:

> The crucial question on the merits is not merely who owns the bare legal title to the land under the marginal seas. The United States here asserts rights in two capacities transcending those of a mere property owner.

These rights asserted by the Supreme Court are, first, the right and responsibility of the Federal Government to conduct the national defense of this country, and, second, the right and responsibility of the Federal Government to conduct the relations of the United States with other nations.

In this decision the Supreme Court has announced Federal powers which the Congress has refused or failed to convey. Twice the Congress refused to grant specific authority for the Attorney General to sue California for these lands. The Eightieth Congress passed a resolution recognizing State ownership and quitclaiming to the States, only to have it vetoed by the President.

President Truman vetoed the legislation for the alleged reason that the question of ownership was then before the Supreme Court to decide. Now that the Supreme Court's decision has evaded and transcended the question of legal ownership, it is now logical and proper for the President to vouchsafe to the Congress the consideration and determination of the question of ownership.

The Supreme Court's decision and the purport and effect of the so-called administration and Cabinet bills to effectuate it proclaims a new ideology of government in America. This decision and the bills referred to establish a national policy of the Federal Government having paramount rights and dominion over oil, one of the vital natural resources. It would establish a policy and a precedent of nationalization of vital resources. It would further unbalance the Federal-States' powers and relationships which were well balanced and defined by the Constitution of the United States. If we are to maintain our form of government in the United States, we cannot afford to take this step toward nationalization and further centralization of power in our Federal Government.

The power and duty of the Congress is crystal clear in its decision of this question. This will not be the first time that the Congress will have found it necessary to nullify decisions of the Supreme Court which result in legislation rather than judicial interpretation and decision. Justice Reed, in dissenting from the Supreme Court decision in the California case, said:

> This ownership in California would not interfere in any way with the need or rights of the United States in war or peace. The power of the United States is plenary over these underseas lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of these lands, to me the tone of the decision dealing with similar problems indicates that without discussion State ownership has been assumed.

Some of the more than 54 decisions handed down by the United States Supreme Court in the past 100 years and more have finally held as follows:

In the cast of *Martin* v. *Waddell* (16 Peters 410), the United States Supreme Court, in 1842, held:

> For when the Revolution took place, the people of each State became themselves sovereign, and in that character held the absolute right to all their navigable waters and the soils under them for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

Again, in 1845, the United States Supreme Court held in the case of *Pollard* v. *Hagan* (3 How. 223):

> When Alabama was admitted into the Union on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remains to the United States, according to the terms of the agreement, but the public lands. And, if an express stipulation had been inserted in the agreement granting the municipal right of sovereignty and eminent domain to the United States, such stipulation would have been void and inoperative, because the United States has no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain within the limits of a State or elsewhere, except in the cases in which it is expressly granted.
>
> The right of Alabama and every other new State to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted, and remain unquestioned, except so far as they are temporarily deprived of control over the public lands. (Such waste and unappropriated lands ceded to the United States under the old Congress of September 6, 1780, to aid in paying the public debt incurred by the war of the Revolution, providing that "whenever the United States shall have fully executed these trusts, the municipal sovereignty of the new States will be complete, throughout their respective borders and they, and the original States, will be upon an equal footing in all respects whatever.)

The above case was affirmed in 1850 in *Goodtitle* v. *Kibbe* (9 How. 478).

In *McCready* v. *Virginia* (94 U. S. 391, in 1876) the United States Supreme Court again decided:

> The principle has long been settled in this court that each State owns the beds of all tide waters within its jurisdiction, unless they have been granted away. * * * And, in like manner, the States own the tide waters themselves and the fish in them so far as they are capable of ownership while running. For this purpose the State represents its people and the ownership is that of the people in their united sovereignty. * * * The right which the people of the State thus acquired comes not from their citizenship, alone, but from their citizenship and property combined. It is in fact a property right and not a mere privilege or immunity of citizenship.

Citing the elder cases of *Pollard* v. *Hagan* (3 How. 212); *Smith* v. *Maryland* (18 How. 74); *Mumford* v. *Waddell* (6 Wall. 436); *Weber* v. *Harbor Comrs.* (18 Wall. 66).

In the Abby Dodge case decided in 1912, reported in Two Hundred and Twenty-three United States 166, the United States Supreme Court held that the State of Florida owned the soil and the sponge beds in the water bottoms of the Gulf of Mexico within the boundary of the State of Florida.

It is unnecessary to cite from the numerous decisions of the United States Supreme Court sustaining the same principle of ownership of submerged lands within their borders by the various States of the Union. These are covered fully in a memorandum filed by the Attorney General of Louisiana and various others.

But here let me cite only some of the United States Supreme Court decisions relative to the ownership of the State of California by virtue of its inherent sovereignty, as granted and recognized by the act of Congress admitting California as a State into the Union, which at this late date the Secretary of the Interior would deny, and the recent decision of October 1946 confounds with the Federal Government's paramount power and dominion.

In 1873 the United States Supreme Court again held in the case of *Weber* v. *Harbor Comrs.* (18 Wall. 57)—

> Upon the admission of California into the Union upon equal footing with the original States absolute property in, and domination and sovereignty over, all soils under the tide waters within her limits passed to the State, and with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the general Government.

In 1867, in *Memford* v. *Wardwell* (6 Wall. 423, 436), the United States Supreme Court again held that when California was admitted into the Union in

1850, the act of Congress admitting her declares that she is so admitted on an equal footing in all respects, with the original States and that the—

> Settled rule of law in this Court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States and that the new States since admitted have the same rights, sovereignty and jurisdiction in that behalf as the original States possess within their respective borders.
>
> When the Revolution took place the people of each State became themselves sovereign and in that character held the absolute right to their navigable waters and the soils under them, subject only to the rights since surrendered by the Constitution.
>
> Necessary conclusion is that the ownership of the lot in question (flat in San Francisco Bay), when the State was admitted into the Union, became vested in the State as the absolute owners, subject only to the paramount right of navigation.

And, as recently as in 1935, the United States Supreme Court again held in *Borax Ltd.* v. *Los Angeles* (296 U. S. 10), that tidelands in California passed to the State upon her admission to the Union, said that the Federal Government had no right to convey tideland which had vested in the State by virtue of her admission.

In that case the city of Los Angeles brought suit to quiet title to lands claimed to be tidelands owned by it under a legislative grant by the State of California; while the Borax Co. claimed under a patent of the United States in December 1881 which, in the words of the Court "purported to convey land on the Pacific Ocean."

The Court through Chief Justice Hughes quoted from the above-cited case of McCready against Virginia, and held that the lands in question were tidelands.

The Federal Government had no right to convey tidelands which had vested in the State by virtue of her admission.

Specifically, the term "public lands" did not include tidelands.

In this connection the United States Supreme Court again held:

> The soils under tidewaters within the original States were reserved to them respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed (p. 15).

And, that these lands being tidelands, "title passed to California at the time of her admission to the Union in 1850."

That the Federal Government had no power to convey tidelands which had thus vested in a State—citing Pollard against Hagan, Goodtitle against Kibbe above.

It has been stated that all courts of the land consistently have followed the decisions of the United States Supreme Court, establishing a well-settled jurisprudence in this country, that the States and their grantees own the submerged lands within their borders.

By contrast the United States Supreme Court in October 1946, pretended that the State of California had invaded the title or paramount right asserted by the United States to an area of tideland within that State's boundary, and that California had converted to its own use oil which was extracted from these tidelands, which had never before been recognized as its own property.

This alone—

Said the Supreme Court—

would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III.

That smacks of the fabled wolf that ate up the helpless little lamb.

The United States Supreme Court had repeatedly recognized and judicially stated the right and title of the coastal States of the Union, including California, to the tidelands within their boundaries or jurisdiction.

In 1876, in McCready against Virginia, above, the United States Supreme Court adjudicated with almost solemn and poetic dignity upon the united sovereignty of the people of the States, and held that the principle was long settled in this Court that each State owns the beds of all tidewaters within its jurisdiction, and owned the tidewaters themselves and the fish in them so far as they are capable of ownership, and that for this purpose the State represents its people, and that such ownership is that of the people in their united sovereignty and in fact is a property right and not a mere privilege or immunity of citizenship.

What a far cry is that decree of the highest Court of our land of the free, from that of the highest Court of the same land of regimented nationalization, which now solemnly holds that where that sovereign right of ownership in the people of a State, which it now refers to as the "bare legal title" to the lands under the marginal sea is questioned by this Federal Government, the right of power and dominion of the United States transcends those of a mere property owner.

Thus for the first time the United States Supreme Court has adopted and put into effect the totalitarian doctrine of the supremacy of the State over the people, or that the people have no property or right whenever the Federal Government wishes to appropriate, because of its power and dominion.

The Supreme Court ignored all its prior jurisprudence on the subject of tidal ownership by the individual State for its sovereign people, and its repeated decisions since 1842 that the Original Thirteen States absolutely owned all their navigable waters and the soils under them for the common use of the sovereign people of each State, subject only to the rights surrendered by the Constitution to the Federal Government—navigation, interstate and foreign commerce and national defense—and that all States since admitted into the Union succeeded to the same ownership and rights of sovereignty.

However, the Supreme Court did, with seeming compuction, admit the right and power of Congress to legislate on the matter of recognizing the century-old fact of tidal ownership in the States for their sovereign people, or ratify and confirm their totalitarian decree, either by positive action or inaction.

Further, to cap the climax, Mr. Ickes, former Secretary of the Interior, who agitated this Federal land grab, declared officially that he recognized the settled law that title to the soil within the 3-mile limit is in the State and cannot be appropriated except by the authority of the State. In his letter dated December 22, 1933, to Mr. Proctor, of Long Beach, Calif., rejecting his application for a lease under the Federal Leasing Act of 1920, Mr. Ickes stated:

> It has been distinctly settled that * * * the title to the shore and lands under water in front of lands so granted inures to the State within which they are situated * * Such title to the shore and lands under water is regarded as incident to the sovereignty of the State * * *.
>
> The foregoing is a statement of the settled law, and therefore no right can be granted to you either under the Leasing Act of February 25, 1920 (41 Stat. 437), or under any other public-land law to the bed of the Pacific Ocean either within or without the 3-mile limit. Title to the soil under the ocean within the 3-mile limit is in the State of California and the land may not be appropriated except by authority of the State.

Mr. WALTER. Mr. Chairman, I yield such time as he may desire to the gentleman from Maryland [Mr. BEALL].

Mr. BEALL. Mr. Chairman, since the founding of our Nation, the States have exercised sovereignty over the tidelands, the submerged lands, including the soil under navigable inland waters and soils under all navigable waters within their territorial jurisdiction, whether inland or not.

Under the common law and civil law, the States' sovereignty and authority over and title to said lands has been long acknowledged, affirmed, and respected by the Federal Government whose only powers were expressly delegated to it by the States at the time of the formation of our Government.

The States did not delegate unto the Federal Government authority or power over or title to said lands but retained same to and for the States.

The recent decision of the United States Supreme Court, while not deciding the question of ownership of tidewater lands, cast a cloud on the States' title to said lands and the oil and other minerals beneath. The decision of the Supreme Court recognizes that the matter of ownership of tidewater lands is still a question for Congress to decide.

The title to the tidelands and submerged lands of the States is clouded by this decision and the language therein is so broad as to be extendable to the soil under navigable inland waters and soils under the navigable waters within the territorial jurisdiction of the States, and even to other minerals or important elements on or beneath the soil of the States

This cloud of uncertainty should be removed and I urge the House to approve H. R. 5992 today.

Mr. WALTER. Mr. Chairman, I yield such time as he may desire to the gentleman from California [Mr. WELCH].

Mr. WELCH. Mr. Chairman, under date of April 17, 1948, a joint communication was addressed to me as chairman of House Committee on Public Lands by the Secretary of Defense, United States Attorney General, and the Secretary of

Interior with reference to tidelands legislation.

I have also received a resolution passed by the Board of Supervisors of the City and County of San Francisco requesting the enactment of the present legislation.

These communications are as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., April 17, 1948.

Hon. RICHARD J. WELCH,
Chairman, Committee on Public Lands, House of Representatives, Washington, D. C.

DEAR MR. CONGRESSMAN: We are enclosing the joint statement made today by the Office of Naval Research and the United States Geological Survey, announcing the discovery of significant geological structures underlying the Continental Shelf from 20 to 75 miles from shore in the Gulf of Mexico. This discovery indicates the possibility that structures exist in this region comparable to those that have constituted reservoirs of petroleum inland from the Gulf. While these indications must be examined further and the area explored in detail, they provide the first definite evidence of the existence of such structures beneath the floor of the Gulf at such distance from shore.

This area is within that claimed for the United States by the President by proclamation and Executive order dated September 28, 1945. However, S. 1988, now pending before the Committee on the Judiciary, attempts to deprive the United States of the resources in this area. This is strikingly evidenced by recent attempts by two States to extend by State statutes their boundaries far beyond the 3-mile belt. Louisiana, by statute in 1938, attempted to extend its boundary 27 miles out in the Gulf of Mexico. In 1941 Texas, by statute, attempted to extend its boundary 27 miles out in the Gulf of Mexico, and as recently as 1947 attempted to extend its boundary to the outer edge of the Continental Shelf, more than 100 miles from shore.

This discovery of a potential source of oil emphasizes the fact that Congress should not attempt to disturb the rights of the United States in the marginal seas, as decided by the Supreme Court. It also points up the urgency for appropriate legislation to provide for the development, exploitation, and conservation of the resources in such areas. Such legislation would be provided by the proposed bill which we submitted to the Speaker of the House of Representatives, by letter of February 6, 1948, and which was introduced as H. R. 5528.

Sincerely yours,

JAMES FORRESTAL,
Secretary of Defense.
TOM C. CLARK,
Attorney General.
J. A. KRUG,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR INFORMATION SERVICE

(Joint release office of naval research geological survey)

EXISTENCE OF SALT DOMES ON CONTINENTAL SHELF INDICATED

Indications of the existence of salt domes, some of which may be oil-bearing, have been discovered during the course of a joint scientific exploration of the Continental Shelf in the Gulf of Mexico by the Office of Naval research and the geological survey.

Working under a contract with the geological survey, the Tidelands Exploration Co. of Houston, Tex., was conducting gravity studies of the continental shelf when the presence of structures believed to be salt domes was revealed. These structures have the same gravimetric characteristic as oil-bearing salt domes found on land. The discoveries were made in the course of a regional survey of an area much of which lies well beyond that explored so far by commercial interests.

The Continental Shelf investigations now being carried on by the Geological Survey and the Office of Naval Research include the collection of data on oceanographic conditions, bottom topography of the shelf areas, and bottom composition. The gravimetric surveys are conducted in order to give an insight into the structure of the shelf with the hope of throwing light on the entire structure of the outer part of the Earth's crust. The discovery of possible oil-bearing structures was incidental to the over-all program.

The area in which these possible salt domes have been located is rectangular in shape and extends seaward about 75 miles from the shore between Sabine Pass, Texas, and Grand Cheniere, Louisiana. The structures that have been charted lie from 20 to 75 miles off the Gulf Coast in this area.

Spokesmen for the two governmental agencies concerned in the survey point out that experts will have to determine by more detailed exploration whether or not oil exists in this area and if it is present in sufficient quantity to warrant exploitation.

This discovery also emphasizes the economic practicability of governmental agencies conducting basic research and reconnaissance surveys in new or relatively inaccessible areas in order to point the way for the development and exploitation of the economic possibilities of such areas.

The gravimetric map of the area described above is being placed on open file by the Geological Survey and may be examined in its offices in Washington, D. C., and in the field offices located in room 234, Federal Building, Tulsa, Okla., room 712, City Hall, Houston, Tex., and at 302 West Fifteenth Street, Austin, Tex., and at the offices of the State Geologist of Louisiana, at University Station, Baton Rouge, and of Texas at the Bureau of Economic Geology, University of Texas, at Austin.

OFFICE OF THE CLERK OF
BOARD OF SUPERVISORS,
San Francisco, Calif., April 22, 1948.

To Congressman RICHARD J. WELCH:

Your attention is hereby directed to the following, passed by the board of supervisors of the city and county of San Francisco:

"Resolution 7401

"Resolution requesting Congress to enact legislation now pending before it to reaffirm California's unquestioned title to its tide and submerged lands.

"Whereas the city and county of San Francisco has heretofore recognized the urgent necessity for enactment of Federal legislation which will have the effect of removing the cloud cast upon the title of the State of California and all of its subdivisions or persons acting pursuant to its permission, to the tide and submerged lands off the coast of the State of California extending seaward 3 miles, which cloud was created by a recent decision of the United States Supreme Court; and

"Whereas the State of California, its subdivisions and persons acting pursuant to its permission have spent enormous sums of money improving and developing the tide and submerged lands along the coast of California, which improvements and developments are in jeopardy unless the Congress enacts legislation to remove the cloud on the title to said lands created by the Supreme Court decision; and

"Whereas the cloud created by the decision of the Supreme Court not only affects the investment, development and improvement already made on and to the tide and submerged lands off the coast of California, but it will prevent further investments in and development to and improvements of these tide and submerged lands off the coast of California, to the detriment of the people of the State of California and of the United States; Now therefore, be it

"*Resolved*, That the Board of Supervisors of the City and County of San Francisco does hereby respectfully request the Congress of the United States to enact legislation now pending before the Congress to reaffirm California's unquestioned title to its tide and submerged lands; and, be it further

"*Resolved*, That the clerk of the board is directed to transmit copies of this resolution to Senators DOWNEY and KNOWLAND, to Congressman HAVENNER and WELCH, to the Committee on Judiciary of the United States Senate, to the Committee on Judiciary of the House of Representatives, and to the President of the United States; and be, it further

"*Resolved*, That the clerk of the board is directed to send a copy of this resolution to the secretary of the senate of the State of California."

Adopted: Board of supervisors, San Francisco, April 12, 1948.

Ayes: Supervisors Christopher, Fazackerley, Gallagher, Halley, Lewis, Mancuso, McMurray, Mead, J. Joseph Sullivan, John J. Sullivan.

Absent: Supervisor MacPhee.

I hereby certify that the foregoing resolution was adopted by the Board of Supervisors of the City and County of San Francisco.

JOHN R. MCGRATH, *Clerk.*

Approved, April 15, 1948.

ELMER E. ROBINSON, *Mayor.*

Mr. GOSSETT. Mr. Chairman, I am going to state a very positive and definite conclusion in the beginning, a conclusion which I think can be unquestionably supported by the facts and the evidence.

The bill we have under consideration simply seeks to reaffirm the law as prior to 1937 all competent authority in the United States thought it to be. I am anxious that the Members understand this very simple proposition. This bill does no more and no less than reaffirm and reassert the status quo as everyone considered it to be prior to 1937.

How then you ask, does this bill arise? This is one of the most curious and phenomenal developments in American jurisprudence. For 150 years no one questioned the law as this bill asserts it to be, then a Secretary of the Interior, the Honorable Harold Ickes, who was very much interested in taking over the oil business and running it as an adjunct of the Federal Government, dreamed up this theory that the Federal Government owned the soil beneath navigable waters.

I have here a photostatic copy of a letter which Mr. Ickes wrote in 1933 in response to an inquiry by an applicant for a lease on the tidelands or the lands under the so-called marginal sea. Mr. Ickes replied on December 22, 1933, quoting from the case of *Hardin* v. *Jordan* (140 U. S. 371):

With regard to grants of the Government for lands bordering on tidewater, it has been distinctly settled that they only extend to high-water mark, and that the title to the shore and lands under water in front of lands so granted enures to the State within which they are situated, if a State has been organized and established there.

Then he said:

The foregoing is a statement of the settled law, and therefore no rights can be granted to you either under the leasing act of February 25, 1920, or under any other public-land law.

So prior to 1937 no lawyer or layman, so far as the record goes, had ever asserted in this country that the Federal Government had ownership or any character of right over the resources in or the lands under the marginal seas.

What is the situation facing us today? The Supreme Court in the California case held that the State of California did not own the so-called marginal sea, but nowhere in this opinion of the Court will you find any assertion of title in the Federal Government. The Court simply stated that the Federal Government has power and dominion over this so-called marginal sea. They left the question of the title and ownership entirely up in the air.

On certain things all persons agree. Everybody agrees that chaos and confusion now exist as between the asserted claims of the Federal Government on the one hand and the asserted titles and rights of the States on the other. Everybody agrees that the Congress is the only forum that can straighten out this chaos and confusion; and all agree that Congress must act to affirm and clarify what we have always contended prior to the California case was the status quo, or we must implement the claim of the Federal Government.

We have pending in the Congress in both branches bills prepared by the Interior and Justice Departments, two sets of bills. One is S. 2165 and companion bills, and one is S. 2222 and companion bills. One set of these bills seeks to quitclaim to the States the title beneath internal navigable waters, and the other set of bills seeks to set up in the Department of the Interior a gigantic bureau for handling this new domain claimed by the Federal Government.

WE MUST PURSUE ONE OF TWO COURSES

One we might call the Ickes trail. The other is the congressional road of constitutional democracy. The principle involved here is tremendously important, and I think we overlook it in many instances. This California case and its necessary implications sets up an outpost along the road to national socialism farther than we have ever heretofore gone. This Ickes trail goes into a veritable jungle of litigation of doubt and difficulty Involving endless and complex litigation. If his philosophy were maintained, it would lead onto the plains of national socialism, thence into the swamps of desperation and despair, and from there to the sea of communism. I am sure nobody in the Congress wants to follow such a trail. Time will not permit the amplification of these allegories.

Let us consider the opinion of the Court itself. We are not criticizing the Court, but we are criticizing the opinion. Justice Black, in the majority opinion, says this:

> In the light of the foregoing, our question is whether the State or the Federal Government has the authority and power to determine in the first instance when, how, and by what agencies, foreign or domestic, the ordinary resources of the soil of the marginal sea known or hereafter discovered may be exploited.

Reading further, he says:

> The Government does not deny that under the Pollard rule, as explained in a later case, California has a qualified ownership of the lands under inland navigable waters.

What is meant by qualified ownership? That phrase itself creates doubt and confusion as to the lands under the marginal seas and in inland waters and inland lakes in every State in the Union. Bear in mind that nearly twice as much land is involved within the internal boundaries of the States as in this marginal sea. Incidentally, the Great Lakes are very much involved here. I wish to say to the Members from the States bordering the Great Lakes, that in the case of the Illinois Central Railway Co. against the State of Illinois, the court specifically held that the rule in the Great Lakes was the same as the rule that applied to the open sea. In other words, under the California decision, if carried to its logical conclusion, a conclusion to which the Attorney General claims that it should be carried, it means ownership of the soil under and the resources in navigable waters. Under the California case, the Federal Government can certainly assert title to the beds of the Great Lakes. I want to read just another statement or two from the Court's opinion.

Mr. EVINS. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. EVINS. The gentleman is a very able member of the Committee on the Judiciary. Some of us here are seeking light and information on this very controversial and highly important subject. I can well understand, I believe, why California would be interested in this, and I believe I can understand why Florida would be interested in this bill. We have heard the gentleman from Pennsylvania and the gentleman from Texas, who come from States where there are great oil fields. I understand that the State of Texas has by treaty reserved its rights, but other Members from certain inland States would like some additional information on this. Could the gentleman tell us who opposed the bill? I understand that some 40 Governors favored it, and probably eight do not favor it. Can the gentleman give us some light and information on those who oppose the bill and their reasons and logic for doing so? Information on that score would be helpful and very much appreciated.

Mr. GOSSETT. I would be very glad to do that. May I say to the gentleman that within my memory so far as I know there has never been in congressional history such an imposing array of competent authority from all over the United States appearing in behalf of any legislation. This bill was endorsed by the governors' conference, in which 44 governors actively participated. They approved the bill. It was endorsed by the Attorneys General Association of the United States, in which all but three attorneys general, I believe, participated. It was approved by the American Title Association of America, by the American Bar Association, and by hundreds of other associations and numerous State legislatures. You will find in the hearings or in the report, if you will get a copy of it, a list of all those appearing in behalf of the bill and those appearing against it.

Mr. BOGGS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. BOGGS of Louisiana. I would like to call to the attention of the Members that the list of those appearing in favor of and against the proposed legislation appears on page 25 of the report. There are practically none appearing against it.

Mr. GOSSETT. I wish the Members of the House would get a copy of the report which does contain the list.

Secretary of Interior Krug, one of the few witnesses appearing against this bill based most of his testimony on first, the need of the Federal Government for the oil, and, second, the value of the oil deposits in the marginal sea. We submit that value and need do not justify wrongful taking. However, the evidence conclusively shows that national defense and the public welfare will be far better served under our operations prior to the California case than under Federal ownership and control. Furthermore, whether a thing is worth $1 or $1,000,000,000 is immaterial. Wrongful taking is wrongful taking and theft is theft, regardless of the value of the thing taken.

Mr. HALE. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. HALE. Does not the gentleman feel that a great deal of the reporting on this subject in the press has been extremely unfair and distorted?

Mr. GOSSETT. I certainly do. Much of it has been of a propaganda nature that has been entirely deceiving.

In further reference to those testifying for this bill, there were six governors appearing in person: Governor Tuck, of Virginia; Governor Caldwell, of Florida; Governor Thurmond, of South Carolina; Governor Carlson, of Kansas; Governor Warren, of California; and Governor Jester, of Texas.

Mr. LYLE. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. LYLE. The gentleman might call attention, in response to the inquiry by the gentleman from Tennessee [Mr. EVINS], to the fact that there are many people in this country who are opposing this bill, who believe that none of the natural resources of this country should belong either to individuals or the States, but they ought to belong to some sort of a Socialist federation. They are the ones who are fighting title and ownership which has been purchased with blood and history.

Mr. GOSSETT. The gentleman is entirely correct. This is the first attempt by Government itself that has ever been made to upset the accepted property laws and rights of persons and property in the history of this Nation as far as I know.

Mr. LYLE. If titles are not good in the States in this matter, then there is

no piece of ground that belongs to anybody, except the Government, particularly in our State?

Mr. GOSSETT. Under a reasonable interpretation of this decision the Federal Government could go into your district and take your farm, under the same rule of paramount right and dominion as asserted in the California case. Let me read what Justice Reed said in his dissenting opinion:

> The power of the United States is plenary, precisely as it is over every river, farm, mine, and factory of the Nation.

In other words, one of the justices himself is saying that this rule applies to everything within the land as it does to the marginal sea; every kind of factory, farm, and home in the United States.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. JOHNSON of California. In reading some of the press reports it is indicated that the Justice Department thought they could sit down and make certain consent agreements, and waive Federal rights. It is your opinion that if this decision stands it means that it is the bounden duty of the Attorney General and administrative officers to reclaim every piece of land and improvements thereon that was once under water permanently—bordering on the ocean—and later filled in and structures built thereon?

Mr. GOSSETT. The Attorney General has so testified as to the power although he disclaims any such intent. He has stated before the committee that it is his duty and his intention to file suit against all of the States bordering on the sea when there appears to be anything of value in the soil of the marginal sea which the Federal Government might recover. He proposes to quitclaim certain rights, and reserve other rights. It is admitted by everybody that endless litigation will result unless the Congress acts to clear up this situation.

Mr. JOHNSON of California. And it will apply to property on which there is invested millions of dollars in the form of buildings?

Mr. GOSSETT. I should say a billion dollars of improvements placed by States on the marginal sea and on filled-in land are involved. Some cities are built largely on filled-in land. Where are you going to draw the line between the marginal sea and inlets and bays and harbors? As Judge Hudson says:

> The result is a veritable pandemonium. The alarm is Nation-wide. The decree of last October has opened a Pandora's box from which germinating influences may spring to upset acquired titles and established procedures. These titles and procedures exist in vast areas of this country in which our citizens have been wont to invest their energy and their capital, not for one but for scores of phases of our national economy.

Mr. FELLOWS. Mr. Chairman, will the gentleman yield?

Mr. GOSSETT. I yield.

Mr. FELLOWS. The gentleman from Tennessee asked the question about the effect upon an inland State. Would the gentleman indicate what effect it might have and does have upon inland waterways—the navigable streams and rivers and things like that? It affects them all; does it not?

Mr. GOSSETT. It affects them in just exactly the same way as it does the States bordering the sea. Under this California case the Federal Government would own the bed of every inland stream and lake, and if they sought to project the philosophy a little further they could move out on the hills and take the coal mines and the lead mines and everything else without compensation. This bill does not take from the Federal Government any right in the world that it ever had prior to the California decision. The Federal Government can go in, under its priority, and take oil, but this philosophy is confiscation without compensation. It is abhorrent to our American philosophy of government and to the American way of life. I urge the passage of this bill.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BRADLEY].

Mr. BRADLEY. Mr. Chairman, several Members of the House have asked me if the bill now before the House is substantially the same as the series of bills several of us introduced some months ago. May I say to the membership that this bill, introduced by the gentleman from Pennsylvania, the distinguished lawyer [Mr. CHADWICK], is the same bill perfected in committee, and that those who have introduced these bills previously need have no doubt but what this is intended to carry out the exact purposes which they had in mind.

Mr. Chairman, I am not a lawyer and I would not think of talking law after the presentation of the question before us, which we have heard from such distinguished lawyers. I am just a layman from the viewpoint of those learned in the law. Therefore, I am going to use a few visual aids rather than utilize all my time for talk.

The gentleman from Texas [Mr. GOSSETT] spoke of the jungle into which this Supreme Court decision is leading us. I doubt if many of you know what kind of jungle you are getting into if you fall into the trap which this decision of the Supreme Court might unintentionally set for us.

We have been speaking of inland waters at times this morning. This bill would quitclaim the lands under inland waters. You may say there is nothing in this bill which covers inland water. That is just the point I want to make. The Supreme Court had never before made a clear-cut decision on tidelands so they declare they may make any decision they deem necessary. Then can do exactly the same regarding inland waters and so we must consider them in relation to the Supreme Court's decision in this case. Let us look at what their decision does to certain waterfront areas along the coast of the United States.

I have here a series of maps of several important coastal cities of this country. The red areas indicate what would be owned by the Federal Goverment if this Supreme Court decision stands.

Here is Boston. The red splotches show what Boston would lose to the Federal Government. There is not much left of Boston, is there?

For the benefit of the gentleman from Pennsylvania, here is a map showing what Philadelphia would lose.

This shows what Baltimore would look like if it lost the lands covered by this Supreme Court decision.

Let us jump down to the South. I call the attention of the Members from Alabama as to what Mobile would lose to the Federal Government.

Let us get over to New Orleans. This is quite a big splotch that Louisiana would lose to the Federal Government.

Now, going to Texas, here is the city of Houston.

I am sorry to jump around like this but I am taking only a few cities, to show just where the coastal areas of the country would stand if this legislation is not passed.

Mr. DONDERO. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY. I yield.

Mr. DONDERO. Has the gentleman any maps of the Great Lakes?

Mr. BRADLEY. I believe I have one. I am sorry I have not more.

Now, getting to the west coast, here is San Diego. And here is my own city of Long Beach as well as the harbor of Los Angeles. This shows what would be taken over by a bunch of bureaucrats here in Washington; what they would get their hands on and use to build up a lot of fine jobs for thousands of employees and high-salaried officials.

Then we will go on up to San Francisco. That is pretty good. The Members from California might look at it. And here we have Oakland. Now, let us get up to Washington. Tacoma would lose the entire eastern end of Commencement Bay. And see what Seattle would lose. Pretty enlightening, is it not?

And now for the benefit of the gentleman from Michigan, although I do not have a map of any city in Michigan, I do have a map here which shows the reclaimed lands of Chicago, and well illustrates what you who wonder about inland waters might lose, and what great areas in all parts of the Nation would become the property of the Federal Government under this Supreme Court decision.

Mr. MILLER of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY. I yield.

Mr. MILLER of Maryland. In addition to all this real estate the Federal Government would take title to each oyster and clam under all that water; would it not?

Mr. BRADLEY. I assume that in time you would find "U. S." engraved on the shell of every oyster and of every clam if the Federal Government gets control of all these areas.

Mr. NORBLAD. Mr. Chairman, will the gentleman yield?

Mr. BRADLEY. I yield.

Mr. NORBLAD. Does the gentleman have any map of the State of Oregon or the coast of Oregon?

Mr. BRADLEY. I am sorry, but I do not have such a map with me. It is an oversight which I regret.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. REED of Illinois. Mr. Chairman, I yield 5 minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Chairman, I speak in favor of the passage of this measure, H. R. 5992, for I believe that this legislation when passed will provide the equity and justice undeniably due the State of Washington and all other States wherein title to tide and submerged lands has been or may be contested, and where a cloud has been cast upon the status of inland waters and the lands beneath them by the decision of the Supreme Court in the case of the United States against California—which decision, I believe, can be considered only the first of an extensive series of similar decrees yet to come unless there be enacted clarifying legislation as provided in the bill before the House.

The Constitution of the State of Washington was adopted and was, pursuant to the enabling act of Congress approved February 22, 1889, proclaimed by the President of the United States as having been formed and adopted in a proclamation dated November 11, 1889, thus admitting the State of Washington into the Union. The boundaries of the State of Washington were established, as proclaimed by the President, to begin—

at a point in the Pacific Ocean one marine league, and running parallel along the coast line from the mouth of the north ship channel of the Columbia River, to a line which is the boundary line between the United States and British Columbia.

In its Constitution proclaimed by the President and adopted by act of Congress, the State of Washington declared in article 17, section 1, that—

The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes.

It will be seen, therefore, Mr. Chairman, that the State of Washington since its admission into the Union, has claimed title to all submerged land within the 3-mile limit on the ocean front and also has claimed title to the beds and shores of all navigable waters within its territorial limits.

Mr. Chairman, the State of Washington is a large area. In air miles, its boundary reaches north and south almost 160 miles, and if one extends its westerly boundary one marine league—or 3 miles—it would demonstrate that in these 160 miles between the southern and northern boundaries there are approximately 300,000 acres of submerged land.

In addition to the ocean tidelands there is also within the State a large body of water known as Puget Sound. On Puget Sound are located the important cities of Seattle, Tacoma, Everett, Bellingham, Bremerton, and others. There is also a large body of water known as Grays Harbor, on which are located the important cities of Aberdeen and Hoquiam. There is also an inland body of water known as Willapa Harbor, on which are located the important cities of South Bend and Raymond. Up the Columbia River, which forms the boundary between the States of Washington and Oregon and which is affected, too, by tidal flows, are the important cities of Vancouver and Longview.

The United States Coast and Geodetic Survey office indicates that more than 1,500 square miles of tidal areas—approximately 1,363,000 acres, not counting those areas on the Columbia River, Grays and Willapa Harbors—lie within the State's boundaries.

It is in defense particularly of these ocean tidelands, Mr. Chairman, and primarily of the tidelands within the Puget Sound area, that we of the State of Washington desire favorable action on the bill now before the House.

Since its admission to the Union the State of Washington has sold and leased thousands of acres of these tidal lands along the Straits of Juan de Fuca, in the Puget Sound, Grays Harbor, Willapa Harbor, and Columbia River areas. Some of our Pacific-coast beaches have been declared to be a part of the public highway of the State by terms of law dating as far back as 1901. Many of our industrial cities are constructed on reclaimed and filled tidelands. The city of Seattle, for example, has a major portion of its south industrial district built entirely on reclaimed tidelands. All of the dock and warehouse facilities along the waterfront in Seattle are also constructed on tideland. This area of the city of Seattle that has been reclaimed and now used for highly industrialized purpose, Mr. Chairman, is approximately 3,300 acres.

In the city of Tacoma the portion of the city on which the large lumber mills and plywood plants are constructed is all reclaimed tideland. In the city of Olympia all the port facilities and large portions of the downtown business district are constructed on reclaimed tidelands. This is true, too, of other Puget Sound cities—Everett, Bellingham, Bremerton, Anacortes, and the cities of Port Townsend and Port Angeles, along the Straits. It is also true of the other towns on Grays Harbor, Willapa Harbor, and the Columbia River.

Unless legislation such as contained in the bill before this House is enacted into law, a cloud has been placed on the title to all these important lands, Mr. Chairman—tidelands, some of which are still in State ownership, but the greater portion of which have been deeded by the State to private individuals and companies.

The State of Washington, Mr. Chairman, certainly has a stake and a duty to defend all trusts imposed upon it. The incongruity of the existence of any claim other than the State of Washington to the tide and submerged lands covering so vast a portion of its total area, Mr. Chairman, must be emphasized. The existence of any cloud on titles to these inland waters must not be permitted.

It is an uncontroverted fact, Mr. Chairman, that all States were admitted to the Union on an equal footing in all respects whatsoever. The State of Washington was admitted to the Union with the express stipulation that it was the primary owner of all the tidelands along its ocean front westward 1 marine league, or 3 miles. It is also the primary owner as provided in the enabling act which admitted it to the Union to all tideland and submerged land in the Straits of Juan de Fuca, in the Puget Sound area, the Grays Harbor area, the Willapa Harbor area, and the Columbia River within the boundaries of the State of Washington. The manner of our admission into the Union, and the fact that the State of Washington has since its admission exercised jurisdiction over and claimed title to all of its tidelands and submerged lands, makes it mandatory, Mr. Chairman, that the Congress of the United States, through proper legislation enacted into law, clear title of the State of Washington to these lands. The passage of this measure will dispose of the myriad of problems as to titles and equities in the manner suggested by the Supreme Court in the statement—and I quote:

We cannot and do not assume that Congress, which has constitutional control over Government property, will execute its power in such a way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission.

Mr. Chairman, the passage of this measure will be consistent with this statement of the Court, and will eliminate the now-existing confusion in titles and rights which has resulted and which will continue to exist in the absence of this legislation. I earnestly urge upon all Members of this House, Mr. Chairman, passage of the bill.

Mr. WALTER. Mr. Chairman, I yield 15 minutes to the gentleman from Texas [Mr. COMBS].

Mr. COMBS. Mr. Chairman, there may be some differences of opinion among us as to whether this bill should be passed, but certainly there can be no differences of opinion in regard to the importance of the question involved. I dare say that no bill considered by the House in recent times has been of more importance to all of the people of our country.

The question is far greater than the mere issues of who owns the oil in the tidelands and submerged lands off our coasts. Only three States having ocean boundaries are known to have any sizable deposits of oil along their coasts. These are California, Texas, and Louisiana. Yet the almost unanimity with which the governors, attorneys general, land commissioners and other responsible officials of States throughout the Union have actively supported this legislation is indicative of the fact that a principle is here involved which is of vital concern to every State and to every citizen.

Mr. BRADLEY. Mr. Chairman, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from California.

Mr. BRADLEY. Might I simply say that out of the 1,200 miles of California coast lines that less than 16 are known to have any oil deposits whatever.

Mr. COMBS. Let me make this further observation. Of course, the oil companies, big and little, which hold leases that have been granted by the several States where this oil is being produced, want to retain the title that they thought they got from the States. Other oil companies that would like to get leases perhaps do not favor this legislation, since the Supreme Court decision might open up tidelands for leases. I want to point out that one of the witnesses who appeared before the committee during the hearings in opposition to this bill was a very distinguished former United States Senator who frankly said, "I appear as a lawyer for 12 applicants for leases." He filed the names of those applicants. All of them were filed prior to 1935 on the coastal lands of California, and if his contention should be upheld and should this bill not be enacted, then those 12 companies would get those tideland leases under the present leasing laws of the United States for 25 cents an acre, and 25 cents a year bonus, and one-twentieth royalty. So, there is no monopoly of oil interest on one side or the other on this question. Let us recognize that.

The distinguished gentleman from Illinois [Mr. SABATH] suggested that we are here called upon to nullify a decision of the United States Supreme Court. He is just not familiar with the situation. He said this bill would give away these vast oil resources by confirming title in the States. This bill would give nothing away, it merely confirms title of the States as recognized by our courts for more than 100 years. The Federal Government has no oil in the tidelands to give away. I would remind him that the Supreme Court in the California case did not hold that the Federal Government owns the California tidelands. It specifically refused to do so. And because the Court refused to do so, the Attorney General ruled that they were not subject to the Federal leasing laws which apply to federally owned lands and minerals. Thus the Attorney General has recognized that the Court did not adjudge ownership of the California oil in the United States.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. COMBS. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I would like to call the attention of the gentleman to the fact that before 1842—1810 I believe—Chief Justice Marshall laid down the rule that has been followed uniformly all the way up to this last decision.

Mr. COMBS. The gentleman is correct. I had in mind a case in 1842 in which the specific question of ownership of the beds underneath tidal waters was involved.

This legislation was endorsed by officials representing 46 States. It was endorsed by the Council of State Governors, by a unanimous vote of 44 Governors, it was endorsed by the National Association of Attorneys General, the National Institute of Municipal Law Officers, representing 503 cities; it was endorsed by the American Association of Port Authorities, it was endorsed by the National Conference of Mayors, it was endorsed by the American Bar Association, and by something more than 70 State, city, and county bar associations throughout the Nation, including the Texas Bar Association which sent Hon. Robert L. Bobbitt, former Attorney General to Washington, to assist in presenting testimony at the hearing.

It was endorsed by the National Association of State Land Officials, and by the National Water Conservation Conference, and by many other State and National organizations—too numerous to mention.

During the hearings which were conducted jointly by the subcommittee of the House and Senate 92 witnesses from 44 States appeared in person in support of this bill. These included the Governors of Kansas, Maryland, Alabama, Arkansas, California, Florida, Texas, Virginia, South Carolina and North Carolina. A number of other Governors who could not personally appear sent personal representatives to testify in support of the bill. These included the Governors of Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, West Virginia, and Wisconsin. The Attorneys General of 42 States appeared either in person or by representative or filed written statements in support of this bill.

As far as I am aware, not a single responsible State official came to Washington to oppose it.

It is worthy of note that the State officials from inland States which have no tidelands at all were just as strong in their support of this bill as were the officials of the States having tidelands.

Why this great national concern over the holding of the Supreme Court in the California case?

Let me pause here to make an observation. There has been a good deal of confusion in people's thinking about one's right to criticize the opinions of a court. During my 30 years of law practice, approximately 17 were spent on the trial and appellate benches of my State, and both as a trial lawyer and as a judge I have been on the giving and the receiving end of criticisms in court.

It is never proper in a country that lives under law, as we do, to impugn the motives of a court or any justice of it, because that would be an attack upon the institution as an institution. It is never proper to speak contemptuously and disrespectfully of the court because that would tend to breed contempt of a judicial institution, and we live in a land of law administered by courts to protect our rights and liberties. But it is always proper to question the soundness of a court's decision. Courts themselves do that. It is always proper to point out that the court is not in line with the holdings of a former court, just as able, extending back through the years. I am not going to criticize the Supreme Court of the United States or any other court, but I am going to question the soundness of the California opinion and point out briefly what it does and does not do.

Why this great national concern over the holding of the Supreme Court in the California case?

The reason is simple. That decision which held that the State of California does not own the oil in the tidelands along her coasts runs counter to the holdings of all the courts of our country. State and Federal, dating almost from the beginnings of our Republic. It affects a vital principle of the relation between the States and the Federal Government. The principle announced can change the whole future of States' rights and States' sovereignty.

The opinion announces a strange, new principle of paramount right of the Federal Government which, carried to its logical conclusion, is tantamount to asserting the right of the Central Government to appropriate the lands and minerals of any and every State in the Union for national use without compensation. The majority opinion, in effect, said the Federal Government has a paramount right to take the oil in the marginal lands of the sea regardless of the question of naked title to the lands themselves. On that principle the Federal Government would have an equal right to take the coal of West Virginia, the phosphates of Florida or Montana, the timber of Washington, or the fisheries of Maine. If it can thus appropriate the oil in the tidelands of California, it can likewise appropriate the minerals of the river beds and streams of every State and the mineral resources that underly the more than 60,000 square miles of the beds of the Great Lakes which, under prior decisions of our courts, unquestionably belong to the five States bordering upon those Lakes.

There is a lot of confused thinking on this question by reason of the fact that some overlook the distinction between ownership and the right of control.

Certainly the Federal Government has the right to control navigation and use of coastal waters for purposes of national security and convenience. It can also prevent waste of our great natural resources because they are charged with a national interest. But it does not have to own the lands along the coasts nor the minerals whose production and use it controls. For example, in the early 1930's a great, new oil field was brought in in east Texas, and because it was owned in small tracts by thousands of individual owners a wild scramble of oil-well drilling and oil production began, creating a condition of chaos and waste.

As a result, a bill authored by the distinguished senior Senator from Texas, the Connally Hot Oil Act was passed governing the production and marketing of oils. The application of that act with the cooperation of the Texas Railroad Commission, which is our conservation agency, resulted in bringing order out of chaos and in setting up, through the Interstate Oil Compact Commission, a system of excellent oil-conservation practices. But the Federal Government did not own the

oil it regulated. Neither does it have to own the lands or oil beneath the tideland waters, in order to see that it is conserved in the national interest. The Government got the oil it needed to win the war—and it did not come from federally owned lands.

State ownership of lands within State boundaries, is an essential attribute of State sovereignty. And State boundaries are coterminous with the Federal boundary along the coasts.

In one early case, *Mumford* v. *Wardwell* (6 Wall. 423, 436), handed down in 1867, it was held:

The settled rule of law in this court is, that the shores of navigable waters and the soils under the same in the original States were not granted by the Constitution to the United States, but were reserved to the several States, and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the original States possess within their respective borders. When the Revolution took place, the people of each State became themselves sovereign, and in that character hold the absolute right to all their navigable waters and the soils under them.

That quotation sets forth clearly the basic principle of the ownership of tidelands.

To illustrate the universal acceptation of this principle, I shall quote a few brief excerpts from the opinions of some eminent Justices of our Supreme Court of the past.

Mr. Chief Justice Waite in 1876 said:

Each State owns the beds of all tidewaters within its jurisdiction.

Mr. Justice Gray in 1894 said:

The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdiction.

Mr. Chief Justice White said in 1912:

Each State owns the beds of all tidewaters within its jurisdiction.

Mr. Chief Justice Taft in 1926 said:

All the proprietary rights of the Crown and Parliament in, and all their dominion over lands under tidewater vested in the several States.

Mr. Chief Justice Hughes said in 1935:

The soils under tidewaters within the original States were reserved to them respectively, and the States since admitted to the Union have the same sovereignty and jurisdiction in relation to such lands within their borders as the original States possessed.

In all more than 240 decisions of American courts, State and Federal, have adhered to the principle that the States own their tidelands and submerged lands. The ownership of land carries with it ownership of all minerals. Thus until the decision in the California case, every State rested in the belief that it owned the tidelands and the minerals in them. As a result, they exercised dominion and control of their tideland waters. They leased them for oil production. They governed their fisheries and the removal of oyster and clam shells, sponges and other marine products from their littoral seas and the Federal courts protected them in these rights against encroachment of Federal authority.

By virtue of a statute passed in 1921, the State of California began producing oil from her submerged coastal lands through leasing to private oil operators. Her right to do so was not questioned by anyone until about 1937. Prior to that, Secretaries of the Interior, including Mr. Ickes himself, refused to grant applications for leases on these tidelands within the 3-mile limit on the ground that they belonged to California and the Federal Government, therefore, had no right to lease them. Thus in 1933 Mr. Ickes himself wrote:

Title to the oil within the 3-mile limit is in the State of California and land may not be appropriated except by the authority of the State.

But in 1937 Mr. Ickes began to assert the claim that lands underlying the coastal waters within the 3-mile limit, roughly referred to as tidelands, belonged to the Federal Government and not the States. As a result of that assertion of title in the Federal Government the now famous California suit was filed, resulting in the decision that makes the enactment of this legislation necessary. The principle announced by the Supreme Court in the California case would destroy the right of California to her tidelands and the rights of those claiming title through grants from California. More than that, broadly applied, it would all but destroy the sovereignty of the States of this Union and completely upset the relations between the State and Federal Governments that have existed from the foundations of the Government.

No wonder, then, governors, attorneys general, State officials, and thoughtful citizens everywhere are gravely disturbed and are calling upon Congress to enact this bill, to reaffirm, clarify, and make sure the title of our States to their tidelands as recognized from the beginning of this Republic.

To illustrate the general feeling of fear and apprehension upon the part of responsible State officials everywhere and the interpretation they place upon the effect of the Supreme Court decision in the California case, I want to quote just a few typical statements, among many, made during the hearings.

Resolution adopted by 44 governors at Salt Lake City on July 16, 1947:

The title to the tidelands and submerged lands of the States is clouded by this decision and the language therein is so broad as to be extendable to the soil under navigable inland waters and soils under the navigable waters within the territorial jurisdiction of the States, and even to other minerals or important elements on or beneath the soil of the States.

Gov. Millard F. Caldwell, of Florida:

Finally, the fundamental principle of our constitutional law that powers and rights not expressly granted to the Federal Government are reversed to the sovereign States was completely disregarded. * * * It is to the interest of every State, whether inland or coastal, that Congress nullify the unfortunate effects of the California decision and restore the law as recognized for over a century and a half.

Gov. Dwight H. Green, of Illinois:

Of course, all of us will agree that in time of war the Federal Government has the right to the use of every resource we possess; but that right does not imply the confiscation of existing property rights in those resources or the lands which contain them. The new principle enunciated in *United States* v. *California* might be applied to effect the nationalization of all property useful or vital to the national defense or which might become the subject of international negotiations.

Gov. Beauford H. Jester, of Texas:

It is also the first decision in America holding that the Federal Government's responsibility to protect the shores can give it rights heretofore identified with the ownership of the shores.

Gov. R. Gregg Cherry, of North Carolina:

It violates the sound principles upon which this Government was formed and extended to its conclusion could easily make vassal States out of every American Commonwealth.

Maurice M. Moule, assistant attorney general of Michigan:

Therefore, the rule in the California case might very well be extended to inland States, especially those Great Lakes States whose boundaries, in part, constitute international boundaries.

Nels Johnson, attorney general of North Dakota:

In fact, the case carries implications that defy the imagination of anyone as to the possibilities of the further expansion of Federal power and its dominion over the mineral resources of the Nation, particularly those under submerged lands, both inland and coastal.

Gov. George T. Mickelson, of South Dakota:

The implications of the decision of the United States Supreme Court in the recent case of *United States* v. *California* are frightening.

John M. Daniel, attorney general of South Carolina:

Following the decision of the *United States* v. *California*, South Carolina's rights to regulate fishing and conserve its natural resources within the boundaries of the State has been questioned. An injunction was sought in the Federal courts of South Carolina to restrain the board of fisheries from enforcing the laws.

Gov. William Preston Lane, Jr., of Maryland:

Unless the tidelands decision is refuted by the Congress, I see nothing to prevent the National Government from asserting paramount rights in and power over any and all of the lands of the State of Maryland and of the other States.

Leander I. Shelley, general counsel, the port of New York and legislative chairman, American Association of Port Authorities:

So far as I know, until approximately 10 years ago no responsible person—not even the then Secretary of the Interior—claimed that the Federal Government owned the lands beneath the marginal sea, or that the boundaries of the various coastal States did not extend at least to the 3-mile limit.

Walter J. Mattison, city attorney of Milwaukee, Wis.; past president, National Institute of Municipal Law Officers:

It is impossible to describe the consternation that the decision of the Supreme Court, confined as it is in its effect to the marginal sea, has created in the member municipalities of the Institute, and in their officials and citizens. If the contentions of the Government are ever validated as to inland waters also, the municipal financial situation, in many cases, will amount to a crisis, and unparalleled confusion will reign supreme.

Hon. Walter R. Johnson, attorney general of Nebraska:

You are now considering one of the most profound questions that has ever been presented to Congress for inquiry. In fact, it is not a mere question but a vital issue that affects the very foundation of our dual-sovereignty system of government. It involves traditional equities, elemental principles of real-property law, the economic welfare of the several States, and the bedrock of Federal-State relations.

Hon. Price Daniel, attorney general of Texas:

The bill makes it clear that State ownership shall never interfere with paramount Federal powers, but that neither shall the exercise of these governmental powers give unto the Federal Government any right to appropriate the lands or resources which it is obliged to protect and defend, except through due process of law and with just compensation.

Gov. Earl Warren, of California:

We are not here asking for anything new. We are not seeking to extend our rights at the expense of our Government. We are asking only to retain those rights which have been ours for the first century and three-quarters of our Nation's existence. We are asking Congress to confirm to us the fundamental States' rights which are essential to the virility of the Republic.

That the fears so expressed by leading officials are not without reason, I want to quote briefly from an exchange that occurred between Attorney General Price Daniel, of Texas, and Mr. Justice Black, who wrote the majority opinion in the California case. I will remark that the very able attorney general of my State has taken a leading part in this tidelands matter and made an argument before the Supreme Court in the California case. Mr. Daniel made the point that since the States own the tidelands they naturally own the oil within them. Mr. Justice Black interrogated him on the point and Mr. Daniel said:

Mr. DANIEL. Mr. Justice Black, oil under the surface, under the beds of rivers and under the soil, has been held by this Court time and again to be property that goes with the soil.

Justice BLACK. Well, I don't know that it has been held that the oil goes with the soil. Suppose they discovered something about 4 miles under the surface of the earth. Do you mean that the old property concept would have to apply to that, even though it were something the Government desperately needed?

This, of course, was but a remark from the bench by one of the Justices but it indicates the feeling of Mr. Justice Black that title to land does not carry with it title to the oil in and under those lands. And, as I construe the opinion of the Court in the California case, it embodies that philosophy and it further asserts paramount right of the Federal Government to appropriate the oil regardless of the question of title to the land. Thus in the course of the opinion it is stated:

The crucial question on the merits is not merely who owns the bare legal title to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner.

Hence one's title to land would no longer give him ownership of the mineral in it as against the paramount right of the Federal Government.

The opinion goes even further and suggests that the oil in the lands beneath the sea may belong to the family of nations.

Under that theory what right or authority would our Government acting through the Congress have to provide leasing laws governing the production and use of oil from these lands? Certainly this Nation acting alone would not be free to deal with minerals in which all other nations own an interest. What is even more, that doctrine promulgated by our highest Court amounts to a waiver of claim of ownership on behalf of our Government and would all but invite other nations to come in and claim their cut.

I want to say in all seriousness not merely the interest not only of the States and persons holding title under them requires the enactment of this bill into law, but the interest of the National Government itself demands it. For, by the enactment of this bill the Congress will be asserting the right and title of this country through the component States of the Nation to the absolute ownership of the lands beneath the sea adjacent to our shores, and every right incident to such ownership. Thus we will be asserting a claim dating from the beginning of our Government entirely consistent with the uniform holdings of our courts. As such it is a right recognized by international law.

The pending bill has been drawn with care to do just that. It does nothing more than to fix and establish the property rights and ownership of the States as they had been established and recognized in practice and by the courts for more than a hundred years. It will safeguard and secure the ownership of the States not only in their tidelands but in the stream beds and the beds of lakes. It will put at rest the confusion, fear, and uncertainty that has been created by the decision in the California case. And by specific provision it will leave the right of the Federal Government to control navigation and all other national functions over the submerged lands which it has exercised in the past. This legislation, therefore, vitally affects every person of the Nation. It is sound and just and right. It ought to be overwhelmingly passed.

But while it goes far beyond any question of oil ownership, it is of vital importance to such States as California, Texas, and Louisiana because of their interest in the oil. In Texas, for example, all the public domain of the State belongs to the school system. It was wisely set aside for that purpose in the days of the Texas Republic at the request of its second President, M. B. Lamar. Incidentally, boundaries off the coasts of Texas were fixed first by the laws of Spain and then by the laws of Mexico and then by the Constitution of the Republic of Texas as extending three marine leagues, or 10½ miles from shore. The treaty between the United States and Texas, by which it became a State of the Union, reserved to Texas ownership of her public lands. In that respect Texas occupies a unique position and from a legal standpoint is probably in better position than any other State in the Union to retain title to her tidelands. But the doctrine of paramount right, that strange new doctrine, which asserts the right of the Federal Government to take lands and mineral resources regardless of ownership likewise threatens the coastal oils which belong to the school children of Texas.

The President, by his veto message of the relinquishment bill passed in the Seventy-ninth Congress, suggested that the Supreme Court should be given an opportunity to determine the question of ownership as between the States and Federal Government as involved in the California case, which at that time had not been decided. Last fall the Supreme Court decided that case and in deciding it in effect said the United States does not own the California tidelands. The opinion goes further, however, and suggests that a question of policy—the relation of the State and Federal Government—is involved, which is a matter for the legislative branch of the Government to determine. Consequently, if I construe these facts and circumstances correctly, both the other branches of the Government have now said this is a legislative question, and indeed it is. Here in the Congress it is not only our right but our high privilege and duty to settle this grave question of policy and of State and National relation as it affects State ownership of tidelands—the lands under the rivers and inland waters.

The simple truth is that our Supreme Court could not, in the face of the decision of the courts, assert ownership in the Federal Government, and since it could not assert such ownership, the Congress would be powerless to create such ownership under the theory adopted. What we can do and what this bill will do, if enacted into law, is to recognize that these tidelands and the oil and minerals within them have from the beginning of sovereignty belonged to the several States to which they are adjacent. By so declaring, we will affirm the absolute right and ownership of the people of America through its component States to these lands and minerals and hold them in title absolute against all comers under long-established principles of international law.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. REED of Illinois. Mr. Chairman, I yield the gentleman one additional minute.

Mr. COMBS. Justice, reason, and common sense suggest that we confirm the title we have asserted since the days of the Colonies, with full approval of our

own laws and our own Constitution and in accord with international law.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. REED of Illinois. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. FOOTE].

Mr. FOOTE. Mr. Chairman, the decision of the United States Supreme Court in United States against California, issued June 23, 1947, and the decree of the Court issued October 27, 1947, declare that the State of California has no title to or property interest in the lands, minerals, and other things underlying the Pacific Ocean lying seaward of the ordinary low-water mark on the coast of California, and outside of the inland waters. This opens the door to a multitude of questions concerning property rights and State jurisdiction in Connecticut which hitherto had been considered settled for centuries.

There is nothing in the decision or in the decree which provides any assurance that the Court might not at any time rule that Connecticut has no title to or property interest in the lands under Long Island Sound and Fishers Island Sound.

In its decision and decree, the Court gives its opinion that the Federal Government, for the proper discharge of its responsibilities for the national defense and for the conduct of international affairs, must have full control of the marginal sea and of the lands beneath it, and of such other waters and lands beneath them as the Court may specify at a later date without being handicapped by any State commitments concerning such waters or lands.

The Federal Government has fulfilled those responsibilities for a good many years and, during all of that time, it was universally accepted that the States owned the land beneath tidal and navigable waters. At no time was this fact a handicap to the Federal Government in defending the country or in conducting foreign affairs. It is an unwarranted assumption that a continuation of State ownership will be any detriment in the future.

There has never been any question but that ownership by the States of land beneath tidal or navigable water is without the right of substantial impairment of the interest of the public in the waters and is subject to the right of the Federal Government to control navigation. In asking that State ownership be confirmed by the Congress, the States are not asking for any change in those limitations on their ownership.

The Court decision states that the oil resources in the lands beneath the tidal waters of California are required by the Federal Government for the national defense. If this is so, they can always be obtained directly by act of the Congress. It is not necessary to obtain them by indirection through court action, which gives rise to limitless questions concerning title to property and the authority of the States to exercise their police powers.

It has been indicated that Federal agencies which pressed the California case may seek to weaken this bill by offering to give up in some way all claims to submerged lands and improvements thereon and to seek only the title to minerals under such lands, but soil by itself and water by itself are vital natural resources. If the Federal Government can single out one mineral resource of the soil at this time, it might easily claim any other mineral component, or all of the soil and all of the water at a later date.

Many States are receiving large sums of money annually from coal, oil, iron ore and other minerals produced from beneath rivers, lakes, bays, and tidelands. The present and future possibilities of revenues from such lands are most important to our own State institutions.

It is, therefore, seen that California is not the only State concerned. While the decision of the Supreme Court is res adjudicata only as to it, the decision establishes a dangerous precedent which it might be difficult to overcome in the event of future litigation.

So far as the State of Connecticut is concerned, the tidal or navigable waters include Bridgeport, New Haven, New London, and other harbors, the Norwalk River, 5 miles from Long Island Sound, the Housatonic River to Shelton, 12 miles from Long Island Sound; the Connecticut River to Holyoke, Mass., 85 miles from Long Island Sound; the Thames River to Norwich, 15 miles from Long Island Sound; the Pawcatuck River to Pawcatuck, 7 miles from Fisher's Island Sound, and other rivers for shorter distances.

Approximately 600 square miles of Long Island Sound and Fisher's Island Sound are within the boundaries of the State of Connecticut and the lands under them have been owned by the State and its predecessor, the Connecticut Colony, since 1662 when they were granted by Charles II.

Franchises and leases to approximately 150,000 acres have been granted by Connecticut municipalities or the State for cultivation of oysters. Such franchises have been traded and bequeathed for generations and are subject to property taxes levied by the municipalities and the State.

At many places along the coast, in the harbors, and along the banks of tidal or navigable rivers, private interests, municipalities, and the State have constructed piers, wharves, bulkheads, and other structures which extend beyond the low-water mark. The right of ownership of these properties by private, municipal, or State interests is now in jeopardy as a result of the Court's decision in the California case.

In the interests of navigation, the Federal Government is about to commence a major project in New Haven Harbor. Disposal of the material to be removed is a big problem. The Connecticut State Highway Department has agreed to accept 5,000,000 cubic yards in one corner of the harbor and to build thereon an important link of the No. 1 Highway in the United States. Under the California decision, it might be construed that Connecticut does not own the land where the road is being built.

Even though the Federal Government never claims for itself the ownership of the land on which structures are built or of the lands which municipalities and the State have granted by franchise and leases for oyster cultivation, the decision in the California case opens the door to claims by other parties that the owner of a pier or of an oyster franchise or lease does not have a proper title. Endless litigation is foreseeable, all of it subject to adjudication by the United States Supreme Court.

The decision might easily give rise to claims that the Court's decision has made the oyster beds, for example, the property of the United States and that they are, therefore, not subject to taxation by the municipalities or the State.

Private interests, municipalities, and the State have erected bridges which have piers below the ordinary low-water mark, and similar questions may be raised concerning them. A new toll bridge is being built by the State at the mouth of the Connecticut River, with piers beyond the low-water mark. It has been ruled that a State may not collect tolls on a road financed in part by the Federal funds. A result of the California case may be that Connecticut cannot charge tolls on its new bridge which has been named for United States Senator RAYMOND E. BALDWIN.

The many questions raised by the Court decision and decree should not be left to court determination from time to time throughout an indefinite future. The matter should be settled now by act of Congress.

Mr. HORAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HORAN. Mr. Chairman, I am happy to add my support to H. R. 5992. I was one of a number of Members who have introduced bills dealing with this subject that are nearly identical.

My bill (H. R. 5461) is identical with that introduced by the Congressman from California, the Honorable WILLIS W. BRADLEY (H. R. 4999). I mention this because this version has been declared more acceptable to both management and labor associations concerned with our most important fisheries industry. These same groups have expressed themselves in opposition to terms of section 4 of the bill introduced by the Congressman from Mississippi, the Honorable WILLIAM M. COLMER, relating to jurisdiction over fishing waters in the areas affected by the bills.

While the spotlight in the tidelands controversy has been aimed at the highly prized oil resources along the shores of California and Texas, our State of Washington has a definite interest in this case. To me it is somewhat startling that the Federal Government never seriously asserted a claim to the disputed lands until certain Government officials became aware of the rich resources underlying them. As I am sure most witnesses on this subject will testify, the great bulk of precedent holds that such lands have always rightly been the property of the several States. If the Federal Government should be empowered to assert ownership to any portion or classification of lands in which important resources

should be discovered, there would be little left to prevent it from asserting title to mineral deposits under the mountain tops, as well as under the sea water. We might easily jeopardize the status of virtually every important piece of property in the Nation.

But there are two particular arguments I wish to state to the Committee. The first is the subject of lands at tidewater which have been reclaimed by the enterprise and activity of individuals and municipalities in such States as Washington. Along Puget Sound, for instance, lands previously in the category of being submerged beneath the low-water mark have been reclaimed by filling-in and now constitute valuable surface property within and near such important cities as Seattle. The Supreme Court decision of June 23, 1947, might place title to all such reclaimed lands in jeopardy or at least throw them into fear of litigation causing stress to current owners and local tax authorities alike. No doubt similar situations obtain in several other States of the Union which must be clarified by the Congress immediately. It is to me essential that Congress immediately enunciate a policy whereby enterprising individuals and local communities may safely engage in such reclamation activities without fearing that the fruit of their efforts will be expropriated upon the whim of Federal officials seeking further control over our national resources.

It is further significant that, so I am advised, subsequent to the Court's decision and prior to the entry of the order and decree of October 27, 1947, the Attorney General of the United States and the Secretary of the Interior had entered into two stipulations with the attorney general of California, in which the two Federal officials renounced and disclaimed paramount governmental power over certain particularly described submerged lands on the California coast, and authorized that State under certain conditions to enter into leases on these certain lands. It would be well for the Committee to inquire by what caprice the Federal Government, through its officials, is so anxious to assert title to these lands in general, to gain control, then immediately renounces its paramount rights to—presumably—those portions of the lands in which it is not interested.

Of particular interest to the Government of the State of Washington, however, is the effect of the Supreme Court decision upon provisions of the State constitution and the policies and precedents of the State and local governments which are predicated upon that constitution.

Pursuant to the enabling act of Congress approved February 2, 1889, the constitution of the State of Washington was adopted and was, pursuant to said act, proclaimed by the President as having been formed and adopted pursuant to said enabling act—Proclamation No. 8, November 11, 1889; Twenty-sixth Statute 1552. By terms of this act and upon this proclamation, the State of Washington was admitted to the Union.

By article XXIV of the constitution of the State of Washington, thus proclaimed by the President and approved by the enabling act of Congress, the boundaries of the State of Washington were established as follows:

SEC. 1. State boundaries: The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific Ocean one marine league, and running parallel along the coast line from the mouth of the north ship channel of the Columbia River to a line which is the boundary line between the United States and British Columbia—

And so forth. In the same constitution of the State of Washington, approved by Congress and the President of the United States upon the State's entry into the Union, the State of Washington declared, in article XVII, section 1, as follows:

Declaration of State ownership: The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes.

It will be seen, therefore, that from the date of its admission, the State of Washington has claimed, without challenge, title to all submerged land from the 3-mile limit—one marine league—on the ocean front to the high-water mark. The recent Court decision, in my mind, places title to these lands in jeopardy and may even affect title to submerged lands on inland bays and waters of the State.

With the continued encroachment of the Federal Government on the lands and resources of the States, it becomes increasingly difficult for local governments to finance their necessary obligations for education and other local government. While I recognize that it is often necessary for the Federal Government to take certain lands for purposes of national defense or for the development of certain resources which are beyond the capabilities of private enterprise or local government properly to develop in the public interest, I can see no justification for this current attempt of the Federal Government to seize certain properties merely because they have high value. In the State of Washington, I might point out to the Committee, the Federal Government already owns some 36 percent of the land area. The effect of sustaining the Supreme Court decision would be to reduce even further the remaining portion of the land charged with responsibility of supporting local government. The Committee may be interested to know there is one county in my congressional district in which 83 percent of the land is owned by the Federal Government. This means that owners of 17 percent of the land must pay 100 percent of the cost of local government in that county. I urge these committees to help place an end to Federal acquisition of more and more land by passing the bill presently under consideration.

In conclusion, I should like to stress to the Committee that compromise proposals, whereby the Federal Government would give up its claims to the submerged lands or portions thereof but seek to retain the minerals under such lands, are not acceptable to the people whose local enterprise and initiative have been responsible for the discovery and development of these areas. Such would be no compromise at all but would merely defer the time when another and more insistent Federal administration would void the compromise and again assert claims to full title and control.

By the same token, passage of this measure is necessary to remove the cloud left upon title to lands beneath the inland bays and inlets which in the State of Washington amount to many thousands of acres.

In my estimation, the clear interest of the people I have the honor to represent can be served only by the explicit definition of the title to these lands in the several States. For that reason and the reasons cited above, I urge the Committee to approve the version of the bill under consideration, which I hereby endorse.

Mr. ALLEN of California. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ALLEN of California. Mr. Chairman, I rise in support of H. R. 5992, the consideration of which is pending before the committee.

The enactment of the bill will reaffirm the rules of law with reference to the rights of States in the lands off their respective shores or submerged within their boundaries as the rule was thought to be for many years prior to the recent decision of the Supreme Court which held to the contrary.

The enactment of the legislation will preserve and protect the rights of the several States to control and exercise sovereignty over the territory within their respective boundaries in the manner that has been the custom in our country since its formation.

The enactment of the legislation will remove possible clouds from the title to lands which have been developed by improvements, structures, and otherwise and which have long since been properly supposed to be the private property of the owners who claim them.

I urge the favorable consideration of the legislation.

Mr. ANGELL. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. ANGELL. Mr. Chairman, this legislation, H. R. 5992, is of great importance to my State of Oregon as it has an extensive ocean shore line and many rivers and harbors. Large investments have been made in improvement of these submerged lands. I urge the passage of this bill.

While it is true that oil deposits on submerged land have given rise to this legislation, the principle involved is applicable to all interests in such lands and is equally applicable to every State in the Union having submerged lands and particularly to those States bordering upon the ocean and the Great Lakes.

Oregon has no commercial oil fields but is interested in the broad question involved as it is equally applicable to docks and to the structures over waters adjacent to the shore line, as well as to mineral deposits under the waters.

The contention has been raised by certain officials and by the Supreme Court decision in the California case that the individual States do not have title to the submerged lands below low-water mark and extending out to the 3-mile limit, but that the United States, by virtue of its power to regulate interstate and foreign commerce and to provide for the national defense and maintain a Navy, and by reason of its national sovereignty, has a right to appropriate petroleum products in the submerged lands below low-water mark and within the 3-mile limit.

Mr. Chairman, I maintain the following propositions:

First. Title to such submerged lands in question is owned by the State in whose territory the lands lie.

Second. The United States has no title of any kind in and to these lands or to the petroleum products or minerals under the soil. Its only rights therein are such as are given to it by the Constitution, extending power over interstate and foreign commerce.

Third. Under the Constitution the United States is a Government of delegated powers and has only such powers as is given to it by the Constitution. The States retain all the sovereign powers they originally had before the compact was entered into in establishing the United States, and all of these residuary powers are still held by the States except the powers delegated by the Constitution to the United States.

Fourth. The National Government has the right to provide and maintain a navy and provide for the national defense, but in doing so it is subject to the provisions of the Constitution and cannot deprive a State or an individual of its property or rights without due process of law, including just compensation.

I call attention to the act of Congress admitting the State of Oregon into the Union, wherein it is provided in section 1:

Admission of State—Boundaries: That Oregon be, and she is hereby, received into the Union on an equal footing with the other States in all respects whatever, with the following boundaries: In order that the boundaries of the State may be known and established, it is hereby ordained and declared that the State of Oregon shall be bounded as follows, to wit: Beginning one marine league at sea, due west from the point where the forty-second parallel of north latitude intersects the same; thence northerly, at the same distance from the line of the coast lying west and opposite the State, including all islands within the jurisdiction of the United States, to a point due west and opposite the middle of the north ship channel of the Columbia River; thence easterly, to and up the middle channel of said river, and, where it is divided by islands, up the middle of the widest channel thereof, to a point near Fort Walla Walla, where the forty-sixth parallel of north latitude crosses said river; thence east, on said parallel, to the middle of the main channel of the Shoshone or Snake River; thence up the middle of the main channel of said river to the mouth of the Owyhee River; thence due south to the parallel of latitude 42 degrees north; thence west along said parallel to the place of beginning, including jurisdiction in civil and criminal cases upon the Columbia River and Snake River, concurrently with States and Territories of which those rivers form a boundary in common with this State.

There are two provisions of this act that are important in considering this legislation: First, Oregon was admitted into the Union on an equal footing with all other States in all respects whatever; second, it is recognized that the territorial boundaries of Oregon extend one marine league at sea. From this specific provision it was recognized by the United States in its compact in admitting the State into the Union that the submerged lands in question are a part of the territory of Oregon. The rule with respect to ownership of the submerged lands lying above low-water mark and those lying outside of the low-water mark and to the 3-mile limit is the same. The courts have made no distinction with respect to such submerged lands.

The question of the title and ownership to these submerged lands in Oregon has been adjudicated by the United States Supreme Court on two separate occasions. The cases to which I refer are *Shively* v. *Bowlby*—decided March 5, 1894—(152 U. S. 1) and *United States* v. *Oregon*—decided April 1, 1935—(295 U. S. 1). It is submitted that the principles of law enunciated in these two decisions determine definitely that the title to the submerged lands under consideration is vested in the State, and the Federal Government has no title therein or any interest or control over them other than such rights as have been given to the United States by the Constitution with respect to interstate and foreign commerce.

The Court in Shively against Bowlby said—page 11:

I. By the common law, both the title and the dominion of the sea, and of rivers and arms of the sea, where the tide ebbs and flows, and of all the lands below high-water mark, within the jurisdiction of the Crown of England, are in the King. Such waters, and the lands which they cover, either at all times or at least when the tide is in, are incapable of ordinary and private occupation, cultivation, and improvement; and their natural and primary uses are public in their nature, for highways of navigation and commerce, domestic and foreign, and for the purpose of fishing by all the King's subjects. Therefore, the title, jus privatum, in such lands, as of waste and unoccupied lands, belongs to the King as the sovereign; and the dominion thereof, jus publicum, is vested in him as the representative of the nation and for the public benefit.

Page 13:

In England, from the time of Lord Hale, it has been treated as settled that the title in the soil of the sea, or of arms of the sea, below ordinary high-water mark, is in the King, except so far as an individual or a corporation has acquired rights in it by express grant, or by prescription or usage.

It is equally well settled that a grant from the sovereign of land bounded by the sea, or by any navigable tidewater, does not pass any title below high-water mark, unless either the language of the grant, or long usage under it, clearly indicates that such was the intention. * * *

By the law of England also every building or wharf erected without license below high-water mark, where the soil is the King's, is a purpresture and may, at the suit of the King, either be demolished, or be seized and rented for his benefit, if it is not a nuisance to navigation.

Page 15:

The English possessions in America were claimed by right of discovery. Having been discovered by subjects of the King of England and taken possession of in his name, by his authority, or with his assent, they were held by the King as the representative of and in trust for the nation; and all vacant lands, and the exclusive power to grant them, were vested in him. The various charters granted by different monarchs of the Stuart dynasty for large tracts of territory on the Atlantic coast conveyed to the grantees both the territory described and the powers of government, including the property and the dominion of lands under tidewaters. And upon the American Revolution, all the rights of the Crown and of Parliament vested in the several States, subject to the rights surrendered to the National Government by the Constitution of the United States. (*Johnson* v. *McIntosh* (8 Wheat. 543, 595); *Martin* v. *Waddell* (16 Pet. 367, 408–410, 414); *Commonwealth* v. *Roxbury* (9 Gray 451, 478–481); *Stevens* v. *Paterson & Newark Railroad* (5 Vroom (34 N. J. Law), 532); *People* v. *New York & Staten Island Ferry* (68 N. Y. 71).)

IV. The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands below the high-water mark, within their respective jurisdictions.

Pages 26, 27, and 28:

In *Pollard* v. *Hagan* (1844), this court, upon full consideration (overruling anything to the contrary in *Pollard* v. *Kibbe* (14 Pet. 353), *Mobile* v. *Eslava* (16 Pet. 234), *Mobile* v. *Hallett* (16 Pet. 261), *Mobile* v. *Emanuel* (1 How. 95), and *Pollard* v. *Files* (2 How. 591)), adjudged that, upon the admission of the State of Alabama into the Union, the title in the lands below high-water mark of navigable waters passed to the State, and could not afterward be granted away by the Congress of the United States. Mr. Justice McKinley, delivering the opinion of the court (Mr. Justice Catron alone dissenting), said: "We think a proper examination of this subject will show that the United States never held any municipal sovereignty, jurisdiction, or right of soil in and to the territory of which Alabama or any of the new States were formed; except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April 1803 ceding Louisiana. When the United States accepted the cession of the territory, they took upon themselves the trust to hold the municipal eminent domain for the new States, and to invest them with it to the same extent, in all respects, that it was held by the States ceding the territories. When Alabama was admitted into the Union, on an equal footing with the original States, she succeeded to all the rights of sovereignty, jurisdiction, and eminent domain which Georgia possessed at the date of the cession, except so far as this right was diminished by the public lands remaining in the possession and under the control of the United States, for the temporary purposes provided for in the deed of cession and the legislative acts connected with it. Nothing remained to the United States, according to the terms of the agreement, but the public land (3 How. 221–223). Alabama is therefore entitled to the sovereignty and jurisdiction over all the territory within her limits, subject to the common law, to the same extent that Georgia possessed it before she ceded it to the United States. To maintain any other doctrine is to deny that Alabama has been admitted into

the Union on an equal footing with the original States, the Constitution, laws, and compact to the contrary notwithstanding. Then to Alabama belong the navigable waters, and soils under them, in controversy in this case, subject to the rights surrendered by the Constitution to the United States" (3 How. 229).

Pages 29 and 30:

In *Weber* v. *Harbor Commissioners*, it was held that a person afterward acquiring the title of the city in a lot and wharf below high-water mark had no right to complain of works constructed by commissioners of the State, under authority of the legislature, for the protection of the harbor and the convenience of shipping, in front of his wharf, and preventing the approach of vessels to it; and Mr. Justice Field, in delivering judgment, said: "Although the title to the soil under the tidewaters of the bay was acquired by the United States by cession from Mexico, equally with the title to the upland, they held it only in trust for the future State. Upon the admission of California into the Union upon equal footing with the Original States, absolute property in, and dominion and sovereignty over, all soils under the tidewaters within her limits passed to the State, with the consequent right to dispose of the title to any part of said soils in such manner as she might deem proper, subject only to the paramount right of navigation over the waters, so far as such navigation might be required by the necessities of commerce with foreign nations or among the several States, the regulation of which was vested in the general government (18 Wall. 65, 66).

In the very recent case of *Knight* v. *United States Land Association*, Mr. Justice Lamar, in delivering judgment, said: "It is the settled rule of law in this Court that absolute property in, and dominion and sovereignty over, the soils under the tidewaters in the Original States were reserved to the several States; and that the new States since admitted have the same rights, sovereignty, and jurisdiction in that behalf as the Original States possess within their respective borders. Upon the acquisition of the territory from Mexico, the United States acquired the title to tidelands equally with the title to upland; but with respect to the former they held it only in trust for the future States that might be erected out of such territory" (142 U. S. 183). In support of these propositions he referred to *Martin* v. *Waddell*, *Pollard* v. *Hagen*, *Mumford* v. *Wardwell*, and *Weber* v. *Harbor Commissioners* above cited.

The Court, after reviewing the law in its former decisions, specifically held with respect to the title to the submerged lands in Oregon that the title was vested in the State, saying—page 52:

By the law of the State of Oregon, as declared and established by the decisions of its supreme court, the owner of upland bounding on navigable water has no title in the adjoining lands below high-water mark, and no right to build wharves thereon, except as expressly permitted by statutes of the State; but the State has the title in those lands, and, unless they have been so built upon with its permission, the right to sell and convey them to anyone, free of any right in the proprietor of the upland, and subject only to the paramount right of navigation inherent in the public. (*Hinman* v. *Warren* (6 Oreg., 408); *Parker* v. *Taylor* (7 Oreg., 435); *Parker* v. *Rogers* (8 Oreg., 183); *Shively* v. *Parker* (9 Oreg., 500); *McCann* v. *Oregon Railway* (13 Oreg., 455); *Bowlby* v. *Shively* (22 Oreg., 410). See also *Shively* v. *Welch* (10 Sawyer, 136, 140, 141).)

The Court's conclusions are significant—pages 57 and 58:

Lands under tidewaters are incapable of cultivation or improvement in the manner of lands above high-water mark. They are of great value to the public for the purposes of commerce, navigation, and fishery. Their improvement by individuals, when permitted, is incidental to or subordinate to the public use and right. Therefore, the title and control of them are vested in the sovereign for the benefit of the whole people.

At common law the title and the dominion in lands flowed by the tide were in the King for the benefit of the nation. Upon the settlement of the Colonies, like rights passed to the grantees in the royal charters, in trust for the communities to be established. Upon the American Revolution, these rights, charged with a like trust, were vested in the Original States within their respective borders, subject to the rights surrendered by the Constitution to the United States.

Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the Territory.

The new States admitted into the Union since the adoption of the Constitution have the same rights as the original States in the tidewaters, and in the lands under them, within their respective jurisdictions. The title and rights of riparian or littoral proprietors in the soil below high-water mark, therefore, are governed by the laws of the several States, subject to the rights granted to the United States by the Constitution.

The United States, while they hold the country as a Territory, having all the powers both of national and of municipal government, may grant, for appropriate purposes, titles or rights in the soil below high-water mark of tidewaters. But they have never done so by general laws; and, unless in some case of international duty or public exigency, have acted upon the policy, as most in accordance with the interest of the people and with the object for which the Territories were acquired, of leaving the administration and disposition of the sovereign rights in navigable waters, and in the soil under them, to the control of the States, respectively, when organized and admitted into the Union.

Grants by Congress of portions of the public lands within a Territory to settlers thereon, though bordering on or bounded by navigable waters, convey, of their own force, no title or right below high-water mark, and do not impair the title and dominion of the future State when created; but leave the question of the use of the shores by the owners of uplands to the sovereign control of each State, subject only to the rights vested by the Constitution in the United States.

The donation land claim, bounded by the Columbia River, upon which the plaintiff in error relies, includes no title or right in the land below high-water mark; and the statutes of Oregon, under which the defendants in error hold, are a constitutional and legal exercise by the State of Oregon of its dominion over the lands under navigable waters.

It is submitted that this holding by the Supreme Court definitely establishes that the ownership and control of all of the submerged lands within the territorial boundaries of Oregon which extend out 3 miles from the shore line on the Pacific Ocean are vested in the State of Oregon; that the United States has no ownership over the same; that such powers as are delegated to it by the Constitution with respect to navigation and commerce are not to be construed as ownership and do not give to the Federal Government any indicia of ownership, that the ownership with respect to such lands is vested in the States and not in the Federal Government.

The Supreme Court in the later case in which the State of Oregon was a party—United States against Oregon—reexamined this same question and again laid down this definite rule, the Court speaking through Mr. Justice Stone, said:

Page 6:

The State of Oregon was admitted to the Union on February 14, 1859. At that date the area within the meander line was a part of the public domain of the United States. No part of it has ever been disposed of, in terms, by any grant of the United States. Decision of the principal issues raised by the pleadings and proof turns on the question whether the area involved underlie navigable waters at the time of the admission of Oregon to statehood. If the waters were navigable in fact, title passed to the State upon her admission to the Union. (*Shively* v. *Bowlby* (152 U. S. 1, 26–31), *Scott* v. *Lattig* (227 U. S. 229, 242, 243), *Oklahoma* v. *Texas* (258 U. S. 574, 583, 591), *United States* v. *Utah* (283 U. S. 64, 75).) If the waters were nonnavigable, our decision must then turn on the question whether the title of the United States to the lands in question, or part of them, has passed to the State.

Page 14:

Dominion over navigable waters and property in the soil under them are so identified with the sovereign power of government that a presumption against their separation from sovereignty must be indulged, in construing either grants by the sovereign of the lands to be held in private ownership or transfer of sovereignty itself. (See *Massachusetts* v. *New York* (271 U. S. 65, 89).) For that reason, upon the admission of a State to the Union, the title of the United States to lands underlying navigable waters within the States passes to it, as incident to the transfer to the State of local sovereignty, and is subject only to the paramount power of the United States to control such waters for purposes of navigation in interstate and foreign commerce. But if the waters are not navigable in fact, the title of the United States to land underlying them remains unaffected by the creation of the new State. (See *United States* v. *Utah* (supra, 75), *Oklahoma* v. *Texas* (supra, 583, 591).) Since the effect upon the title to such lands is the result of Federal action in admitting a State to the Union, the question, whether the waters within the State under which the lands lie are navigable or nonnavigable, is a Federal, not a local one. It is, therefore, to be determined according to the law of usages recognized and applied in the Federal courts, even though, as in the present case, the waters are not capable of use for navigation in interstate or foreign commerce. (*United States* v. *Holt State Bank* (270 U. S. 49, 55, 56), *United States* v. *Utah* (supra, 75); *Brewer-Elliott Oil Co.* v. *United States* (260 U. S. 77, 87).)

It is submitted that, as shown by the holdings of the Supreme Court in the two cases in which titles to Oregon lands were involved, which cases follow the uniform rule laid down by the Court, the titles to the submerged lands under consideration are vested in the respective States within whose boundaries they lie, and, therefore, the contention that the title is vested in no one is untenable. The title being in the State, it follows that the United States does not have ownership of the lands themselves or the petroleum products or minerals that may lie beneath the soil.

In the State of Oregon the commission of public docks, a municipal corporation, has through authority vested in it by the State made extensive improvements and has erected docks, grain elevators, and other dock facilities involving large expenditures on these submerged lands. Other municipal corporations in the State have erected on such lands flour mills, wharves, and docks, and issued bonds thereon for the payment of same. If the contention advanced by the Government is sustained it will deprive the States of the vested titles they now hold in these submerged lands, which property rights have been recognized by the courts for over a century as shown by the cases I have cited.

Mr. Chairman, I urge the passage of this bill.

Mr. TOLLEFSON. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. TOLLEFSON. Mr. Chairman, as Representative of the Sixth Congressional District of Washington State, I wish to rise in support of H. R. 5992. I have studied H. R. 5992 and am satisfied that it contains one of the major provisions necessary to protect the rights of the States affected. In the constitution of the State of Washington, article XVII, section 1, is the following wording:

> Declaration of State ownership: The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide in the waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lands.

And article XXIV states:

> State boundaries: The boundaries of the State of Washington shall be as follows: Beginning at a point in the Pacific Ocean one marine league, and running parallel along the coast line from the mouth of the north ship channel of the Columbia River, to a line which is the boundary between the United States and British Columbia.

It will be seen therefore that the State of Washington, ever since its admission into the Union, has claimed title to all submerged land within the 3-mile limit on the ocean front and also has claimed title to the beds and shores of all navigable waters within its territorial limits.

While the Supreme Court of the United States has decreed the Federal Government to be the owner of the lands under the 3-mile marginal limit, the Court also states that the same question has never arisen regarding inland waters, bays, and inlets, and that the controversy regarding lands and such waters is to be decided later by the Court on such facts when presented. This statement definitely places a cloud upon the title of the submerged land under our bays and inlets, and most certainly at some time in the future will have an adverse effect not only on Port Commission property but also as to oyster and clam beds within the boundaries of our State. H. R. 5992 will, I am sure, clear up all of these points and give to the State of Washington clear title to all of the submerged lands under bays and inlets as well as to the land within the 3-mile limit on the ocean front.

This controversy between the Federal Government on one hand and the various States on the other reaches much further than any claim on submerged lands on the ocean, beneath the tide, and abutting thereon, because it strikes at the very foundation of State and Federal relations. It is evident that one of the fundamental reasons for the success of our Federal system of government has been our plan of leaving many sovereign rights and powers to the State and local governments. It is evident from reading the Supreme Court opinion, that the Court has taken upon itself to give to the Federal Government certain rights and powers that Congress has never claimed or asserted at any time during its history. The opinion itself indicates that the vital question of ownership of these submerged lands is a matter for Congress to decide. A careful reading of the bill mentioned will demonstrate that the Federal Government's rights for national defense are fully protected.

I earnestly urge upon you immediate favorable consideration of this legislation.

Mr. REED of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MCDONOUGH].

Mr. MCDONOUGH. Mr. Chairman, I want to compliment the committee for bringing this bill to the House in the form it is brought to us, in spite of the fact that a previous Congress had passed a similar bill which was subsequently vetoed by the President.

I want also to say that the State of California especially is grateful to the gentleman from Pennsylvania [Mr. CHADWICK], who, unfortunately, will not be with us in the next Congress.

This is a vital thing to the State of California, not only to California but to the Nation as a whole. This question strikes at one of the fundamental tenets of the type of government we know in this country. It invades the rights of the States to possess that which is within their own borders. In my State of California alone, if you consider a 3-mile border along the shore 1,200 miles long, the Federal Government has said that 3,600 square miles of the State of California is not under the possession of the State, but is vested in the Federal Government.

Our great harbors are clouded by the Supreme Court decision. Our world-renowned public beaches and shore-line recreational developments are at a standstill until the State's ownership of tidelands is reaffirmed. One city alone, Long Beach, finds many of its important community projects paralyzed until this matter is cleared up.

Thousands of homes and pieces of land owned by thousands of persons are up in the air while we wait to see whether the Federal Government is to be empowered to take at will, and without compensation, such lands as it needs or wants.

To illustrate what this means to real estate in California, the California tidelands in dispute include the land under San Francisco's ferry building and the land under San Diego's civic center and municipal airport. Half of Los Angeles Harbor and much of Long Beach Harbor are of uncertain status. Who owns these great facilities? The people who had the foresight and took the risks to invest millions in building them, or the bureaucrats in Washington?

There are some 65,000 statute miles in the various other States of the Union that would be affected by the decision of the Supreme Court. Every State in the Union has submerged land either along the shores of the ocean, the gulfs, the inland bays, the rivers, or the lakes, with the exception of one State, the State of Colorado.

The question has been raised that the natural resources off the shores of California are vital to the national defense of the Nation. We do not dispute that; we agree that it is vital and necessary, but is there any question as to the loyalty of the State of California to yield its natural resources to the Nation in the event of a national emergency? There never has been, either so far as manpower or resources of the State are concerned. Why, therefore, should there be any question that because there might be oil in certain places and in very limited places along the 1,200-mile coast of the State of California that oil should have such preponderant effect in the decision of the Supreme Court and in the argument that has been given to the Nation by the former Secretary of the Interior, on what logical premise can we determine—and I am now speaking of a fundamental question on the over-all picture—on what logical premise can we determine that all submerged lands in the United States belong to the Federal Government? That is the effect of this decision.

It has been said that there is no intent to extend this into the other States. There is no question about the fact that Supreme Court decisions have a very definite effect upon future decisions and set precedents by which future decisions may be made.

Mr. Chairman, I recommend that this legislation be supported and I trust that the other Members of the House will support it when the proper time comes.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. WALTER. Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana [Mr. ALLEN].

Mr. ALLEN of Louisiana. Mr. Chairman, the passage of this legislation means a great deal to Louisiana. We will be very much hurt if the Supreme Court decision should stand. I do not know of any single piece of legislation that is of more importance to the State of Louisiana as a whole than the pending bill to quiet the title of tidewater lands in favor of the States. We have had this matter before Congress previously and it passed by a large vote and was vetoed by the President. By the pending bill we undertake to set at rest again this controversy over submerged lands of the various States.

The legal question involved has been fully discussed by others and I will not take the time of the House to go into that

question. It is sufficient to say that since the State of California lost in the Supreme Court, similar suits will be brought against the various other coastal States and the State of Louisiana will probably be next.

We are faced with the fact under the Supreme Court decision that Louisiana will lose great acreage of submerged lands and every other coastal State will likewise lose heavily. This loss, Mr. Chairman, will be immediately felt by the treasuries of these various States. Louisiana is the greatest fur-producing State in the Union, most of it being muskrat, and this bill might vitally affect the fur industry. Louisiana is a great producer of oysters and all kinds of fish and if the title to the tidelands passes to the Federal Government, it will wreck that great industry in Louisiana. On the question of oil, Louisiana for many years has enjoyed great revenue from oil produced from her tidelands on the Gulf of Mexico. To say that the fiscal affairs of that State would be greatly upset by losing this revenue, would be putting it mildly.

"In Louisiana, the State mineral board has supervision of 731 leases, involving 2,289,713 acres of land. Inland leases, numbering 217, include both uplands and lands beneath bays, lakes, rivers, bayous, and streams. The leases on lands in our marginal waters, off coast, number 524 and comprise 1,885,689 acres. The leases on water bottoms far exceed the uplands in the acreage involved in State oil, gas, and mineral leases." The quoted part above is from the testimony of Mr. B. A. Hardey who testified before the committee.

The States have been exercising full jurisdiction over coastal lands throughout their history. Until this tidelands issue came up, the right of the States with reference to it has hardly been questioned. At this late date when the States have developed the fish industry, the fur industry, the oil industry, and when some of these industries have proved very profitable to the States, and when the fiscal affairs of the States have been so interwoven with the funds derived from the tidelands, it seems to me that it comes with poor grace upon the part of the Federal Government to come in and undertake to take from the States that which has been recognized as the property of the States since the foundation of our Government.

Mr. Chairman, I trust that the Congress will pass this legislation by an overwhelming vote and if the President should again veto it, I sincerely hope the veto will be overridden so that the uncertainty now hanging over the whole tidelands question will be once and for all settled, and settled, I think, in keeping with justice and right.

Mr. WALTER. Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana [Mr. DOMENGEAUX].

Mr. DOMENGEAUX. Mr. Chairman, Louisiana has a great interest in the protection of the rights of States to lands beneath navigable waters within their respective boundaries. It is estimated that Louisiana alone has a billion dollars at stake in this matter. I have long been interested in the effort to bring about a settlement of this issue in favor of the States concerned, and in January of this year I offered House Joint Resolution 286 for this purpose, which measure was referred to the Judiciary Committee.

As I pointed out at the time I introduced the above-named legislation, the great resources of Louisiana involved in this matter include oil, gas, and mineral development, the oyster and shrimp industries, commercial fisheries, royalties on oyster and clam shells, sand and gravel, and sulfur deposits. Revenues from these sources are used in the operation of Louisiana's State government.

Through all of these years Louisiana, in good faith, has gone about its business of developing and leasing the beds of its marginal waters, without a word from the Federal Government other than approval. Authority to lease the State's submerged lands was given the State land office in 1915. By 1916 there were more than 700 leases, covering 1,871,000 acres. The State collects severance taxes and, in addition, bonus money is required for such leases and payment of annual delay rentals in appropriate instances must be made. In event of production the operator must remit to the State minimum royalties of one-eighth on all oil and gas produced and saved. According to the register of the State land office, who collects this revenue, the grand total of this income from the beginning of the receipts until November 30, 1945, was $29,169,844.21.

Eighty percent of the money goes into the State's general fund, while the remainder is credited to the parishes, or counties, where the leases are located. The Parish of Plaquemine, for example, which is situated on the Gulf, derived $141,081 from this source in 1945.

These revenues make it possible to carry out many improvement projects throughout the State. Of the income from oil, gas, and mineral leases, rentals and royalties, 10 percent goes into the road fund for highway maintenance. The balance, less certain deductions, is security for State bonds, proceeds of which are dedicated to the construction, improvement, repair, and equipment of buildings operated for charitable and correctional institutions.

That gives you a pretty good idea of what it would mean to Louisiana if the Federal Government was to step in and take over these submerged lands which have been so long recognized as under the State's jurisdiction. Louisiana is not merely defending an attack on her sovereignty in this matter, but is fighting to save her financial stability and advocating the rights of countless private interests which have placed complete confidence in State ownership of these lands.

Aside from the financial factor, however, there is something even greater involved and that is the issue of whether the Federal Government can take over the rights and properties and revenues of Louisiana or any other State, or whether these rights and properties and revenues shall remain within the individual States in accordance with the spirit of the Constitution.

It is clearly the duty of Congress to adopt this legislation and thereby restore the title of lands to the States which have held it by tradition, usage, and legal proceedings for over a century and a half. Congress previously recognized the rights of the States to these lands, but the legislation was vetoed by President Truman who had expressed the desire that the United States Supreme Court pass on the matter of title. This, of course, led to the California Tidelands case in which the Federal Government prevailed.

The Supreme Court, in my opinion, definitely encroached upon States' rights in that decision. It must be remembered that the Court does not have the authority to alone decide this issue and that such a ruling is only advisory to Congress which has the opportunity and duty to reject it. The Court merely affirmed a title which Congress had already decided to renounce.

The States to which this matter means so much are appealing to Congress to quitclaim to them these submerged lands which they have always considered theirs since the birth of the Republic. They see in this effort of the Federal Government to dispossess them of lands they have owned for more than a century an ominous indication of steadily increasing domination, or efforts at domination, over the rights both of States and individuals. They discern in this anxiety to establish Federal title, an impatience to extend sway over the country's entire 23,000 square miles of coastal belt and thence to all navigable waters as well.

It has been contended by opponents of H. R. 5992, including some high Government officials, that this legislation would represent a gift from the Federal Government to the several coastal States. There is no logic in this reasoning, which evidently must be based on the theory that the bill would take from the Federal Government a right which it has heretofore enjoyed and bestow it upon the States. There is nothing to show that prior to 1937 the Federal Government ever asserted any right in these submerged lands, but that, on the contrary, it recognized that ownership rested with the States and that they had complete sovereignty and dominion over these lands, subject to the constitutional right of the Federal Government to regulate commerce.

In the matter of national defense—another point raised in discussion of this legislation—H. R. 5992 gives the United States a preferential right in time of war, or at any other time, when necessary for national defense, to purchase any of the natural resources produced from the lands included in the bill. This would seem to be sufficient.

In the interest of justice and democratic government, this issue should be settled now, once and for all, by adoption of this legislation.

Mr. WALTER. Mr. Chairman, I yield such time as he may desire to the gentleman from Louisiana [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, the pending bill is not only of utmost importance to the United States but is likewise of tremendous import to the people of the State of Louisiana. No State in the United States has as irregular

and uncertain a coast line as does the State of Louisiana. The land along the coast is low and very marshy and merges into the Gulf of Mexico. At many points arms of the Gulf reach up for many miles into the lower part of the State. The coast line is especially difficult to survey or to map.

This is the reason why this area of Louisiana was a habitat in the early days of bands of pirates. The Lafitte brothers, whose place in history is well, although not too gloriously known, used the bays and bayous in the section of Louisiana to carry on their marauding commerce against all who dared use the Gulf of Mexico. When hotly pursued by forces of law and order they slipped from one bay or bayou into the next and alluded their pursuers almost with impunity. At times the pirates became bold and during the course of the battle of New Orleans the Lafitte Brothers left their swampy habitat and joined forces with Andrew Jackson to defeat the British in the Chalmette Battle Field below New Orleans.

Ten years ago under State supervision, guidance, and in fact by use of State laws an oil field was discovered about three miles off the coast of Louisiana and since that time it has been in constant operation, producing quantities of petroleum throughout the years. People have purchased valuable rights based upon interests obtained from the State of Louisiana and have used these rights since the discovery of the field, trading and trafficking in them. In recent years the work of locating and exploiting oil resources has proceeded rather rapidly. Seismograph crews have explored the bottom of the ocean and other development has already occurred. All of this has happened under the guidance, control, and authority of the State of Louisiana and valuable rights have been definitely fixed, so people of this section of the world felt until the decision of the Supreme Court last year.

Mr. Chairman, in 1803 President Thomas Jefferson purchased the great territory of Louisiana from the Emperor Napoleon of France. Soon after that, Louisiana became a State and retained control of the tidelands so to speak from the day it was organized as a separate State until this very hour. During this period of almost 150 years of the existence of Louisiana as a State, the great rivers and harbors of our State have been developed, all on the theory that the State of Louisiana owned title to them. Most valuable rights along these streams and bayous have been established and have been developed, all based upon the ownership and authority of the State of Louisiana. No one questioned this right until in the year 1939 when Secretary of the Interior, Harold Ickes, began to agitate this matter. In recent years more discussion has arisen but not until the decision of the Supreme Court last year was there any serious doubt raised in the minds of people that title reposed in the commonwealth.

Our State of Louisiana has grown, developed, prospered and, in fact blossomed under our theory of government, that the States are sovereign States of the Union. Throughout the many years this theory has not only been conducive to the development of my own State but has likewise proved profoundly successful in developing every other one of the 48 States of the Union. Under this theory we have seen our country grow from 13 struggling colonies on the Atlantic seaboard to a Nation of 140,000,000 people. We have seen forests felled and great cities built in their stead. We have seen our people cultivate the soil and then boldly dig deep into the very bowels of the earth in search of mineral deposits. We have reared a swaddling infant to full grown, sturdy manhood. Under this theory of governmental authority we have seen our Nation successfully complete two world wars and reach the high point of achievement which brings to us the commendation of the free peoples of the world. We now see that other nations far and wide all over the world depend upon us for our help and our assistance.

Mr. Chairman, I think the hour is too late to change. Our Nation will go on in the future for further development and further triumphs under the theory that the State still is sovereign and has sovereign control over its tidal lands. Any other conclusion will, in my judgment, seriously affect and undermine the future of this country and its people. I, therefore, hope that this bill will pass by a record vote and will very soon set at rest forever the title to the tidelands throughout the United States.

Mr. WALTER. Mr. Chairman, I yield 8 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, this measure should pass by all means.

If the boundaries of each State are going to depend on the last guess of the Supreme Court from now on we will likely find ourselves in a most unfortunate situation.

So far as my own State of Mississippi is concerned I read from the constitution of that State showing what the boundary is. After describing the western, northern, and eastern boundaries down to a certain point, it says:

> Thence on a direct line to a point ten miles east of the Pascagoula River on the Gulf of Mexico; thence westwardly, including all the islands within six leagues of the shore, to the most eastern junction of the Pearl River with Lake Borgne.

In other words, there is the constitution of the State of Mississippi that was approved by the United States Senate before it could ever become the constitution of the State of Mississippi, saying that our territory extends out six leagues to take in Cat Island, Ship Island, and all of those other islands along the boundary of the Mississippi Sound.

To come in here and say that that territory belongs to the United States and is to be taken over by the Department of the Interior is ridiculous. I want to show you what it would mean to every State that borders on the ocean or the Gulf. It would mean that you would have a bureaucracy between you and your outlet to the ocean. They could tell you if, when, and where you could even fish in the waters that have always been considered as belonging to your State.

Let me show you what that bureaucracy is doing in Alaska. Let us take the State of California or Mississippi or New Jersey or Georgia or any other State. Suppose they had imposed upon them the same conditions as are imposed on the Territory of Alaska. Alaska has the greatest salmon fisheries on earth.

All salmon are born in fresh water. They come down the streams, go out into salt water, stay for 2 or 3 years, and when they get ready to spawn they come back to the identical stream they came out of. They go back up that stream to spawn. Then all the old salmon die and a new crop is born.

An expert on this subject from Leland Stanford University accompanied us on a trip to Alaska in 1923, and he said that if you should destroy all the salmon in one stream, the ones from other streams would never go to it. Its salmon supply would be entirely depleted.

In the Territory of Alaska certain big interests have been given the right to build traps across, or near, the mouths of those streams and catch practically every salmon that comes in. They only let enough get by to keep the breed going. The people who live in Alaska are not even permitted to fish for a living.

You can go along the coast of British Columbia, where such a condition is not permitted to exist, and you will see hundreds of small fishermen out in their little boats fishing for a livelihood. But when you get up to Alaska you find that the Department of the Interior has turned the fisheries of Alaska over to the big fish canning monopolies that are not even domiciled in Alaska.

Do you want that situation to exist in your State? If so, then vote against this bill.

This bill is just the beginning. Mind you, when they take over the land under the water they take over the surface of the water. Who has jurisdiction then to enforce the law? Is that all going to be transferred to the Federal Government? Are they going to depend on the State of Mississippi or California, New Jersey, Maine or Massachusetts to enforce the law over territory they do not even own?

If they can take the land up to the water's edge, the next step might be to go onto the mainland.

I say that if you are going to preserve the rights of the States to the property that has always been admitted to belong to them, by all means this bill should be passed.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I would like to call the attention of the gentleman to the fact that his argument is the argument advanced by Justice Frankfurter in the minority views in the California case.

Mr. RANKIN. Well, that was one time Mr. Frankfurter really got on the beam.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from California.

Mr. McDONOUGH. Speaking of the land up to the shore, in the city of Los Angeles we have built the harbor on reclaimed land. If they claim that that is 3 miles from the mean-high-tide land, then they would own all the reclaimed land and all of the buildings on that land now above the surface.

Mr. RANKIN. Certainly; one Member called my attention to the fact that the Government would own a large portion of the city of Boston, and a large portion of the city of San Francisco and other cities that are situated along the water's edge.

I say this bill should pass, and if it receives a veto, it should pass over the veto. It is the one way to preserve the jurisdictional integrity of the various States and to guarantee to the people of those States that they will not be interfered with in this way in the years to come.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. REED of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. JOHNSON].

Mr. JOHNSON of California. Mr. Chairman, I am reluctant to discuss this bill since I am not a member of the committee. However, the things that are claimed about this bill are so fantastic that unless you have had some personal experience with this matter, you would not believe that they were true. My colleague the gentleman from California [Mr. BRADLEY] indicated to you on a map some of the land that would be taken in the city of San Francisco. I want to call your attention just to the land around and up from the Ferry Building on either side of Market Street, which land was once under water, and when it was filled in, it became a part of the city. On that land in that area, within a radius of a mile, there is property worth perhaps $500,000,000. We all know that the land includes the improvements on it. There are great skyscrapers erected on it, some big hotels, great industries, the title to all of which would be in doubt if this decision remains on the books.

Mr. PHILBIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of California. I yield to the gentleman from Massachusetts.

Mr. PHILBIN. I may say to the gentleman that exactly the same situation obtains in the city of Boston. Unless this unsound decision is corrected, it will work a great hardship on the city.

Mr. JOHNSON of California. I thank the gentleman for his contribution, which parallels the situation in San Francisco and other coastal cities.

Now, a layman does not usually know that you cannot obtain title as against the Government by adverse possession. That means although some of these structures have been there for over 50 years, they still do not have title against the United States Government, if the doctrine of the California decision stands. The United States Supreme Court decision has the effect of vesting title in the United States. Now, I hold that if that is the case, it is the duty of the United States Attorney General and other Government officials to prosecute these owners and determine where the title to that property is. It is their duty to reclaim those lands from the owners, no matter if they have been in their possession for a century.

I had an experience one time in a case which illustrates how this can work. Eighty-eight miles inland from the Golden Gate we have the port of Stockton. In 1927, when we were acquiring land for this port, we got a piece of land which the title company told us had once been the bottom of the San Joaquin River, a navigable stream. A bend in the river had been cut out, the old river had been filled in, and for 36 years a farmer had occupied that property. He farmed it. He put improvements on it. He had fruit-bearing trees on the property, but we had to tell him, "You do not own the land; the State of California owns the property."

The Attorney General said, "Yes, we are the owners of the property, and we insist that the purchase money for that land be paid to us. The land having been the bed of this navigable stream, it become ours when the navigability was abandoned. You obtained no right to it by occupying it as you cannot obtain title against the State by adverse possession."

That is only one case, 88 miles inland from the ocean, where this thing occurred under my personal observation. I predict that if this decision remains the law, in San Francisco alone you will have thousands and thousands of lawsuits to determine who are the owners of the property which was once submerged land. We must change this, Mr. Chairman. We will have chaos in every coastal city and State of the United States otherwise.

Way back in 1915 there was a group of cases in the State of California, People against Banning, People against Johnson, and People against Southern Pacific, and so forth, where this very thing was tested. The California Supreme Court there held that the tidelands of the State belonged to California and to nobody else. It also held that California could assert its title at any time it wished, no matter how long structures had been on the land, or who built them. At that time it was my privilege to review hundreds of cases, and I found that there was complete unanimity among the decisions of the United States Supreme Court that the tidelands of our States belonged to the States. That ought to be the law, and if it is not, we ought to put it on the books and make it the law. I hope this bill passes, so we may again have stability in our titles in coastal States.

Mr. WALTER. Mr. Chairman, I yield 7 minutes to the gentleman from Louisiana [Mr. BOGGS].

Mr. BOGGS of Louisiana. Mr. Chairman, the legal implications of this bill have been debated here today in an exceedingly able manner. I should, therefore, like to take the few minutes allotted to me to discuss the type of propaganda which has been directed against the proposed legislation.

The charge has been made that those of us who are supporting this legislation are the tools of a vast and sinister oil lobby. The second charge has been made that by the passage of this legislation we are depriving the Federal Government of resources which have always belonged to the Federal Government, and in so doing we are vitally weakening the oil reserves needed for national defense. These charges would be ridiculous if they were not so widespread and had not been accepted by so many people—so many editorialists who have never seen an oil well or been in an oil field and whose knowledge of reserves is limited to say the least.

First, let us talk about the so-called oil lobby. In my State of Louisiana this Supreme Court decision, as has been pointed out so ably, not only affects our oil resources but our vast fisheries, our shrimp, our sulfur, our salt, our seaports, and countless millions upon millions of dollars in resources. To assert that one's judgment under these circumstances is influenced by a so-called oil lobby is plain silly.

No. 2: As everyone knows these lands have never belonged to the Federal Government. To say that we are taking them is to ignore the truth. That brings us to a discussion of the practical question of oil reserves. As I understand the position which has been advocated by the Navy Department—I do not know whether it still is or not—but it gave vent to the following type of propaganda—the oil resources of this country are dwindling so rapidly that some effort must be made by the Federal Government to set aside reserves; the best way to set up reserves is in a proved area where no development is permitted, the thought being that the area will be held in readiness for an emergency.

Finally, it is contended that the best such reserves are the so-called tideland areas. Let us examine all three of these contentions.

First, the contention concerning our dwindling reserves. I served for a time as general counsel for the State Department of Conservation in Louisiana. In my humble opinion we have one of the finest oil-conservation statutes in the United States, and any idea or notion that we permit the wasteful use of our oil resources is completely contrary to the facts. But more important—at the end of the year 1939, the known reserves in this country were about 12,000,000,000 barrels. At the end of 1947, they were about 22,000,000,000 barrels. The world's reserves at the end of 1939, were about 34,000,000,000 barrels. At the end of 1947, they were 71,000,000,000 barrels. Why? Because oilmen, despite all these charges about these fantastic lobbies and so on, are the real rugged individualists in this country who by their speculative enterprise spend many millions of dollars at no cost to the Government and prove up these oil reserves. We have more oil reserves today despite the heaviest demand and the heaviest consumption that we have ever had in the history of the world. It is estimated that we have known reserves which will last about 50 years. In addition to that, we have established pilot plants whereby we have proved beyond a shadow of a doubt

that we can make high-quality gasoline and fuel from coal. There is enough coal to produce all the gasoline and fuel requirements of this Nation for a thousand years to come. So the argument about the lessening reserves falls by the board.

Let us take the second argument—that the Navy is going to maintain these reserves so that in time of emergency they will be available for use. What a fantastic concept of the development of oil. That argument presupposes that all you have to do is go out on a bright, sunny morning and sink a pipe in the ground and lo you will have an oil well producing 500 barrels of crude oil per day. In this day of the atom such a concept is even more absurd.

Mr. HÉBERT. Mr. Chairman, will the gentleman yield?

Mr. BOGGS of Louisiana. I am glad to yield to my distinguished friend and colleague who has done so much to secure the passage of this vital legislation.

Mr. HÉBERT. Will the gentleman inform the House with reference to the oil reserves of the Navy at Elk Hills whether those reserves were developed by the Navy or by a private company, the Standard Oil Co.?

Mr. BOGGS of Louisiana. My information is that those reserves were developed by private interests.

Mr. HÉBERT. And if it had not been for private interests that oil would not have been available for our Navy; is that not correct?

Mr. BOGGS of Louisiana. That is correct.

After all, do you think for one moment, does any Member of the Congress think for one moment, that we would appropriate, let us say, $10,000,000 for exploration for oil by the Navy Department? Of course we would not; and if we did appropriate $10,000,000 to sink oil wells in the Gulf of Mexico or in the Pacific Ocean, think of the congressional investigations that we would have when they brought in dry holes. So the Navy says that they are going to maintain these reserves without drilling a single, solitary oil well. Finally, they are going to do it in the Pacific Ocean or in the Gulf of Mexico, which would be two of the most vulnerable places that you could think of in the event of an attack. I say that that argument is so silly it is ridiculous. Moreover, Mr. Chairman, oil is not granite; it is not coal. It is something that moves; it is fugitive. When you drill a well here the oil in another area may be drained off, so that the so-called preservation of these reserves may not actually be any preservation. It may be drained.

This legislation, Mr. Chairman, is designed to confirm and establish the titles of the States to lands and resources in and beneath navigable waters within State boundaries and to provide for the use and control of said lands and resources.

From the very inception of the United States of America, it has been consistently recognized that the ownership, control, and development of all lands beneath navigable waters and tidewaters within the respective boundaries of the individual States, together with all natural resources therein was in the States and the people, and that this ownership is a vital part of State sovereignty, preserved for the respective States by the tenth amendment to the Constitution.

On June 23, 1947, the Supreme Court, in a widely discussed decision, United States against California, held that the question of ownership, control, and disposition of these respective resources and lands is inherently within the Federal area of jurisdiction.

The issue involves unlimited amounts of property and resources in our 48 States, inclusive of 65,000 square miles of marginal seas on our three coasts; vast areas on inland navigable streams and lakes, with their fisheries, sponges, and so forth, as well as all resources such as coal, iron, copper, gold, and silver. In Louisiana alone, an estimated total of State revenues obtained so far from oil, gas, and mineral development of State-owned lands, including water bottoms, is over $58,000,000. The development of these submerged lands in the production of oil, gas, and minerals is the result of much long-range planning by all of these States. Louisiana has diligently worked to develop her sulfur industry, oyster culture, and shrimping, all of which have contributed to the prosperity of our State.

To shift ownership and control to the Federal Government would deprive the State of this revenue needed for roads, public works, public welfare, educational institutions, and other essential services.

The purpose of the proposed legislation is to settle for once and for all the States' rights to ownership of these lands so that not only may the individual States be lawfully assured jurisdiction over that which is rightfully theirs, but also that an end may be put to endless litigations in this regard. The bill clearly states that—

> Title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and the right and power to control, develop, and use these natural resources in accordance with applicable State law are hereby recognized, confirmed, established, and vested in the respective States, or the persons lawfully entitled thereto under the law as established by the decisions of the respective courts of such States, and the respective grantees, lessees, or successors in interest thereof.

The bill also provides that the United States releases and relinquishes unto said States and persons aforesaid all right, title, and interest of the United States, if any it has, in and to all said lands, improvements, and natural resources, and releases and relinquishes all claims of the United States arising out of any operations pursuant to State authority upon or within said lands and navigable waters.

Enormous sums of money have been spent by the individual States in the development of the natural resources within these lands and waters, and the States have always maintained full powers of ownership and control of these lands, with full authority of the courts of the United States, without interfering with Federal rulings affecting commerce, navigation, or national security.

It should be pointed out that this legislation provides that the United States shall retain control of these lands for purposes of "commerce, navigation, national defense, and international affairs" (not conflicting with the powers of the States previously granted). This insures the harmonious relationship between the Federal and State Governments affecting matters of our national security.

The Attorney General of the United States, a few weeks ago, indicated that the Government would soon file suits against Louisiana, Texas, and possibly other States. This makes doubly important the immediate passage of this legislation. His statement that this legislation seeks to give away rights vested in the Federal Government is absurd. He knows that prior to the recent California case, the Supreme Court had repeatedly confirmed these rights to the States in a long line of decisions.

The administration bills, which he urged, represent nothing more than cheap politics. A scheme to permit the sharing of these resources by inland States, in order to secure votes for passage of the legislation. Incidentally, Louisiana not being a so-called reclamation State would derive no revenues whatsoever from the so-called reclamation portion.

If Congress fails to enact the tideland legislation sponsored by the State of Louisiana and many others, our State will be done irreparable damage, and its fiscal structure will be hopelessly damaged. I am proud to be one of the sponsors of the legislation being considered here today.

The time has come to halt the spread of Federal bureaucracy into every field of State and community activity. This legislation is a direct challenge to every State and to every Member of Congress, and none should be led astray by the clever barrage of propaganda directed against it by those who have either been deceived by the smoke screen argument of national defense or who are deliberately doing the bidding of the bureaucratic bigwigs.

Mr. REED of Illinois. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. NICHOLSON].

Mr. NICHOLSON. Mr. Chairman, it was pointed out by the gentleman from Massachusetts [Mr. PHILBIN] that in Boston it would take about 25 percent of the city—and that is true. However, I do not feel that the Federal Government has any claim to tidewater lands in Massachusetts, because we got our charter from King James, the same as Virginia did.

Further than that, in 1747, 200 years before this decision was made, we had a dispute with the State of New Hampshire about our boundary line, and the then King George II was the arbiter. He established the bounds, as far as Massachusetts and New Hampshire were concerned, at the town of Saulsbury and 3 miles out at sea. In 1598, or some date like that, at least before 1600, it was recognized throughout the then world that there was a 3-mile limit. We still have that 3-mile limit.

It seems to me that whether this affects Massachusetts or not, it is my opinion it does not affect either Massachusetts or Maine—but if it affects one State of the Union alone, the other 47 States should come to the rescue of that State and say, "We have the same right under this Constitution that the other States have." I think that is what it rests on.

It seems to me, Mr. Chairman, that the Federal Government has grabbed about all the powers it was possible for them to grab, and here is another one they want to get. This is a union of States, and when we entered the Union we brought in all the tidelands with us, and if the Federal Government attempts to take one foot of Massachusetts, whether it is tideland or not, they are violating not only the tenth but the fifth amendment to the Constitution.

So it seems to me, Mr. Chairman, that every Member of this Congress who believes in the sovereignty of the States, should vote for this bill. It also seems to me it is about time that the States woke up to the situation that the Federal Government does not do anything for them. It is we who have to put in our money and everything else for the Federal Government, and when we get it back we get it back in percentages of about 40 or 50 percent.

I hope we can go on record here in this body 100 percent in favor of State rights.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. NICHOLSON] has expired.

Mr. WALTER. Mr. Chairman, I yield such time as he may desire to the gentleman from Texas [Mr. TEAGUE].

Mr. TEAGUE. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TEAGUE. Mr. Chairman, I wish to make a brief general statement concerning H. R. 5380 which I have introduced and which will quitclaim our tidelands and waters to our States.

I am one of those who believe that we should keep our Government close to home. It is my belief that this committee is considering one of the most important questions before the Congress at this time.

I am not a lawyer and I will not attempt to discuss any legal angles concerning this case but common sense tells me that after the Supreme Court ruled 102 years ago that the tidelands belong to the States and since that time this case has been cited with approval by other courts 296 times. The Attorneys General of the United States have followed this ruling made 102 years ago 49 times; the Federal Government has recognized it 30 times by its buying or leasing land from the States; the Department of the Interior recognized it 31 times. Relying upon these decisions and opinions billions of dollars have been invested in these waters and the soil under them. If ever property rights were thought to be settled this was it.

In Texas we have felt secure in our title to our submerged land and all public lands, because when Texas came into the Union in 1845 the question of ownership of the State's public lands was in issue, and the United States Congress expressly agreed that Texas would retain title to these lands. Every Texan is personally interested in this case. Every Texan has some oil and owns some tidelands, because the Texas Legislature has dedicated all mineral revenues from tidelands to the public-school funds of Texas; therefore every Texan receives some benefits in the education of our children and in less direct taxation for school purposes.

Mr. Chairman, I wish to include in this statement three good reasons which justify the outrage that most Texas citizens feel over the attempt of the Federal Government to seize control of our submerged lands in the Gulf of Mexico. These reasons were recently given by Mr. Price Daniel, the attorney general of Texas, and I do not believe that I could improve upon them:

First, this property commonly known as the tidelands was included within the original boundaries of the Republic of Texas. Upon annexation to the United States, Texas reserved all the vacant and unappropriated lands within its boundaries and did not grant or cede any of our submerged lands to the Federal Government. For 100 years these submerged lands have been recognized as the property of the State of Texas. Before our annexation agreement, the Supreme Court of the United States had twice decided that the original Thirteen States and those subsequently admitted upon an equal footing owned all lands beneath the navigable waters within their respective boundaries. By both this established general rule of law and by the special provisions of the annexation agreement, Texas has had every right to believe that our State ownership of submerged lands would be respected and defended by the Federal Government. To deny State ownership and attempt to seize control of these lands and resources after 100 years of State ownership is to destroy the previous general rule of law upon which we were entitled to rely and to reduce our special annexation agreement to a mere scrap of paper.

Secondly, every Texan has a direct and personal interest in continuation of State ownership, because all the revenues from these lands were dedicated many years ago to the public-school fund of Texas. Already these lands have yielded over $25,000,000 to the public schools of Texas. It is certain that they will yield many more millions annually within a few years. If the lands are lost, the taxpayers of Texas will have to make up the millions of dollars which would be taken away from our public schools each year.

Thirdly, practically all Texas citizens believe that the powers and the rights of the Federal Government are limited to those expressly granted to the national sovereign by the Constitution, and that all other rights and powers are reserved by the tenth amendment to the States and to the people. We prefer to resist all attempts of the Federal Government to centralize other rights and powers in Washington at the expense of the States and the people. Federal claims and the decision of the Supreme Court in the California case announce a new theory of inherent Federal rights to control lands and resources even though such rights were not delegated to it by the Constitution and even though the lands are not owned by the Federal Government. It is a new theory of super-Federal powers which, if allowed to stand, would destroy State rights and responsibilities, our whole system of dual State and Federal sovereignties, and cloud the titles of resources beneath private property.

Now, Mr. Chairman, although I am particularly interested as far as Texas is concerned, I am more concerned about the pattern which is developing of our Federal Government taking more and more power unto itself. It is my opinion that we have too much power in Federal Government at this time and that we in Congress should fight every bill which tends to take more and more power from our States. I respectfully urge the Members to favorably consider this legislation, which will quitclaim these lands to the various States.

Mr. WALTER. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. ROGERS].

Mr. ROGERS of Florida. Mr. Chairman, unless this Congress passes this bill it will stab the sovereignty of the States in the back and will bleed the States white. By that I mean that this is particularly a matter of State sovereignty, and certainly this Congress should sustain that doctrine.

At the Conference of Governors, held at Salt Lake City, Utah, on July 16, 1947, the following resolution was unanimously passed:

Since the founding of our Nation, the States have exercised sovereignty over the tidelands, the submerged lands, including the soil under navigable inland waters and soils under all navigable waters within their territorial jurisdiction, whether inland or not.

Under the common law and civil law, the States' sovereignty and authority over and title to said lands has been long acknowledged, affirmed, and respected by the Federal Government, whose only powers were expressly delegated to it by the States at the time of the formation of our Government.

The States did not delegate unto the Federal Government authority or power over or title to said lands, but retained same to and for the States.

The recent decision of the Supreme Court did not decide the question of ownership of tidewater lands, but it did cast a cloud on the States' title to said lands and upon the oil and other minerals beneath, and it is apparent from the decision that the Court did recognize the ownership of tidewater lands as being a question for the Congress to decide and pass upon.

The title to the tidelands and submerged lands of the States is clouded by this decision and the language therein is so broad as to be extendable to the soil under navigable inland waters and soils under the navigable waters within the territory or jurisdiction of the States, and even to other minerals or important elements on or beneath the soil of the States.

Certainly this cloud of uncertainty and confusion can be removed by the passage of this bill by the Congress and it is therefore the duty of Congress to clarify this situation which is of national importance and for the welfare of its citizens.

The passage of this measure will do no State any harm but will benefit every State having a shoreline.

Article I of the Constitution of the State of Florida, adopted in 1885, sets

forth the boundaries as they exist today. The Florida Constitution, article I, provides:

The boundaries of the State of Florida shall be as follows: Commencing at the mouth of the River Perdido; from thence up the middle of said river to where it intersects the south boundary line of the State of Alabama, and the thirty-first degree of north latitude; thence due east to the Chattahoochee River; thence down the middle of said river to its confluence with the Flint River; thence straight to the head of the St. Marys River; thence down the middle of said river to the Atlantic Ocean; thence southeastwardly along the coast to the edge of the Gulf Stream; then southwestwardly along the edge of the Gulf Stream and Florida reefs to, and including the Tortugas Islands; thence northeastwardly to a point 3 leagues from the mainland; thence northwestwardly 3 leagues from the land to a point west of the mouth of the Perdido River; thence to the place of beginning.

Under our laws the management of the tidelands is vested in a governing board designated the Trustees of the Internal Improvement Fund of the State of Florida. Since approximately 1853 the administration of the submerged lands of Florida, both inland and coastal, have been administered by said trustees.

They have leased these lands for the removal of oyster and coquina shell, lime rock, salt, seaweed, precious metals, and buried treasure. Other lands have been leased for public ports, docks, seaplane runways, oyster farms, and so forth. Recently lands have been leased for oil exploration, and the Supreme Court of Florida has upheld the legality of such action.

You can see, therefore, that millions of dollars have been invested in projects along the coast line, and vested rights have been acquired. Also millions of dollars have been expended in filling in land and extending the low watermark outward into the sea, and on such land costly buildings have been constructed.

Thus, you can see how the people holding vested rights might become affected and disturbed unless this bill is passed, which would quiet the title to each and every vested-right holder.

It is my opinion that the decision of the Supreme Court has assigned the province of settling this tidelands question to the Congress, and I am sure that the passage of this bill by Congress will be unanimously approved by the Supreme Court of the United States in the event the question should ever be brought before the Supreme Court for another decision.

In conclusion I desire to congratulate the Governor of my State, the Honorable Millard Caldwell, who was a former Member of this House, for the convincing, lucid, and forceful statement before the subcommittee of the Committee on the Judiciary who held hearings on this bill. It is difficult for anyone to read this statement of Governor Caldwell and not favor the passage of this bill.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. ROGERS of Florida. I yield.

Mr. McDONOUGH. The State of Florida has 5,277 statute miles of shore line affected by this decision.

Mr. ROGERS of Florida. I thank the gentleman for his contribution.

The CHAIRMAN. The time of the gentleman from Florida has expired.

Mr. ALLEN of Illinois. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. DONDERO].

The CHAIRMAN. The gentleman from Michigan is recognized for 6 minutes.

Mr. DONDERO. Mr. Chairman, H. R. 5992 is an important piece of legislation to all the Members of this House and particularly those who live in the Great Lakes area. Every one of the Great Lakes except Lake Michigan is international boundary water and affected by the decision in the so-called California case.

Mr. POULSON. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. POULSON. Are there any oil wells in the gentleman's area?

Mr. DONDERO. Yes; I am coming to that.

Michigan, at the present time is an oil-producing State. To show how widespread and how far the effect of the California decision has gone, an applicant for an oil well lease has refused to apply to the authorities of the State of Michigan but has come to Washington and has made his application to the Department of the Interior. No longer does Michigan have control over the marginal lands on Lake Michigan.

Not only has the decision thrown great doubt and clouded the title to marginal land on the shores of the ocean but also of the Great Lakes, they too are involved. My State has invested millions of dollars in works and improvements along the shores of the Great Lakes. I might say to the gentleman from Florida [Mr. ROGERS] that Michigan like his State has some 1,700 miles of coast line that are affected by the California decision. I wonder whether the Federal Government under the California decision owns the title to the land under those improvements? At the present time along the Detroit River, which is an international boundary line, private investment is taking minerals from under the bed of the Detroit River.

I wonder whether under this decision they have any further right to do so under our State law. Must they now apply to the Federal Government for permission to take out such mineral? Even though the statement is made that the Federal Government is only interested in oil, I am not sure, as I read the decision, that it does not apply to other minerals as well as oil. Therefore, this creates great doubt and confusion in industry and the municipalities, private citizens and the States themselves.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Mississippi.

Mr. RANKIN. If this is applied to oil it can be made to apply to the fisheries and to every other right that the people of the States have.

Mr. DONDERO. The decision seriously invades the sovereignty of the States. The bill now before the House is to restore that sovereignty. I am heartily in favor of the passage of this bill and I hope it passes this House without a dissenting vote.

Mr. BRADLEY. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from California.

Mr. BRADLEY. May I express to the gentleman the very great thanks of California, especially of my own city of Long Beach, for his great courtesy and the courtesy of the other gentlemen who have spoken in favor of this just legislation.

Mr. DONDERO. I thank the gentleman.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Michigan.

Mr. MICHENER. I was going to suggest that this bill primarily effects the bottom of the sea or lake and does not deal with the water. The fish migrate anywhere in the ocean or in the lake.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Mississippi.

Mr. RANKIN. The point I was making about that is this decision, if carried to its logical conclusion, might interfere with the rights of the people to the fishing grounds along these coasts.

Mr. DONDERO. It might also interfere with all buildings and structures which have already been erected along the seacoasts of the country and the Great Lakes.

Mr. RANKIN. I raised the question whether or not the States have a right to enforce their own laws in the area, too.

Mr. DONDERO. Yes. It throws great doubt and confusion over the entire matter.

Mr. POULSON. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from California.

Mr. POULSON. The point I wanted to bring up when I asked the gentleman the question a few minutes ago was the fact that this is not strictly an oil bill. This is a bill which covers a problem far greater than the fact that there happens to be oil along a small part of the California coast.

Mr. DONDERO. This bill is of as much importance to the people of the country as the California decision has been disastrous in confusing the rights of the people of the various States.

Mr. McDONOUGH. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from California.

Mr. McDONOUGH. I want to confirm what my colleague from California [Mr. BRADLEY] said about the gentleman from Michigan, the chairman of my committee, in giving his time and his attention to helping this bill to pass. In reference to the oil question along the coast of California, of the 2,800 statute miles affected only 15 miles of that is oil-bearing land according to present known researches.

Mr. DONDERO. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. WALTER. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. RAYBURN].

Mr. RAYBURN. Mr. Chairman, I believe now as I have always believed that these lands belong to all of the States that touch the water. I want to put into the RECORD one thing, however, and that is that the State of Texas stands on a little different footing from any other State.

In 1845 we were admitted into the Union as a State, retaining all of our public domain, and the metes and bounds of Texas as a republic we interpret are the boundaries of the State of Texas today. The first Congress of the Texas Republic in 1836 passed this law fixing the boundaries of the State of Texas with reference to the tidelands, quote:

> Beginning at the mouth of the Sabine River, and running west along the Gulf of Mexico 3 leagues from land, to the mouth of the Rio Grande.

That means that Texas was admitted into the Union under this agreement and that we claim as the property of the State of Texas not 3 miles but 3 leagues or 10½ miles.

Our title to 10½ miles of water in the Gulf of Mexico is as definite and as valid, in my opinion, as the inland public domain about which there can be and is no question.

I simply wanted this record to show that if this matter comes up at a later date, that we assert that that is our boundary—10½ miles offshore.

Mr. WALTER. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. RILEY] be permitted to extend his remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RILEY. Mr. Chairman, when the American Colonies won their independence from England, they won it as a federation of States, and all the rights won, including boundaries and properties, were reserved to the individual Colonies until such time as some of these rights were ceded to the Federal Government for the purpose of effecting the United States. When the Constitution was adopted, the various States gave to the Federal Government the right to regulate commerce, both foreign and between the various States. This, of course, gave them the right to control the navigable waters in the several States, but no title to the lands or minerals under these waters or any indication of ceding them to the Federal Government was ever made by the States.

The principle of the State's ownership of submerged lands, both under the inland waters and under the sea to the extent of the 3-mile limit, has been affirmed again and again by both the State and Federal courts. In fact, I am informed that this principle has been enunciated in 244 State and Federal cases and has been affirmed 52 times by the Supreme Court itself. Twice in recent years, because of the question raised, the Congress has passed acts affirming the title of these lands in the States—once in the Seventy-sixth Congress and again in the Seventy-ninth Congress. Both of these acts were vetoed by the President. To further confuse the issue, the Supreme Court of the United States, in the case of the United States of America against the State of California, rendered June 23, 1947, Justice Black, in expressing the majority opinion of the Court, states that "qualified ownership of lands under inland navigable waters such as rivers, harbors, and even tidelands down to the low-water mark" was retained in the States.

In using the term, "qualified ownership," this opinion clearly casts a cloud on all the lands under navigable streams, bays, and beach property extending beyond the low-water mark. Inasmuch as millions of dollars worth of property has been developed along the waterways of the States and on the beaches of the States, both for commercial and recreational purposes, the rights of individual citizens is by indirection involved and the titles to their properties in some instances, at least, questioned. The Honorable J. Strom Thurmond, the Governor of South Carolina, in testifying before the Senate committee, stated that approximately 265,000 acres of tidelands were involved on the South Carolina coast, and approximately 450,000 acres of lands under inland waters and bays were involved. All told, a clear title to nearly three-quarters of a million acres of lands will be lost to my State and its citizens unless this bill passes—lands that the State has owned without question for more than 150 years.

Section 2038 of the 1942 Code of Laws for South Carolina states that—

> On the east the State is bounded by the Atlantic Ocean from the mouth of the Savannah River to the northern boundary near the mouth of Little River, including all islands.

Section 3300 of the same code says:

> The waters and bottoms of the bays, rivers, creeks, and marshes within the State or within 3 miles of any point along the low-water mark on the coast thereof.

Our State court has ruled that—

> The jurisdiction of the State extends into the ocean for as much as 3 miles.

Thus, by the treaty following the Revolutionary War, by judicial interpretation, and by legislative action, that part of the marginal lands under the sea within 3 miles of the low-water mark along the coast or the islands adjacent thereto is included within the boundaries of the State of South Carolina. The same principles, of course, apply to the other States in the Union. The decision of the Supreme Court last year not only casts a cloud upon the title of the State to submerged lands, but it also casts a cloud upon the rights of the State to regulate the fishing industries, including the shrimping and oyster industry. In my State, the authority of the Tax Commission to license fishermen and fishing boats has already been questioned, and probably will be questioned again if the decision of the Supreme Court is allowed to stand. This will cause a loss of considerable revenue in my State, as well as the authority to protect a great many of its natural resources.

The matter is a very serious one and in order to protect the rights of the State and the individual rights of its citizens, this legislation should be passed by an overwhelming vote.

The CHAIRMAN. All time has expired. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the United States of America, recognizing—

(a) that the several States, and the others as hereinafter mentioned, since July 4, 1776, or since their formation and admission to the Union, have exercised full powers of ownership of all lands beneath navigable waters within their respective boundaries and all natural resources within such lands and waters, and full control of said natural resources, with the full acquiescence and approval of the United States and in accordance with many pronouncements of the Supreme Court and decisions of the executive departments of the Federal Government that such lands and resources were vested in the respective States as an incident to State sovereignty and that the exercise of such powers of ownership and control has not in the past impaired or interfered with and will not impair or interfere with the exercise by the Federal Government of its constitutional powers in relation to said lands and navigable waters and to the control and regulation of commerce, navigation, national defense, and international relations; and

(b) that the several States, their subdivisions, and persons lawfully acting pursuant to State authority have expended enormous sums of money on improving and reclaiming said lands and in developing the natural resources in said lands and waters in full reliance upon the validity of their titles; and

(c) that a recent decision of the Supreme Court held that the Federal Government has certain paramount powers with respect to a portion of said lands without reaffirming or settling the ultimate question of ownership of such lands and resources, but said decision recognizes that the question of the ownership and control of said lands and natural resources, is within the "congressional area of national power" and that Congress will not execute its powers "in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission";

it is hereby determined and declared to be in the public interest that title to and ownership of the lands beneath navigable waters within the boundaries of the respective States, and the natural resources within such lands and waters, and the right and power to control, develop, and use the said natural resources in accordance with applicable State law be, and they are hereby, recognized, confirmed, established, and vested in the respective States or the persons lawfully entitled thereto under the law as established by the decisions of the respective courts of such States, and the respective grantees, lessees, or successors in interest thereof; and the United States hereby release and relinquishes unto said States and persons aforesaid all right, title, and interest of the United States, if any it has, in and to all said lands, improvement, and natural resources, and releases and relinquishes all claims of the United States, if any it has, arising out of any operations of said States or persons pursuant to State authority upon or within said lands and navigable waters: *Provided, however*, That nothing in this act shall affect the use, development, improvement, and control by or under the authority of the United States of said lands and waters for the purposes of navigation or flood control or the production or distribution of power, or be construed as the release or relinquishment

of any rights of the United States arising under the authority of Congress to regulate or improve navigation or to provide for flood control or the production or distribution of power.

SEC. 2. As used in this act—

(a) the term "lands beneath navigable waters" includes (1) all lands within the boundaries of each of the respective States which were covered by waters navigable under the laws of the United States, at the time such State became a member of the Union, and all lands permanently or periodically covered by tidal waters up to but not above the line of mean high tide and seaward to a line three geographical miles distant from the coast line of each such State and to the boundary line of each such State where in any case such boundary, as it existed at the time such State became a member of the Union, or as heretofore or hereafter approved by Congress, extends seaward (or into the Great Lakes or Gulf of Mexico) beyond three geographical miles, and (2) all lands formerly beneath navigable waters, as herein defined, which have been filled or reclaimed; the term "boundaries" includes the seaward boundaries of a State or its boundaries in the Gulf of Mexico or any of the Great Lakes as they existed at the time such State became a member of the Union, or as heretofore or hereafter approved by the Congress, or as extended or confirmed pursuant to section 3 hereof;

(b) the term "coast line" means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of all estuaries, ports, harbors, bays, straits, and sounds, and all other bodies of water which are landward of the open sea;

(c) the terms "grantees" and "lessees" include (without limiting the generality thereof) all political subdivisions, municipalities, and persons holding grants or leases from a State to lands beneath navigable waters if such grants or leases were issued in accordance with the constitution, statutes, and decisions of the courts of the State in which such lands are situated; and the term "person" shall include corporations, partnerships, and associations;

(d) the term "natural resources" shall not include water power or the use of water for the production of power;

(e) the term "lands beneath navigable waters" shall not include the beds of streams in lands now or heretofore constituting a part of the public lands of the United States if such streams were not meandered in connection with the public survey of such lands under the laws of the United States.

SEC. 3. Any State which has not already done so may extend its seaward boundaries (or its boundaries in the Great Lakes) to a line three geographical miles distant from its coastline. Any claim heretofore or hereafter asserted either by constitutional provision, statute, or otherwise, indicating the intent of a State to extend its boundaries to a line three geographical miles distant from its coastline is hereby approved and confirmed, without prejudice to its claim, if any it has, that its boundaries extend beyond that line.

SEC. 4. There is excepted from the operation of the first section of this act—

(a) all lands and resources therein or improvements thereon which have been lawfully acquired by the United States from any State or from any person in whom title had vested under the decisions of the courts of such State, or their respective grantees, or successors in interest, by cession, grant, quitclaim, or condemnation, or from any other owner or owners thereof by conveyance or by condemnation, provided such owner or owners had lawfully acquired the title to such lands and resources in accordance with the statutes or decisions of the courts of the State in which the lands are located; and

(b) such lands beneath navigable waters within the boundaries of the respective States and such interests therein as the United States is lawfully entitled to under the law as established by the decisions of the courts of the State in which the land is situated, or which are held by the United States in trust for the benefit of any tribe, band, or group of Indians or for individual Indians.

SEC. 5. (a) The United States retains all its powers of regulation and control of said lands and navigable waters for the purposes of commerce, navigation, national defense, and international affairs except those rights to the ownership, use, development and control of the lands and natural resources, which are specifically recognized, confirmed, established, and vested in the respective States and others by the first section of this act.

(b) In time of war or when necessary for national defense, and the Congress or the President shall so prescribe, the United States shall have the right of first refusal to purchase at the prevailing market price, all or any portion of the said natural resources, or to acquire and use any portion of said lands by proceeding in accordance with due process of law and paying just compensation therefor.

SEC. 6. Nothing in this act shall be deemed to affect the determination by legislation or judicial decree of any issues between the United States and the respective States relating to the ownership or control of that portion of the subsoil and sea bed of the Continental Shelf lying seaward and outside of the area of lands beneath navigable waters, described in section 2 hereof.

SEC. 7. Nothing in this act shall be deemed to amend, modify or repeal the acts of July 26, 1866 (14 Stat. 251), July 3, 1870 (16 Stat. 217), March 3, 1877 (19 Stat. 377), and June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto.

Mr. REED of Illinois (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as read and printed in the RECORD at this point, and that it be open to amendment at any point thereof.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any amendments?

Mr. REED of Illinois. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. REED of Illinois: On page 1, line 9, after the word "resources", insert the words "including fish and other marine life."

Mr. REED of Illinois. Mr. Chairman, I have offered this amendment at the request of several Members who come from States with extensive fishing industries. Likewise, many members of the Committee on the Merchant Marine and Fisheries have urged its insertion. The amendment simply adds after the word "resources" the words "including fish and other marine life." It is merely clarifying, and makes for certain that the word "resources" does include fish and marine life. I have conferred with majority and minority members of the committee. There is no objection to its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore having resumed the Chair, Mr. SMITH of Wisconsin, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 5992) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources, pursuant to House Resolution 548, he reported the bill to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. BRADLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 257, nays 29, answered "present" 3, not voting 141, as follows:

[Roll No. 54]

YEAS—257

Abernethy	Dawson, Utah	Jenison
Allen, Calif.	Delaney	Jensen
Allen, La.	Devitt	Johnson, Calif.
Anderson, Calif.	D'Ewart	Johnson, Ill.
Andresen, August H.	Dolliver	Johnson, Tex.
	Domengeaux	Jones, Ala.
Andrews, N. Y.	Dondero	Jones, N. C.
Angell	Donohue	Jones, Wash.
Arends	Doughton	Jonkman
Barrett	Elliott	Judd
Bates, Ky.	Ellis	Kean
Bates, Mass.	Ellsworth	Kearns
Beall	Elsaesser	Kee
Beckworth	Engel, Mich.	Kersten, Wis.
Bennett, Mich.	Fellows	Kilday
Bishop	Fenton	King
Blackney	Fernandez	Knutson
Bland	Fisher	Kunkel
Bloom	Flannagan	Landis
Boggs, Del.	Fletcher	Lane
Boggs, La.	Fogarty	Larcade
Bolton	Foote	Latham
Bradley	Fuller	Lea
Bramblett	Gamble	LeCompte
Brehm	Gary	LeFevre
Brooks	Gathings	Lemke
Brown, Ga.	Gavin	Lodge
Brown, Ohio	Gearhart	Love
Bryson	Gillette	Lucas
Buffett	Goff	Lusk
Bulwinkle	Goodwin	Lyle
Burke	Gossett	McConnell
Burleson	Gregory	McCulloch
Butler	Griffiths	McDonough
Byrnes, Wis.	Gwynne, Iowa	McDowell
Camp	Hagen	McGarvey
Cannon	Hale	McGregor
Case, N. J.	Hall, Edwin Arthur	McMahon
Chadwick		McMillan, S. C.
Chelf	Hall, Leonard W.	McMillen, Ill.
Chiperfield		Mack
Church	Halleck	MacKinnon
Clark	Hand	Macy
Clason	Hardy	Mahon
Clevenger	Harness, Ind.	Maloney
Cole, Kans.	Harris	Martin, Iowa
Cole, N. Y.	Hart	Mason
Combs	Havenner	Meyer
Cooper	Hays	Michener
Cotton	Hébert	Miller, Conn.
Cox	Herter	Miller, Md.
Cravens	Heselton	Miller, Nebr.
Crawford	Hinshaw	Mills
Cunningham	Hoeven	Morris
Curtis	Hoffman	Morrison
Davis, Ga.	Holifield	Muh'enberg
Davis, Tenn.	Holmes	Mundt
Davis, Wis.	Horan	Murray, Tenn.

Nicholson	Riehlman	Talle
Nixon	Riley	Teague
Norblad	Rogers, Fla.	Thomas, Tex.
Norrell	Rogers, Mass.	Thompson
O'Hara	Rohrbough	Tibbott
O'Konski	Rooney	Tollefson
O'Toole	Ross	Towe
Pace	Russell	Trimble
Passman	Sadlak	Twyman
Patterson	St. George	Van Zandt
Peden	Sarbacher	Vinson
Peterson	Sasscer	Vorys
Philbin	Schwabe, Okla.	Wadsworth
Phillips, Calif.	Scrivner	Walter
Pickett	Seely-Brown	Weichel
Plumley	Shafer	Welch
Poage	Simpson, Ill.	Wheeler
Potter	Simpson, Pa.	Whitten
Poulson	Smathers	Whittington
Preston	Smith, Kans.	Wigglesworth
Priest	Smith, Wis.	Wilson, Tex.
Rankin	Snyder	Winstead
Rayburn	Stefan	Wolcott
Reed, Ill.	Stevenson	Wolverton
Reed, N. Y.	Stigler	Wood
Rees	Stockman	Woodruff
Reeves	Stratton	Worley
Regan	Sundstrom	Youngblood
Richards	Taber	

NAYS—29

Andersen, H. Carl	Fulton	McCormack
Bakewell	Gordon	Madden
Blatnik	Granger	Marcantonio
Buchanan	Huber	Murray, Wis.
Chapman	Hull	O'Brien
Cooley	Jackson, Wash.	Powell
Dawson, Ill.	Javits	Price, Ill.
Eberharter	Karsten, Mo.	Sabath
Feighan	Keating	Spence
	Kelley	Whitaker

ANSWERED "PRESENT"—3

Evins	Folger	Lanham

NOT VOTING—141

Abbitt	Gillie	Miller, Calif.
Albert	Gore	Mitchell
Allen, Ill.	Gorski	Monroney
Andrews, Ala.	Graham	Morgan
Arnold	Grant, Ala.	Morton
Auchincloss	Grant, Ind.	Multer
Banta	Gross	Murdock
Barden	Gwinn, N. Y.	Nodar
Battle	Harless, Ariz.	Norton
Bell	Harrison	Owens
Bender	Hartley	Patman
Bennett, Mo.	Harvey	Pfeifer
Bonner	Hedrick	Phillips, Tenn.
Boykin	Heffernan	Ploeser
Brophy	Hendricks	Potts
Buck	Hess	Price, Fla.
Buckley	Hill	Rains
Busbey	Hobbs	Ramey
Byrne, N. Y.	Hope	Redden
Canfield	Isacson	Rich
Carroll	Jackson, Calif.	Rivers
Carson	Jarman	Rizley
Case, S. Dak.	Jenkins, Ohio	Robertson
Celler	Jenkins, Pa.	Rockwell
Chenoweth	Jennings	Sadowski
Clippinger	Johnson, Ind.	Sanborn
Coffin	Johnson, Okla.	Schwabe, Mo.
Cole, Mo.	Kearney	Scoblick
Colmer	Keefe	Scott, Hardie
Corbett	Kefauver	Scott, Hugh D., Jr.
Coudert	Kennedy	Sheppard
Courtney	Keogh	Short
Crosser	Kerr	Sikes
Crow	Kilburn	Smith, Maine
Dague	Kirwan	Smith, Ohio
Deane	Klein	Smith, Va.
Dingell	Lesinski	Somers
Dirksen	Lewis	Stanley
Dorn	Lichtenwalter	Taylor
Douglas	Ludlow	Thomas, N. J.
Durham	Lynch	Vail
Eaton	McCowen	Vursell
Elston	Manasco	West
Engle, Calif.	Mansfield	Williams
Fallon	Mathews	Wilson, Ind.
Forand	Meade, Ky.	
Gallagher	Meade, Md.	
Garmatz	Merrow	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hedrick for, with Mr. Forand against.

Mr. Patman for, with Mr. Folger against.

Mr. Price of Florida for, with Mr. Hobbs against.

Mr. Redden for, with Mr. Celler against.

Mr. Albert for, with Mrs. Douglas against.

Mr. Jackson of California for, with Mr. Klein against.

Mr. Arnold of Missouri for, with Mr. Sadowski against.

Mr. Auchincloss for, with Mr. Gore against.

Mr. Ploeser for, with Mr. Isacson against.

Mr. Harvey for, with Mr. Lanham against.

Mr. Keogh for, with Mr. Lesinski against.

Mr. Engle of California for, with Mr. Morgan against.

Mr. Sikes for, with Mr. Gorski against.

Mr. Fallon for, with Mrs. Norton against.

Mr. Graham for, with Mr. Dingell against.

Mr. Miller of California for, with Mr. Kennedy against.

Mr. Stanley for, with Mr. Kirwan against.

General pairs until further notice:

Mr. Hardie Scott with Mr. Williams.

Mrs. Smith of Maine with Mr. West.

Mr. Bennett of Missouri with Mr. Dorn.

Mr. Dague with Mr. Deane.

Mr. Eaton with Mr. Bonner.

Mr. Mitchell with Mr. Garmatz.

Mr. Kilburn with Mr. Courtney.

Mr. Rich with Mr. Durham.

Mr. Thomas of New Jersey with Mr. Meade of Maryland.

Mr. Mathews with Mr. Byrne of New York.

Mr. Busbey with Mr. Carroll.

Mr. Taylor with Mr. Rains.

Mr. Rockwell with Mr. Heffernan.

Mr. Allen of Illinois with Mr. Battle.

Mr. Rizley with Mr. Grant of Alabama.

Mr. Coudert with Mr. Harrison.

Mr. Gallagher with Mr. Ludlow.

Mr. Lichtenwalter with Mr. Manasco.

Mr. Short with Mr. Crosser.

Mr. Carson with Mr. Boykin.

Mr. Dirksen with Mr. Mansfield.

Mr. Schwabe of Missouri with Mr. Buckley.

Mr. Jenkins of Ohio with Mr. Sheppard.

Mr. Sanborn with Mr. Rivers.

Mr. Elston with Mr. Pfeifer.

Mr. Kearney with Mr. Colmer.

Mr. Chenoweth with Mr. Lynch.

Mr. Coffin with Mr. Somers.

Mr. Cole of Missouri with Mr. Harless of Arizona.

Mr. Scoblick with Mr. Jarman.

Mr. Hugh D. Scott, Jr., with Mr. Kefauver.

Mr. Gillie with Mr. Johnson of Oklahoma.

Mr. Grant of Indiana with Mr. Abbitt.

Mr. Bender with Mr. Barden.

Mr. Jennings with Mr. Murdock.

Mr. Gross with Mr. Monroney.

Mr. Meade of Kentucky with Mr. Multer.

Mr. Morton with Mr. Hendricks.

Mr. Jenkins of Pennsylvania with Mr. Kerr.

Mr. Brophy with Mr. Andrews of Alabama.

Mr. Gwinn of New York with Mr. Bell.

Mr. McCowen with Mr. Smith of Virginia.

Mr. FOLGER. Mr. Speaker, I have a live pair with the gentleman from Texas, Mr. PATMAN. If he were present, he would vote "yea." I voted "nay." I withdraw my vote and vote "present."

Mr. LANHAM. Mr. Speaker, I have a live pair with the gentleman from Indiana, Mr. HARVEY. If he were present, he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WELCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at the point following my remarks in general debate and to include two communications referred to by me at that time.

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

There was no objection.

Mr. JENSEN (at the request of Mr. PHILLIPS) was given permission to extend his remarks in the RECORD and to include some material about William Tyler Page.

GENERAL LEAVE TO EXTEND REMARKS

Mr. REED of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have five legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HATS OFF TO MR. TABER

Mr. PHILLIPS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIPS of California. Mr. Speaker, under the heading "Hands Off, Mr. TABER," a Washington paper yesterday morning paid a high compliment to the distinguished chairman of the Committee on Appropriations of the House of Representatives, which I do not think should go unnoticed on this floor. It was not intended to be a compliment.

The editorial said—and I quote:

> The interest manifested by Chairman TABER of the House Appropriations Committee in Administrator Hoffman's plans for allocation of ECA funds is decidedly perturbing.

Mr. Speaker, I want the House to think of that carefully. The chairman of the House Appropriations Committee is by his position required to investigate, through the several subcommittees, every expenditure, every appropriation. That is what that committee is expected and required to do.

We were furnished with a great deal of information, and a great many figures, while the ERP bill was on the floor of this House. The most outstanding characteristic of these figures and alleged facts was their inadequacy, probably their inaccuracy. I can only point out the article in the Wall Street Journal of a few days ago which said that "The figures furnished during the discussion on the European recovery plan were educated guesses," or words to that effect.

I also call attention to the fact that one analyst, attempting to get the authority for certain figures, was advised from abroad that the information would not be available until June 1.

I rise today to ask how Mr. Hoffman knew so much about these figures so soon after he had been sworn in. The newspaper said:

> Mr. Hoffman has not even had time to check and revise these estimates.

Yet Mr. Hoffman has already been on the Hill before the committee, and has been quoted as saying that $5,300,000,000 is not adequate.

The editorial adds that—

> The major danger suggested by Mr. TABER's probing activities is the possibility that he will use the information placed at his disposal to work out some plan of his own for distributing ECA funds, or attach conditions to the utilization that would tie the hands of the Administrator and impair the effectiveness of the recovery program.

In other words, the only program which would satisfy the people who have been responsible for this deception upon the citizens of both America and Europe, would be the blank check policy with which we were so unhappily familiar from 1932 until January 1947.

As a member of the Subcommittee on Independent Offices, which has before it the budget for the Veterans' Administration, the Atomic Energy Commission, and 29 other agencies of the Government, I can report that a somewhat similar situation occurred before that committee a year ago. The Atomic Energy Commission, with Mr. Lilienthal and his colleagues as newly appointed commissioners, came before that subcommittee and frankly said that they did not have adequate information upon which to give the committee the figures they felt the committee should have. We extended the time, gave them partial appropriations, and contract authorizations, and in every way that Commission has attempted to cooperate with the Committee on Appropriations. I can only say again, that this type of criticism should be regarded as a great compliment, both to Mr. TABER and to Congress. The caption should have been "Hats Off to Mr. TABER!"

RECESS

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that it may be in order for the Chair to declare a recess at any time this afternoon subject to the call of the Chair.

Mr. GAMBLE. Mr. Speaker, reserving the right to object, there is pending in the Senate at the present time the extension of title VI of FHA. That title expires at midnight tonight, and some action must be taken by this House, if it is to be continued, when the Senate concludes its deliberations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

STEEL SCRAP

Mr. MACY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MACY. Mr. Speaker, you have heard me frequently allude here on the floor to the overriding importance of replenishing the country's depleted supply of steel scrap to knock down the black markets and bolster our national defense.

Our Black Markets Investigating Committee 6 weeks ago wrote Secretaries Marshall and Forrestal and Admiral Smith, of the Maritime Commission, inquiring as to whether it was not entirely feasible to use our ships returning empty after delivering relief abroad to bring back the steel scrap that is lying in the destroyed Ruhr section of Germany. This possibility has been apparent for well over a year.

After pressing our suggestion steadily for a month, a hearing was held before our subcommittee less than a fortnight ago to which were called the most expert authorities in the steel trade and in those Government departments especially concerned. Every contention made by our committee was fully substantiated, and I am now happy to report that this morning's papers record that an intergovernmental body has now been set up to accomplish just exactly what our committee recommended.

This again proves the value of a congressional committee of inquiry in that it has wide power to acquire information with great speed, present the facts to the public, and make recommendations accordingly. So our Committee on Black Markets focused upon the basic commodity—steel—and found its way directly to the core of the trouble. Obviously the remedy lies in translating what apparently all authorities are now agreed upon into action, and we shall call further hearings to make certain that such action does take place, and with all possible speed.

PRIVILEGE OF THE HOUSE

Mr. McDOWELL. Mr. Speaker, I have been subpenaed to appear before the District Court of the United States for the District of Columbia, to testify on Monday, May 3, 1948, at 10 a. m., in the case of the United States against Albert Maltz, which is a congressional contempt proceeding. Under the precedents of the House, I am unable to comply with this supbena without the consent of the House, the privileges of the House being involved. I, therefore, submit the matter for the consideration of this body.

Mr. Speaker, I send to the desk the subpena.

The SPEAKER pro tempore. The Clerk will read the subpena.

The Clerk read as follows:

> DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA, HOLDING A CRIMINAL COURT FOR SAID DISTRICT
>
> THE UNITED STATES *v.* ALBERT MALTZ, DEFENDANT NO. 1354–47, CRIMINAL DOCKET
>
> The President of the United States to Congressman JOHN MCDOWELL, of Pennsylvania, House Office Building, Washington, D. C.:
>
> You are hereby commanded to attend the said court on Monday, the 3d day of May 1948, at 10 o'clock a. m., to testify on behalf of the defendant, and not depart the court without leave thereof.
>
> Witness the honorable chief justice of said court, the 27th day of April A. D. 1948.
>
> HARRY M. HULL, *Clerk*,
> By MARGARET W. BOSWELL,
> *Deputy Clerk*.

Mr. MICHENER. Mr. Speaker, I offer a privileged resolution (H. Res. 568) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

> Whereas Representative JOHN MCDOWELL, a Member of this House, has been served with a subpena to appear as a witness before the District Court of the United States for the District of Columbia, to testify at 10 a. m., on the 3d day of May 1948, in the case of the *United States* v. *Albert Maltz*, Criminal Docket No. 1354–47; and
>
> Whereas by the privileges of the House no Member is authorized to appear and testify, but by order of the House: Therefore
>
> *Resolved*, That Representative JOHN MCDOWELL is authorized to appear in response to the subpena of the District Court of the United States for the District of Columbia at such time as when the House is not sitting in session; and be it further
>
> *Resolved*, That a copy of this resolution be submitted to the said court as a respectful answer to the subpena of said court.

The resolution was agreed to.

REGISTRATION OF COMMUNISTS

Mr. MILLER of Connecticut. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MILLER of Connecticut. Mr. Speaker, I have asked for this time to register my whole-hearted approval of the statement made by Senator FERGUSON, of Michigan, yesterday to the effect that there are ample laws now on our statute books to permit the Attorney General to bring a test case into the courts so that it can be determined legally once and for all whether the Communist Party is a political party or a foreign conspiracy. I have long felt that that is the approach that should be made to the problem, that we should have that legal determination before we are called upon to vote on legislation that would require the registration of all Communists. It seems rather inconsistent when in one statute we recognize the Communist Party as a political party and recognize it in Federal elections, and in another statute we say that membership in the Communist Party is ample reason for the discharge of a Federal employee. I hope a case can be brought into courts and a legal determination made. At the present time, without such a determination, I certainly could not bring myself to vote for legislation that required the registration of members of the Communist Party, because there is always the danger that the next week we might be asked to require the Republicans and the Democrats to register likewise.

EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD regarding the amendment to the GI bill of rights just reported unanimously by the Committee on World War Veterans' Affairs.

Mr. McDOWELL asked and was given permission to extend his remarks in the RECORD and include an article from the Baltimore Sun entitled "On Sticking to the Facts in the Condon Matter."

Mr. RIEHLMAN asked and was given permission to extend his remarks in the RECORD.

Mr. DEVITT (at the request of Mr. LODGE) was given permission to extend his remarks in the RECORD.

Mr. LODGE asked and was given permission to extend his remarks in the RECORD and include a speech by General Bradley.

HON. JOHN SANBORN

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I think this House should know that the absence of our friend the gentleman from Idaho [Mr. SANBORN] is due to the fact that he is on his way to Vermont to observe with his mother the one hundredth anniversary of her birth. We should congratulate both of them upon the fact that they are alive and in Vermont.

JACK KROLL

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. COX. Mr. Speaker, the following statement about the Representative of the Second District of Georgia was contained in the April 28, 1948, issue of the alleged newspaper PM:

KROLL DENIES CHARGES HE IS AN ALIEN

(Washington Bureau)

Jack Kroll, chairman of the CIO Political Action Committee, charges that Representative E. E. Cox was lying when Cox stated Monday that Kroll had registered with the Justice Department as an alien.

Cox said that Kroll, born in England in 1885, had never even applied for citizenship and was actually registered as an alien in 1946.

The facts, Kroll said, were that he was brought to this country as an infant and that his father, Marks Kroll, was naturalized 5 years later. Under then existing naturalization laws, Kroll also attained citizenship.

Mr. Speaker, ordinarily I would hesitate to dignify with notice an intemperate attack which appeared only in this uptown edition of the Daily Worker and which also received similar attention in the Communist Daily Worker itself. However, since a statement I made to this House earlier in the week has been brought into question, I want to set forth the facts.

Mr. Kroll says I was lying when I said that he had registered with the Justice Department as an alien. I will not stoop to return the compliment. I merely repeat that he did so register and the records of the Alien Registration Division of the Immigration and Naturalization Service of the Department of Justice will bear me out, if President Truman will make the record available to this House.

Mr. Kroll also said in his answer to my charges that I made other statements I knew to be false. This, of course, is untrue.

Whatever I had to say about Mr. Kroll, his citizenship status and his CIO Political Action Committee was based upon a careful analysis of the facts and evidence available to me and was said only after I gave due consideration to all the circumstances.

When I said last Monday that Jack Kroll had been in this country for 50 years and has not applied for citizenship, I was making a true statement based upon the record.

Mr. Kroll contends that he became a citizen when a man by the name of Marks Kroll was naturalized. He claims that Marks Kroll was his father.

Now, it is true that one Marks Kroll became a citizen in Rochester, N. Y., in 1891, but there are no records to show that he was ever married or that he had a son named Jack.

In fact, although dozens of Krolls resided in Rochester over the years, there is no record of any Jack Kroll ever having lived there. There were some John Krolls, but they were all born in the United States, and Mr. Jack Kroll admits that he was not born in this country.

It is quite possible and even probable that Jack Kroll is the Jacob Kroll who resided in Rochester in the late nineties and early nineteen hundreds.

But Jacob Kroll's father was not named Marks Kroll, according to the records. Jacob Kroll's father was Max Kroll.

The record shows that Max Kroll was born in Russia and that Jacob Kroll was born in England. These facts coincided with what is known of Mr. Kroll's history and antecedents.

There is no question in my mind that this official record concerns Mr. Jack Kroll's family.

I have here in my hand a certified copy of a transcript from the New York State census record of 1892, which lists the Kroll family in which we are interested. The father's name is listed as Max. The name of an 8-year-old boy—which corresponds to Mr. Jack Kroll's age at that time—is listed as Jacob.

Remember this census was taken in the year following the naturalization of a certain Marks Kroll. In fact, even in the same year that Marks Kroll became a citizen, Jacob Kroll's father was listed in the Rochester city directory as Max Kroll.

Now, either Mr. Jack Kroll is wrong in his statements or the official records of Monroe County in the courthouse at Rochester, N. Y., are wrong.

I wonder if Mr. Jack Kroll's claim to citizenship is as authentic as the information given the census taker by one who appears to be his brother Isadore, who claimed—and the certified record bears this out—that he was born in the United States 15 years before his parents came to this country.

There may be a very simple explanation of the inconsistencies in Mr. Kroll's claims. It may be that Jacob Kroll just assumed a new name and has been calling himself Jack Kroll.

It may be that his father, in his fifty-third year, changed his name from Marks to Max and kept that name for the rest of his lifetime and that now his son, Mr. Jack Kroll, is changing it back again.

But if this is true, if Max Kroll was the Marks Kroll who became a citizen in 1891, and Mr. Jack Kroll knew this as he claims, then why did Mr. Jack Kroll register with the Department of Justice as an alien?

If Mr. Kroll contends that my characterization of him as an alien is wrong and that, in spite of the record and the facts, he is actually a citizen, then Mr. Kroll should set the record straight.

He should tell us if his name is Jack or Jacob.

He should tell us if his father's name was Marks or Max.

In his statement to the newspapers Mr. Jack Kroll claims to be a "damn sight better Democrat" than I am because he says in matters before this House I sometimes voted as the Republican Members voted.

I have always cast my vote as an American in what I considered to be the best interests of our whole people. That is the way every good Democrat votes and I have no apologies to make for any vote I ever cast. But Mr. Kroll would not understand that.

Mr. Kroll claims to be a Democrat and yet his statement filed with the Department of Justice, where he registered as an alien, shows that in his early years he voted the Socialist ticket. Back in his early years the Socialist Party comprised the same Marxist elements who today are the Communist Party.

In fact, Earl Browder, just a few years ago when he was the head of the Communist Party, told the National Press Club in Washington:

The program of the Socialist Party and the program of the Communist Party have a common origin in the document known as the Communist manifesto. There is no difference in final aim.

I need not dwell on the "final aim" of the Communist Party or the Socialist Party—they both want to destroy our American system of society and government—they both want to destroy the United States under the Constitution.

If Mr. Kroll's support of such a subversive program makes him a better Democrat than I am, then I do not know the meaning of the word.

And what would a good Democrat, like Mr. Kroll claims he is, be doing giving his own and his CIO Political Action Committee's support to the gentleman from New York, Mr. VITO MARCANTONIO, as was reported by the Special Committee on Campaign Expenditures of this House in 1946 and which included the statement that—

Congressman MARCANTONIO had the active support of the Communist Party.

Mr. Kroll owes it to himself, to the CIO Political Action Committee which he heads, and to the American voters he presumes to advise, to explain just who he is, just who his father was, and just why, if he believed he was a citizen, he registered with the Department of Justice in 1946 as an alien.

EXTENSION OF REMARKS

Mr. GARMATZ (at the request of Mr. SASSCER) was given permission to extend his remarks in the RECORD.

Mr. GRANGER asked and was given permission to extend his remarks in the RECORD.

Mr. STIGLER asked and was given permission to extend his remarks in the RECORD in two instances.

PARLIAMENTARY INQUIRY

Mr. VURSELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VURSELL. Mr. Speaker, during the vote which was just taken on the tidelands oil bill, I was called out of the chamber. Is it too late for me to be recorded as voting in favor of the bill?

The SPEAKER pro tempore. It is too late.

PERSONAL ANNOUNCEMENT

Mr. VURSELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. VURSELL. Mr. Speaker, in the past I have supported the tidelands oil bill which was just passed by the House. A few minutes ago I was called away from the floor on a very urgent matter, believing the debate would run long enough so that I could get back in time to vote on the bill. I find that I got here a minute or so too late. I am making this statement because I wanted to be recorded as being in favor of the bill. I have supported this legislation in the past and will continue to support it in the future, even to the extent of voting to override a Presidential veto if that becomes necessary. I am glad the bill passed by an overwhelming majority.

COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, in reply to the gentleman from Connecticut [Mr. MILLER], I desire to say that the distinguished Senator to whom he referred is evidently unfamiliar with the bill that has been reported by the Committee on Un-American Activities.

There are many weaknesses in the present law, and for that reason we have large numbers of subversive individuals in this country taking advantage of our hospitality and attempting to undermine and destroy American institutions.

The Committee on Un-American Activities has brought out a bill which we hope will enable the Attorney General to put a stop to those activities. Some parts of the bill will put a stop to some of them whether the Attorney General acts or not. I am sure the Senator mentioned did not intend to criticize the House, and I am sure the gentleman from Connecticut [Mr. MILLER] is in sympathy with the purposes of the committee.

Until the last few years, the Senate has been the investigating body. They now seem to have left this burden to us, and we are doing the very best we can with it.

I think you will all, or most all, be satisfied with the bill reported by the Committee on Un-American Activities when it is brought to the floor of the House for final passage, which I understand will be one day next week.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

HON. JOHN TABER

Mr. HORAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HORAN. Mr. Speaker, I rise to defend the chairman of the Committee on Appropriations, of which committee I am a member. I felt and many of those on the Committee on Appropriations felt that the gentleman from New York, JOHN TABER, was unjustly accused yesterday morning by the Washington Post because he was carrying out his duties as chairman of the Committee on Appropriations for the Congress in going over meticulously all of the funds expended in the name of the people of the United States for European relief. I trust the Washington Post will apologize very soon to the chairman of the Committee on Appropriations.

Mr. H. CARL ANDERSEN. Mr. Speaker, will the gentleman yield?

Mr. HORAN. I yield.

Mr. H. CARL ANDERSEN. I heartily agree with the gentleman. I think it is out of order entirely for the Washington Post or any other newspaper to question the activities of the gentleman from New York [Mr. TABER] in searching out and trying to find out if certain appropriations are justified.

Mr. HORAN. That is right. Service on the Committee on Appropriations is not always popular, but we are at least entitled to fair treatment.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

EXTENSION OF REMARKS

Mr. MURDOCK asked and was granted permission to extend his remarks in the RECORD and include a summary of the State laws of Arizona as they affect veterans.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Illinois [Mr. TWYMAN] is recognized for 30 minutes.

RETIRED ARMY AND NAVY OFFICERS IN CIVILIAN GOVERNMENT POSITIONS

Mr. TWYMAN. Mr. Speaker, we are in many ways getting away from the original intentions of the founders of this Republic. Our forefathers tried to protect us by insisting that this Government be headed by civilians. Safeguards were enacted to prevent the participation of the military in any but a professional way. They were specific in providing that the Secretary of War and Secretary of the Navy should be civilians. The President has consistently led us away from this original sensible concept. I feel that the present tendency is dangerous and I wish to call attention to the fact that it could lead to serious consequences. I have no quarrel with the military. To the contrary, I have the highest admiration for them. However, I believe that the military should remain in their fields and confine themselves to their specialities. Recent events have demonstrated that the military does not do well when it operates in other fields such as the diplomatic. President Truman has seen fit to staff the traditionally civilian positions of Government, particularly in the diplomatic and consular service, with retired Army and Navy officers. I wonder if you realize that these retired officers are still part of the Regular Army and Navy? By definition of the Congress, a retired Army officer is a member of the Regular Army, even though retired—see section 4, title 10, of the United States Code Annotated. A further act of Congress provides:

> Officers retired from active service shall be entitled to wear the uniform of the rank on which they may retire. They shall continue to be borne on the Army Register, and shall be subject to the Rules and Articles of War, and to trial by general court martial for any breach thereof. (Sec. 1023, title 10, U. S. C. A.)

A similar provision applies to retired naval officers, and the law with respect to their status is the same as that which applies to Army officers—section 389, title 34, United States Code Annotated.

The Supreme Court has upon several occasions, construed this act of the Congress to mean just what the language states: That a so-called retired Army officer is in fact a member of the Regular Army; that should he desire, he may continue to wear his uniform, and that he may be tried by general court martial for any breach of Army Regulations committed after his retirement.

I urge the House to consider the following words of Mr. Justice Miller in the case of *United States* v. *Tyler* (105 U. S. 244 (1881)):

> It is impossible to hold that men who are by statute declared to be a part of the Army, who may wear its uniform, whose names may be borne on its register, who may be assigned by their superior officers to specified duties by detail as other officers are, who are subject to Rules and Articles of War, and may be tried, not by a jury, as other citizens are, but by a military court martial for any breach of those rules, and who may finally be dismissed on such trial from the service in disgrace, are still not in the military service. * * * We are of the opinion that retired officers are in the military service of the Government.

Very significant is the fact that retired Army officers may be subject to court martial for acts committed after retirement, and this under the vague charge of "conduct unbecoming an officer and a gentleman" or "prejudice of good order and military discipline"—*Runkle* v. *U. S.*

(122 U. S. 543) and *Closson* v. *U. S.* (7 App. D. C. 460).

In the Closson case, the facts are interesting. A retired Army colonel, George Armes, some 2 years after his retirement, wrote a letter to Lt. Gen. John M. Schofield, in which Armes demanded an apology from General Schofield for certain alleged acts and statements made by the general. The letter was strong and offensive in character. The general, apparently piqued by Armes' letter, ordered his immediate arrest. Armes was taken from his home by the military without anything resembling a warrant and was held in close arrest at the Washington Barracks. Some days later, he was charged with conduct to the prejudice of good order and military discipline and conduct unbecoming an officer and a gentleman. Armes, who apparently thought he was safely civilian and thus free to criticize the military, sought a writ of habeas corpus. The court of appeals of the District of Columbia refused to grant habeas corpus relief and held that it was perfectly proper for the Army to deal with retired officers in so brusque a fashion, in that retired officers are members of the Regular Army and subject to the Articles of War.

Mr. PHILLIPS of California. Mr. Speaker, will the gentleman yield?

Mr. TWYMAN. I yield.

Mr. PHILLIPS of California. The gentleman is making a very, very interesting statement and one which should have a far-reaching effect on the foreign policy of the United States. In the case cited was the colonel retired from the Army, as these others are who have been put in the diplomatic service, or was he still a member of the Reserves? Did he have a Reserve status?

Mr. TWYMAN. No; he was a retired Army officer. A retired Army officer does not receive a pension; he receives retired pay.

From the foregoing it is apparent that all retired Army officers are required to refrain from any criticism of Army personnel or policy, however righteous or necessary the criticisms may be, under penalty of court martial. This would apply to retired officers in civil positions—to a minor consular official, to an ambassador—yes; even to a Secretary of State.

In this connection, it might be well to note that although in time of peace a retired officer may generally not be recalled to active duty without his consent, there appears to be no prohibition against ordering a retired officer to immediate and active duty of any kind. In fact, the statute authorizes such an assignment and it does not provide that the retired officer must consent, as do related statutory enactments—section 996, title 10, United States Code, Annotated. Thus it would appear that there exist various ways of handling such a civil officer who happens to be critical of Army policy without resorting to a court martial.

I submit that this state of events is a severely crippling and most dangerous limitation to traditionally civil public service. All that is further needed to complete the amalgamation of the civil into the military is for the legion of generals to don their uniforms as we have already authorized them to do.

It is inherent in our constitutional system of government that the military should be subject to civilian control and not contrariwise. Moreover, there exists the time-honored common-law principle that one should not hold two offices which are mutually incompatible. I submit that since a retired officer is a member of the Regular Army and subject to Army control, he cannot be made amenable to effective civilian processes. The concepts are each to the other contrary. A man cannot honestly and conscientiously swear to perform faithfully the duties of a civil office and yet be bound by an oath of allegiance to the military. An oath under which he may be summoned to military duty during his civil term without his consent. Does he elect then to be loyal to his civilian oath and serve his term or does he respect his military oath and accept the military assignment? A man with a divided loyalty is a man beyond control.

To explore this matter further, suppose our present Ambassador to Russia, a retired general, deems it expedient in the public interest to criticize General Clay's administration in Germany. If his thoughts were offensive to the military, he theoretically and actually could be court-martialed although at this time I do not believe public opinion would condone the practice. But the threat is there.

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. TWYMAN. I yield to the gentleman from California.

Mr. McDONOUGH. Is the gentleman advocating that there be some revision of the responsibilities of a Reserve Army officer in the event he assumes a civilian status in order to remove the possibility of his losing his honorable discharge?

Mr. TWYMAN. I believe that will be answered as I go on. I merely point out the dangers that present themselves. The remedy I leave to others. My own personal opinion is that a retired officer who accepts the responsibility such as I am going to describe should resign completely from the Army or the Navy and not be in the position that some find themselves today.

It has come to my attention that retired officers must clear certain public statements with the War Department before making them. One wonders how this would apply to our Secretary of State and other retired officers currently in civil life.

Let us drop the subterfuge of calling these men retired officers; they are a part of the Regular Army. The question thus presents itself as to whether such officers may legally hold statutory civil positions. It is my firm belief that such civil officeholding by members of the military is illegal as being contrary to the common law, to the Constitution, and to the statutes establishing any such civil office. Congress at one time recognized this by barring retired officers from the diplomatic and consular positions of Government. Later the prohibition was removed—section 577, title 10, United States Code Annotated.

The two most influential men in the Government on foreign affairs, Secretary of State Marshall and Admiral William D. Leahy, are both technically subject to the rules and regulations of the Regular Army and the Regular Navy. The same can be said of Brig. Gen. Marshall S. Carter, who is an assistant to the Secretary of State. An assistant of the Under Secretary of State is Col. C. H. Bonesteel, who is actually on active duty, receiving Army pay and serving with the State Department.

There is an increasing tendency to appoint retired Army and Navy officers as ambassadors to many of our important posts. We have Lt. Gen. Walter Bedell Smith, who served admirably in this last war, serving as Ambassador to Russia. Admiral Allen T. Kirk is Ambassador to Belgium and Luxemburg. Gen. Thomas Holcomb is Ambassador to the Union of South Africa. Gen. Frank T. Hines was formerly Ambassador to Panama. Admiral William W. Smith is a member of the Maritime Commission. The President endeavored to have Gen. Laurence S. Kuter serve as Chairman of the Civil Aeronautics Board. It was originally intended that these positions would be filled by civilians. If we were to continue to follow the policy now being pursued by President Truman, every ambassadorial post would be filled by some retired Army officer or Naval officer. As far as I am concerned, I am willing to give all of these officers credit for having served well in the Army. However, there is nothing in their military training that fits them to serve as diplomats. Without being specific, there have been several situations that could have been handled much better by civilians than by retired Army officers serving as diplomats.

Strictly speaking, General Marshall and Admiral Leahy are subject to the orders of the Chief of Staff of the Army or the Chief of Naval Operations of the Navy. By reason of this, we have reversed the fundamental principles of the founders of this country. We have permitted the civilian operations of the country to become dominated by the military. It is a policy which we must discontinue at the earliest possible moment or it will have unfortunate consequences for the United States of America.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. TWYMAN. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I take it the gentleman distinguishes between what is called a professional soldier and a citizen soldier.

Mr. TWYMAN. All of these men that I have described are professional soldiers.

Mr. McCORMACK. Yes, but I mean the gentleman distinguishes between a citizen soldier and a professional soldier.

Mr. TWYMAN. I think that is a proper distinction.

Mr. McCORMACK. Now coming to the professional soldier, is the gentleman opposed to the appointment of General Marshall as Secretary of State?

Mr. TWYMAN. Does the gentleman not agree that it is dangerous to have the Secretary of State responsible to the Chief of Staff of the Army?

Mr. McCORMACK. I asked the gentleman a question. If he will answer that, I will answer the gentleman's question, but I think he ought to answer my question first. My question is—Is the gentleman opposed to General Marshall's appointment as Secretary of State and his continuation as Secretary of State?

Mr. TWYMAN. May I answer the gentleman in this way: I have not engaged in any personalities. I am opposed to the principle of an Army officer being Secretary of State and coming under the Chief of Staff of the Army, and being responsible to the Army.

Mr. McCORMACK. Does the gentleman think that a man like General Marshall, in retirement, as Secretary of State would be subordinate to the Chief of Staff?

Mr. TWYMAN. Technically and legally, that is true. The gentleman is a lawyer, I presume.

Mr. McCORMACK. Does the gentleman mean to say that the Chief of Staff, General Bradley, can order General Marshall, as Secretary of State, to do something that General Bradley, as Chief of Staff, thinks that General Marshall, as Secretary of State, ought to do?

Mr. TWYMAN. Legally and technically, that is correct.

Mr. McCORMACK. I am inclined to think that I cannot go that far. If the gentleman was to say that he could call him back into the service like General MacArthur was called back from retirement for duty in the Philippines, by the late President Roosevelt, that would be a different matter. But, to say that technically the Chief of Staff could give orders to General Marshall, as Secretary of State, I think that I cannot agree with the gentleman there.

Mr. TWYMAN. I did not ask that the gentleman agree with me. I just ask that you agree with the Army and the Navy regulations.

Mr. McCORMACK. But the gentleman takes the position that General Marshall——

Mr. TWYMAN. I take no position except that I am calling your attention to a situation.

Mr. McCORMACK. But the gentleman must take a position when he calls our attention to a situation. The gentleman cannot make a speech without taking a position. I take it that the gentleman is opposed to a professional soldier receiving civilian appointment after retirement.

Mr. TWYMAN. I am calling your attention to the dangers of having our State Department under the domination or possible domination of the War Department.

Mr. McCORMACK. Why does the gentleman call it to our attention unless he has some views of his own? I understand that we are waiting for the Senate to act, so this colloquy probably is helping out.

Mr. TWYMAN. This is not a colloquy on my part. This is a very earnest effort on my part to bring to the attention of the Congress what I consider to be a very serious situation.

Mr. McCORMACK. I am sure that that is so, but I am trying to ascertain what the gentleman has in mind, for the enlightenment of myself and other Members. The gentleman apparently is against the professional soldier who has given his entire life for the defense of our country, getting any appointment in civilian life after retirement. Is that the gentleman's position?

Mr. McDONOUGH. Mr. Speaker, will the gentleman yield?

Mr. TWYMAN. I yield to the gentleman from California.

Mr. McDONOUGH. I think the gentleman covered that in his talk, when he said that any professional soldier who is in retirement and is called into the Government service can remove the objection the gentleman raised by merely resigning from the reserve as long as he is in the Government service and under the direction of the civilian authorities. I think the gentleman is very correct in saying that if a man remains in the Army he is under the direction of the Chief of Staff, and in the case of General Marshall he is also under the direction of the Commander in Chief, who is the President of the United States.

Mr. TWYMAN. As long as the gentleman speaks of General Marshall, and I did not want to be specific, may I point this out to the gentleman from Massachusetts: I presume the gentleman realizes that General Marshall is not receiving a salary as Secretary of State. He is receiving his salary directly from the Army as retired pay, for the purpose of certain benefits in connection with the income tax. The gentleman understands that.

Mr. McDONOUGH. Am I not correct in saying that the gentleman thinks General Marshall, therefore, should resign from the Reserve Corps of the Army or as a professional soldier as long as he is Secretary of State?

Mr. TWYMAN. I would make it broader than that, that any retired Army or Navy officer should have the courage to resign from either service and, therefore, not continue as a retired officer.

Mr. BROOKS. Mr. Speaker, will the gentleman yield?

Mr. TWYMAN. I yield to the gentleman from Louisiana.

Mr. BROOKS. I am very much interested in what the gentleman has said. I think the gentleman has worked hard on his speech and has a lot of substance in it. May I ask two things, however: Would the gentleman apply the same principle about the retirement of officers of the Regular Establishment who are subsequently employed by the Government, to private industry, where a member of the Regular Establishment retires and is receiving retirement pay and is subject to the orders of the Regular Establishment, yet obtains a very fine job in civilian industry? Would the gentleman say then that the Regular Establishment could have any control whatsoever over that civilian industry?

Mr. TWYMAN. That would be an entirely different situation. I thank the gentleman for having brought out that difference.

Mr. BROOKS. The rules regarding retirement remain the same for both personnel.

Mr. TWYMAN. The industry that employs a retired officer who remains on the retired rolls——

Mr. BROOKS. He is still subject to the orders of the War Department.

Mr. TWYMAN. That man could be recalled to active duty and could be court-martialed for any of the reasons an officer on active duty could be court-martialed. He comes under the same rules and regulations as any Regular Army or Navy officer on active duty.

Mr. BROOKS. Does the gentleman feel that is inimicable to the best interests of business?

Mr. TWYMAN. That is something for business to decide for itself, that is not for me to pass upon.

EXTENSION OF REMARKS

Mr. MUNDT asked and was given permission to extend his remarks in the RECORD and include an editorial from the Milwaukee Journal commending the Committee on Un-American Activities for bringing out legislation requiring Communists to register with the Department of Justice.

PRIVILEGES OF THE HOUSE

Mr. MICHENER. Mr. Speaker, I offer a privileged resolution (H. Res. 569) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas in the case of the *United States* v. *Dalton Trumbo* (No. 1353–47, Criminal Docket), pending in the District Court of the United States for the District of Columbia, subpenas duces tecum were issued by the chief justice of said court and addressed to John Andrews, Clerk of the House of Representatives, directing him to appear as a witness before the said court on the 26th day of April 1948, at 10 o'clock antemeridian, and to bring with him certain and sundry papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needed for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such order thereon as will promote the ends of justice, consistently with the privileges and rights of this House; be it further.

Resolved, That John Andrews, Clerk of the House, be authorized to appear at the place and before the court named in the subpenas duces tecum before mentioned, but shall not take with him any papers or documents on file in his office or under his control or in his possession as Clerk of the House; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpenas duces tecum then the said court through any of its officers or agents have full permission to attend with all proper parties to the proceedings and then always at any place under the orders and control of this House and take copies of any documents or papers in possession or control of

said Clerk that the court has found to be material and relevant, except minutes and transcripts of executive sessions, and any evidence of witnesses in respect thereto which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under said Clerk; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpenas aforementioned.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. MICHENER. Mr. Speaker, I offer a privileged resolution (H. Res. 570) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Whereas in the case of the *United States v. Albert Maltz* (No. 1354–47, Criminal Docket), pending in the District Court of the United States for the District of Columbia, subpenas duces tecum were issued by the chief justice of said court and addressed to John Andrews, Clerk of the House of Representatives, directing him to appear as a witness before the said court on the 3d day of May 1948, at 10 o'clock antemeridian, and to bring with him certain and sundry papers in the possession and under the control of the House of Representatives: Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer charged with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such order thereon as will promote the ends of justice consistently with the privileges and rights of this House; be it further

Resolved, That John Andrews, Clerk of the House, be authorized to appear at the place and before the court named in the subpenas duces tecum before mentioned, but shall not take with him any papers or documents on file in his office or under his control or in his possession as Clerk of the House; be it further

Resolved, That when said court determines upon the materiality and the relevancy of the papers and documents called for in the subpenas duces tecum then the said court through any of its officers or agents have full permission to attend with all proper parties to the proceeding and then always at any place under the orders and control of this House and take copies of any documents or papers in possession or control of said Clerk and that the court has found to be material and relevant, except minutes and transcripts of executive sessions, and any evidence of witnesses in respect thereto which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under said Clerk; and be it further

Resolved, That a copy of these resolutions be transmitted to the said court as a respectful answer to the subpenas aforementioned.

Mr. MICHENER. Mr. Speaker, it seems that the presentation to the House by Members of the House or officers of the House of subpenas, or subpenas duces tecum, has become a regular, daily occurrence. In an endeavor to be as cooperative with the courts as possible, and at the same time comply with the rules and precedents of the House, our very capable Parliamentarian, as well as others, has given careful consideration.

Up to this time, in each case specific action has been taken by the House. To the end that the House might have the authorities and precedents brought together by an impartial authority, I requested the Legislative Reference Service of the Library of Congress to prepare a brief. That very obliging and reliable Service has complied with my request. I ask unanimous consent that the memorandum may be printed at this point in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The memorandum is as follows:

MEMORANDUM

THE LIBRARY OF CONGRESS,
April 16, 1948.

To: House Judiciary Committee.
From: Federal Law Section.
With reference to subpena duces tecum directed to the Clerk of the House.

I. IS AN IMMUNITY AVAILABLE TO THE CLERK OF THE HOUSE?

The following noted precedents taken from Hinds' Precedents of the House of Representatives of the United States indicate that there is no special immunity available to the Clerk; however, in responding to a subpena duces tecum he will appear or produce papers only upon instruction from the House. This answer is predicated on the following:

1. The Clerk is merely one of the elective officers of the House. Hinds' I, section 187.

2. Neither the Constitution nor the statutes afford the Clerk any special immunity from arrest or service of process.

3. At final adjournment of a Congress, the Clerk becomes custodian of bills and other papers referred to committees. Hinds' V. section 7260. This includes evidence taken by a committee under the order of the House and not reported to the House. Section 7260.

4. When leave is given for the withdrawal of a paper from the files of the House, a certified copy of it is to be left in the office of the Clerk. Hinds' V, section 7256.

5. The House, in maintenance of its privilege, has, on occasion, refused to permit the Clerk to produce in court, in obedience to a summons, an original paper from the files, but has given the court facilities for making certified copies. Hinds' III, section 2664.

6. The House on occasion has permitted the clerk of a committee and the Clerk of the House to respond to a subpena or subpena duces tecum and to make deposition with the proviso that they should take with them none of the files. Hinds' VI, section 585.

7. Where the Clerk has failed to get permission from the House, he has disregarded an order of the court to produce certain papers. Hinds' VI, section 587.

8. The general rule is, then, that no employee of the House may produce any paper belonging to the files of the House before a court without the permission of the House. Hinds' III, section 2663, Hinds' VI, section 587.

II. IF THE CLERK DOES RESPOND, HOW CAN THE SUBPENA DUCES TECUM BE LIMITED IN SCOPE OR SPECIFICALLY REQUIRED?

The applicable court rule (see Rules of Criminal Procedure for the District Courts of the United States) reads:

Rule 17. Subpena

* * * * *

(c) For production of documentary evidence and of objects: A subpena may also command the person to whom it is directed to produce the books, papers, documents, or other objects designated therein. The court on motion made promptly may quash or modify the subpena if compliance would be unreasonable or oppressive. The court may direct that books, papers, documents, or objects designated in the subpena be produced before the court at a time prior to the trial or prior to the time when they are offered in evidence and may upon their production permit the books, papers, documents, or objects or portions thereof to be inspected by the parties and their attorneys.

The note to rule 17 (c) merely states: "This rule is substantially the same as Rule 45 (b) of the Federal Rules of Civil Procedure" (S. Doc. No. 175, 79th Cong., p. 31).

A. Case Annotations

The application of rule 45 (b) (see Bender's Federal Practice Manual, 1948, pp. 272–274) indicates the following:

1. Documents to be produced in answer to a subpena duces tecum must serve only as evidence. (*U. S.* v. *Aluminum Co. of America* ((1939) 1 Fed. Rules Serv. 45 b. 311, case No. 3, 1 F. R. D. 62).)

2. A subpena duces tecum must be limited to a reasonable period of time and specify with reasonable particularity the subjects to which the desired writings relate. (*U. S.* v. *Medical Society of the D. C.* ((1938) 26 F. Supp. 55).)

3. A motion to quash a subpena may be granted even without an active showing that the subpena is unreasonable and oppressive. One seeking the production of documents has been denied a subpena in the absence of a showing of materiality or probable materiality of the documents sought, or evidence. The court applied to rule 45 the limitations which it deemed present under rule 34, namely, a requirement that documents be shown to be material before a court may which the desired writings relate. (*U. S.* v. *American Aluminum Co. of America*, supra; *Chase National Bank* v. *Portland General Electric Co.* ((1942) 6 Fed. Rules Serv. 45 b. 311), case No. 1.) But it is not necessary to establish the admissibility in evidence of the documents sought. (*Campbell* v. *American Fabrics Co.* ((1942) 6 Fed. Rules Serv. 45 b. 31, case No. 1; 2 F. R. D. 345).)

4. The materiality of documents must appear: The materiality of the documents desired should appear from the pleadings or otherwise. And if the subpena for production of documents is too broad and sweeping it will be quashed. Ordinarily, some time limitation as to the period covered by the documents is required to prevent a subpena duces tecum from being too broad, but the time may be inferred from the allegations of the complaint. (*403–411 East 65th Street Corp.* v. *Ford Motor Co.* ((S. D. N. Y. 1939) 27 F. Supp. 37)). The fact that the documents called for cover an extended period of time and are voluminous does not in itself render the subpena unreasonable. (*Savannah Theatre Co.* v. *Lucas and Jenkins* ((N. D. Ga. 1944) 8 Fed. Rules Serv. 45b 31, Case No. 1)). Such a subpena must also specify with reasonable particularity the subject to which the desired writings relate. (*United States* v. *Medical Soc. of the District of Columbia* ((D. D. C. 1938) 26 F. Supp. 55)). But the fact that a subpena does not enumerate in

detail the books, records, and documents to be produced does not render it oppressive, since the party issuing the subpena cannot know what may be material. (*Matter of Chopnick* (S. D. N. Y. 1942) 6 Fed. Rules Serv. 45b, 413, Case No. 1).) Subpena seeking to have practically all of Department of Justice's files available at trial, for use in disproving testimony of Government witnesses, is unreasonable. (*United States* v. *Schine Chain Theatres, Inc.* (W. D. N. Y. 1944), 8 Fed. Rules Serv. 45b, 315, Case No. 2, 4 F. R. D. 108).) However, particular files may be subpenaed if not privileged. *Ibid.* Somewhat similar is *Miller* v. *Adelson* ((W. D. Pa. 1944), 8 Fed. Rules Serv. 45b, 315, Case No. 1).

B. The Word "Designated"

Note should be taken of the use of the word "designated" in rule 17 (c). The use of this word in rule 34 of the Rules of Civil Procedure received the following illuminative comment in the report prepared by the Advisory Committee on Rules for Civil Procedure (H. Doc. No. 473—80th Cong. p. 97.)

An objection has been made that the word "designated" in rule 34 has been construed with undue strictness in some district court cases so as to require great and impracticable specificity in the description of documents, papers, books, etc., sought to be inspected. The committee, however, believes that no amendment is needed, and that the proper meaning of "designated" as requiring specificity has already been delineated by the Supreme Court. (See *Brown* v. *United States* ((1928) 276 U. S. 134, 143)) ("The subpena * * * specifies * * * with reasonable particularity the subjects to which the documents called for related.") (*Consolidated Rendering Co.* v. *Vermont* ((1908) 207 U. S. 541, 543–544)) ("We see no reason why all such books, papers, and correspondence which related to the subject of inquiry, and were described with reasonable detail, should not be called for and the company directed to produce them. Otherwise, the State would be compelled to designate each particular paper which it desired, which presupposes an accurate knowledge of such papers, which the tribunal desiring the papers would probably rarely, if ever, have.")

III. SUMMATION

While no special immunity is provided for the Clerk, he can appear and produce files and documents only upon instruction from the House. In the instant case, he could be instructed to appear and promptly file a motion to quash or modify the subpenas on the ground that they are unreasonable or oppressive, or call for matter not material to the case. Other alternatives, which are indicated in the foregoing memoradum, are available.

Mr. MICHENER. Mr. Speaker, I move the adoption of the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BROOKS asked and was given permission to extend his remarks in the RECORD and include an editorial from the Shrevesport Journal on Postal Pay.

PERSONAL ANNOUNCEMENT

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHEPPARD. Mr. Speaker, if I had been present when the tidelands oil bill was before the House for consideration earlier in the afternoon, I would have voted in favor of the enactment of the legislation.

REPORT ON FUEL OIL, GASOLINE, AND OTHER PETROLEUM PRODUCTS

The SPEAKER pro tempore laid before the House the following communications, which were read by the Clerk and referred to the Committee on Public Lands:

APRIL 30, 1948.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the Honorable, the Secretary of the Interior, the Clerk has received a letter dated April 30, 1948, accompanied by a report concerning the amount of fuel oil, gasoline, other petroleum products, and coal now available in the United States, made pursuant to the provision of House Resolution numbered 385 of the Eightieth Congress.

The letter of the Secretary of the Interior and the accompanying report are transmitted herewith.

Very truly yours,

JOHN ANDREWS,
Clerk of the House of Representatives.

THE SECRETARY OF THE INTERIOR,
Washington, April 30, 1948.

Mr. JOHN ANDREWS,
Clerk, House of Representatives.

MY DEAR MR. ANDREWS: In accordance with my letter of March 6, and pursuant to House Resolution 385, I am enclosing a report concerning the amount of fuel oil, gasoline, other petroleum products, and coal now available in the United States, together with suggestions as to the steps the Government should take to make the proper and necessary supply available.

I wish to point out that as to petroleum this report does not attempt comprehensively to delineate a national policy but presents an interim program only, which is the best that we can do at the present time.

Supplemental information on petroleum is contained in the report on the oil situation by Max W. Ball, Director, Oil and Gas Division, Department of the Interior, which is also enclosed. Additional copies of both reports can be furnished, if desired.

Sincerely yours,

J. A. KRUG,
Secretary of the Interior.

LEAVE OF ABSENCE

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

To Mr. STIGLER, indefinitely, on account of official business.

To Mr. SHEPPARD, for 30 days, on account of official business.

RECESS

The SPEAKER pro tempore. The Chair declares the House in recess subject to the call of the Chair. The bells will be rung 15 minutes before the House is to reconvene.

Thereupon (at 3 o'clock and 11 minutes p. m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 5:46 p. m.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. REEVES (at the request of Mr. ARENDS), for 1 week, on account of urgent business.

ADJOURNMENT OVER

Mr. ARENDS. Mr. Speaker, I move that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXTENSION OF REMARKS

Mr. REEVES (at the request of Mr. KEATING) was given permission to extend his remarks in the Appendix of the RECORD and include extraneous matter.

Mr. D'EWART (at the request of Mr. ARENDS) was given permission to extend his remarks in two separate instances and in each to include extraneous matter.

Mr. HOLIFIELD asked and was given permission to extend his remarks in the Appendix of the RECORD and include a short statement he made before the Committee on the Post Office and Civil Service.

SPECIAL ORDERS GRANTED

Mr. BYRNES of Wisconsin. Mr. Speaker, I ask unanimous consent that on Monday next I may address the House for 15 minutes following the regular business of the day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that I may address the House for 15 minutes today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Under the previous order of the House the gentleman from California [Mr. HOLIFIELD] is recognized for 15 minutes.

BIPARTISAN COOPERATION IS THE KEY TO A SUCCESSFUL FOREIGN POLICY

Mr. HOLIFIELD. Mr. Speaker, as the United States Representative from the Nineteenth District of California, I am deeply concerned with the trend throughout the world toward a potential world war III. Every possible effort must be made to establish a family of nations responsible to international law. We must exert every effort possible, while there is time, to strengthen the United Nations so that it can accomplish its original purposes. The people of my district are aware of this need and have given me every indication possible of their support. This support is not based on narrow partisan political lines. I have served the Nineteenth Congressional District of California for the past 6 years. The people of my district have honored me by showing their confidence in my service by electing me in three general elections. I have been doubly honored in that I have received the majority vote of both the Republican and Democratic Parties. I am humbly appreciative of the bipartisan support of the many fine Republican and Democratic citizens who have honored me with their support. I have tried to serve them in an unselfish and nonpartisan manner. It is for this reason that I state that the people of my district are

interested in the solution of problems without regard to partisanship or political affiliations. In view of these attitudes and in line with my own convictions, I pledge my continued service on a nonpartisan basis. Each and every problem must be decided on its merits. The yardstick I have used and will continue to use is: "The best interests of all the people of my district and the Nation."

We are faced in these days of confusion and fear with tremendous problems. Three years have passed since the ending of World War II, and the peace we thought we had won has not been established. Throughout the world we see strife between the people of the conquered nations, and among the Allies who achieved the victory.

Our relations with Russia—U. S. S. R.—have steadily deteriorated since VJ-day. It is necessary to improve those relations to avoid a third world war. Nothing is to be gained by accusations of blame at the present time. Blunders have been made and leadership has failed. Our only chance to correct the situation is to approach the problem from a new angle, possibly through different negotiating personnel and with a new determination to find a solution based on justice. The will to find a solution must exist in a stronger measure, on the part of the U. S. S. R. and the United States than ever before, or we shall fail.

I said that leadership has failed their respective people in finding a plane upon which agreements could be made. I honestly believe that the Soviet leadership has been guilty of obstructive practices and has given very little cooperation in reaching vital agreements. On the part of our own leadership, I believe that in some instances, a lack of firmness and a lack of consistency has contributed toward the present muddled condition of world affairs. The sudden emergence of our Nation as one of the two great world powers—both from a military and an industrial level—found us unaccustomed to world leadership. Our foreign policy has never been based on a long-range, bipartisan program, as has been the policy of the United Kingdom and other experienced world powers in the past. Unfortunately our foreign policy has varied with the change from Republican control to Democratic control, and vice versa.

In view of our new responsibility as a world power, we cannot afford the changeable, short range, and often partisan political approach used in the years of our comparative international unimportance. Unless we know where we are going and what our foreign program is, over a reasonable period of future years, we will lose our effectiveness and the respect of other nations. Other nations cannot plan their economic and political programs for the future in harmony with us, unless they are aware of our policy and have confidence in the continuity of our program.

We must develop a foreign policy which contains certain vital factors as its main objectives:

First, it should be a long-range program, and not limited by Presidential terms—4 years—or partisan political changes in governmental control.

Second, it should be clearly stated in its important objectives, in order that our own people and other nations might know its direction and purposes.

Third, approval of such a long-range and clarified foreign-policy program should be given, after due consideration and debate, by both Houses of Congress. Such approval should be by majority vote of both political parties in each House, so that the evils and vagaries of political bickerings would be eliminated in the over-all national interest.

I believe that the above outline on foreign policy is the minimal objective toward which we can work. The establishment of a stable world depends upon the agreements between the two great world powers—the United States and Russia. If these two great powers can agree, I am sure the other nations will cooperate with such agreements.

Before we can advance a firm policy or program of foreign relations, we must be united on its principles. First, steps must be taken at home so that we can advance our foreign-policy in a clear and united basis. I believe that we are making progress toward a united or bipartisan foreign policy. In a political campaign year this is admittedly difficult. Many of the issues in foreign relations are complicated and controversial. The answers to the problems before us are hard to find, and in many instances the answers are impossible to find, because many of the factors in the problem are unknown or unpredictable.

We are, I repeat, making progress, however, and I wish to inform my listeners of specific instances of great importance.

THE FIRST GREAT POSTWAR PROBLEM WAS THE PASSAGE OF LEGISLATION TO CONTROL ATOMIC ENERGY

While this legislation applied specifically to domestic control, it was important because the basic question of control by the Government or by private corporations had to be settled first, before methods of international control could be advanced. Atomic energy had been produced under the urgency of war, by the expenditure of over $2,000,000,000 of tax money. The people of the United States had furnished the money to build the great experimental plants at Oak Ridge, Tenn.; Hanford, Wash.; and Los Alamos, N. Mex. The people had paid the salaries of the scientists and the expenses of the great development out of tax moneys. The people, therefore, owned in the name of their Government all rights and titles to these projects and the great new discovery of atomic energy.

A determined attempt was made in the House and in the Senate to take the control of atomic energy away from the Government and place it in the hands of the military forces—a subordinate and specialized department of our Government. A determined attempt was made to divert from governmental civilian control to private corporations, the inestimable benefits of commercial adaption and exploitation. Without going into the pro and con arguments in detail, an agreement was finally reached by both Republicans and Democrats that Government ownership and operation should be maintained, and that the future operation should be maintained under the direction of a civilian board of five men appointed by the President, subject to confirmation by the Senate.

This great victory could not have been won if political partisanship had intervened. The welfare of the people was exalted above narrow political partisanship, and a unified Congress established the two great principles of Government ownership and Government control through a civilian board of the newest discovery of science—atomic energy was saved for the people. The basis had been established for responsible negotiations with foreign governments for the international control of atomic energy, without which universal peace cannot be established or guaranteed. Great credit for this bi-partisan legislation goes to the two great Senators who were the ranking members of the Senate Special Committee on Atomic Energy Legislation. The chairman of this committee was Senator BRIEN MCMAHON, a Democrat from Connecticut, and the ranking Republican member of the committee at that time was Senator ARTHUR VANDENBERG, of Michigan. Through their statesmanlike approach to the atomic energy problem, and their leadership, most important legislation to face Conpurpose, and direction was given to the gress since the war.

In the House, I regret to say, the original hearings on atomic energy were limited to 4 days—over 9 months were consumed by the Senate committee. The May-Johnson bill was reported from the Military Affairs Committee of the House, and it contained most of the objectionable features I have mentioned; for example, military control and private corporation concessions. As a member of that committee, I fought the May-Johnson bill, and voted against the committee action in reporting same. I can modestly claim that I led the fight in the committee against the May-Johnson bill and for the principles which finally became law, embodied in the McMahon bill.

The important point to remember, however, is that when the basic atomic energy legislation was passed by the House and the Senate, it was passed by a majority of the members of the Republican and Democratic Parties in both Houses. Statesmanship had risen above political partisanship, and, as always happens in such cases, the people benefited thereby.

BIPARTISAN PASSAGE OF THE EUROPEAN RECOVERY PLAN (MARSHALL PLAN)

The Senate and the House passed on April 2, by a large majority of the Members of both the Republican and Democratic parties, the European Recovery Plan, commonly called "the Marshall plan." This is a further important indication of nonpartisan action in the field of foreign relations. This action on the part of both political parties is in response to the tremendous challenge of our time, the establishment of a stable world in order that we might have world peace. This action was possible because both Republicans and Democrats forgot their political differences and worked for the best interest of all the American people. Primary credit

for the development and passage of this great piece of legislation must go to the chairman of the Senate Committee on Foreign Relations, Senator ARTHUR VANDENBERG, Republican, of Michigan. In my opinion, Senator VANDENBERG has developed in the past few years into one of our greatest Americans. He has acquired a maturity of judgment, a concept of international problems, and the experience in working with his colleagues, which years of service, coupled with great ability, alone can give. Senator VANDENBERG's address to the Senate on March 1, 1948, when he presented the European recovery legislation for consideration, was masterful and statesmanlike. It will be recorded for future Americans to read along with other great speeches of American statesmen. I insert at this point part of his fine address:

"The greatest nation on earth either justifies or surrenders its leadership. We must choose. There are no blueprints to guarantee results. We are entirely surrounded by calculated risks. I profoundly believe that the pending program is the best of these risks. I have no quarrel with those who disagree, because we are dealing with imponderables. But I am bound to say to those who disagree that they have not escaped to safety by subjecting or subverting this plan. They have simply fled to other risks, and I fear far greater ones. For myself, I can only say that I prefer my choice of responsibilities. This legislation, Mr. President, seeks peace and stability for free men in a free world. It seeks them by economic rather than by military means. It proposes to help our friends to help themselves in the pursuit of sound and successful liberty in the democratic pattern. The quest can mean as much to us as it does to them. It aims to preserve the victory against aggression and dictatorship which we thought we won in World War II. It strives to help stop world war III before it starts. It fights the economic chaos which would precipitate far-flung disintegration. It sustains western civilization. It means to take western Europe completely off the American dole at the end of the adventure. It recognizes the grim truth—whether we like it or not—that American self-interest, national economy, and national security are inseparably linked with these objectives. It stops if changed conditions are no longer consistent with the national interest of the United States. It faces the naked facts of life.

* * * * *

The exposed frontiers of hazard move almost hourly to the west. Time is of the essence in this battle for peace, even as it is in the battles of a war. Nine months ago Czechoslovakia wanted to join western Europe in this great enterprise for stability and peace. Remember that. Today Czechoslovakia joins only such enterprise as Moscow may direct. There is only one voice left in the world, Mr. President, which is competent to hearten the determination of the other nations and other peoples in western Europe to survive in their own choice of their own way of life. It is our voice. It is in part the Senate's voice. Surely we can all agree, whatever our shades of opinion, that the hour has struck for this voice to speak as soon as possible. I pray it speaks for weal and not for woe. The committee has rewritten the bill to consolidate the wisdom shed upon the problem from many sources. It is the final product of 8 months of more intensive study by more devoted minds than I have ever known to concentrate upon any one objective in all my 20 years in Congress. It has its foes—some of whom compliment it by their transparent hatreds. But it has its friends—countless, prayerful friends not only at the hearthstones of America, but under many other flags. It is a plan for peace, stability, and freedom. As such, it involves the clear self-interest of the United States. It can be the turning point in history for 100 years to come. If it fails, we have done our final best. If it succeeds, our children and our children's children will call us blessed. May God grant his benediction upon the ultimate event." [Applause on the floor, Senators rising.]

Senator VANDENBERG's address was followed by the former chairman of the Senate Foreign Affairs Committee and now the ranking Democratic member, Senator TOM CONNALLY, of Texas. Here, again, we see no indication of partisan political bitterness, but a challenging appeal to unity in behalf of America's best interest. Senator CONNALLY cooperated with Senator VANDENBERG in every way in which he was capable to pass this vital legislation. Part of Senator CONNALLY's address on the same occasion is inserted at this point:

"The United States cannot afford to be false to its ideals and purposes. We cannot be false to the men who died on battlefields to maintain our liberties and our prestige. We cannot forsake the great historic personages of the past. We must not fail the world. The world looks upon us as the greatest power in the world. It has faith in us. It knows that we do not want to conquer other lands. It knows that we do not want reparations and indemnities. We must not fail the world; and these nations are an important part of the world to us. We must not fail them.

* * * * *

It has been our ambition and purpose to contribute to the peace of the world. To my mind that is the dominant thing upon which we are voting tonight. We are voting upon the peace of the world. If the nations of western Europe can regain their independence, their stability, and their economic powers, peace in Europe will be much more secure than it is now, with threats and dangers coming out of the east which may overwhelm or submerge the democracies and the freedom-loving peoples of the western part of Europe. So tonight my appeal is, let us contribute to the peace of the world. Let us not be content with the provisions in this bill, but let us fill it with the spirit of peace and security for those peoples who believe in democracy, who are devoted to liberty and freedom, and who will join the United States in working out, together and bilaterally, the plans which we have in mind for the rehabilitation of Europe, which will save its people from chaos, misery, and ruin, and reestablish in those fair lands a standard of equality and independence, making them vital nations in the world in the future development of our historic policies and precepts." [Applause.]

In the House of Representatives we witnessed a similar cooperation between the Republican and Democratic leadership. A final majority vote of both political parties was given to this great attempt to establish international stability. We are approaching maturity as a Nation; we are rising to the responsibility of world leadership; we must continue to advance.

We must evolve a clear, long-range, and united foreign policy without which our national security is endangered. It cannot be done by discord and disunity between the two great political parties here in the United States. We can no longer afford narrow political partisanship, nor vicious and petty political attitudes. Faced with the encroaching tide of communistic ideology and the potential destruction of civilization by atomic warfare we must rise to levels of statesmanship heretofore unknown. A public servant must have this high concept of responsibility and the desire to rise above political partisanship in his approach to the problems of the atomic age.

During my 6 years' service as United States Representative from the Nineteenth District of California, I have tried to represent the people of my district in strict conformity with the idea that I should represent all of the people to the best of my ability. My office has served all of the people, without question or regard to their political affiliation. In my appointments of the fine young men of my district to the West Point Military Academy and the United States Naval Academy, I have neither inquired nor considered the political affiliations of their families. The appointments have been made fairly on the basis of civil service examinations of merit.

I am deeply conscious and humbly appreciative of the great honor which the people of my district have conferred on me in electing me as their Federal Representative in our Nation's Capital. I have felt that I have been doubly honored by receiving both the Republican and Democratic nominations. This great compliment which has been given to me and the confidence which has been placed in me by the majority of both the Republican and Democratic people of my district has caused me to exert every effort in my power to justify their trust. I hope that I have discharged that trust through my sincere effort to represent all of the people of my district honorably and efficiently.

Great problems face our Nation, problems which can be solved by experienced men, energetic men, and, above all, honest, sincere men who realize the gravity of our times. Public servants must be willing to rise above pettiness, partisanship, and selfishness to the plane of statesmanship, which the people of our beloved country deserve.

With faith in God, we press forward with hope in our hearts:

I read the age-old parable of time
Unfolding now before my wondering eyes;
Above our finite ways a power sublime
Lifts mankind toward the golden skies.

Let hope triumphant fill my mind and heart,
The hope that peace shall reign throughout the earth.
Oh, let me work in faith to do my part
In building human dignity and worth,
That brotherhood at last may come to birth.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee did, on April 29, 1948, present to the President, for his approval, bills and a joint resolution of the House of the following titles:

H. R. 334. An act for relief of legal guardian of James Harold Nesbitt, a minor;

H. R. 344. An act for relief of Sylvester T. Starling;

H. R. 761. An act for relief of estate of Anthony D. Chamberlain, deceased;

H. R. 762. An act for relief of Dudley Tarver;

H. R. 1275. An act to authorize the payment of certain claims for medical treatment of persons in the naval service; to repeal section 1586 of the Revised Statutes, and for other purposes;

H. R. 1667. An act for relief of the estate of T. L. Morris;

H. R. 1747. An act for relief of Mrs. Margaret Lee Novick and others;

H. R. 2399. An act for relief of Joseph W. Beyer;

H. R. 2622. An act to authorize loans for Indians, and for other purposes;

H. R. 2728. An act for relief of Darwin Slump;

H. R. 3113. An act for relief of Bessie B. Blacknall;

H. R. 3328. An act for relief of Mr. and Mrs. Russell Coulter;

H. R. 4090. An act to equalize retirement benefits among members of the Nurse Corps of the Army and the Navy, and for other purposes;

H. R. 4399. An act for relief of James C. Smith, Stephen A. Bodkin, Charles A. Marlin, Andrew J. Perlik, and Albert N. James;

H. R. 4571. An act for relief of the estate of Carl R. Nall; and

H. J. Res. 242. Joint resolution to confirm title in fee simple in Joshua Britton to certain lands in Jefferson County, Ill.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House, pursuant to its previous order, adjourned until Monday, May 3, 1948, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

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

1507. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1949 in the amount of $13,963,000 for the Veterans' Administration (H. Doc. No. 630); to the Committee on Appropriations and ordered to be printed.

1508. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1949 in the amount of $20,500,000 for the Housing Expediter (H. Doc. No. 631); to the Committee on Appropriations and ordered to be printed.

1509. A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942, approved February 16, 1942; to the Committee on the District of Columbia.

1510. A letter from the Secretary of State, transmitting the ninth report of the Department of State on the disposal of United States surplus property in foreign areas; to the Committee on Expenditures in the Executive Departments.

1511. A letter from the Attorney General, transmitting a report reciting the facts and pertinent provisions of law in the cases of 107 individuals whose deportation has been suspended for more than 6 months under the authority vested in the Attorney General, together with a statement of the reason for such suspension; to the Committee on the Judiciary.

1512. A letter from the Secretary of the Treasury, transmitting the Fifteenth Quarterly Report on Contract Settlement, covering the period January 1 through March 31, 1948; to the Committee on the Judiciary.

1513. A letter from the Secretary of the Army, transmitting a letter from the Chief of Engineers, United States Army, dated March 10, 1948, submitting a report, together with accompanying papers and an illustration, on a review of reports on Dunkirk Harbor, N. Y., as requested by a resolution of the Committee on Rivers and Harbors of the House of Representatives adopted on September 18, 1945 (H. Doc. No. 632); to the Committee on Public Works and ordered to be printed, with one illustration.

1514. A letter from the Chairman, United States Tariff Commission, transmitting a preliminary draft of the first three parts of a report on the operation of the trade-agreements program from July 1934 to April 1948; to the Committee on Ways and Means.

1515. A letter from the Secretary of the Interior, transmitting a report on the supplies of coal and petroleum and petroleum products in the United States with suggestions for Government action to make proper and necessary supply available; to the Committee on Public Lands.

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. HOPE: Committee on Agriculture. H. R. 6114. A bill to amend title I of the Bankhead-Jones Farm Tenant Act, as amended, so as to increase the interest rate on title I loans, to provide for the redemption of nondelinquent insured mortgages, to authorize advances for the preservation and protection of the insured loan security, and for other purposes; without amendment (Rept. No. 1837). Referred to the Committee of the Whole House on the State of the Union.

Mr. LECOMPTE: Committee on House Administration. House Concurrent Resolution 151. Concurrent resolution authorizing the printing as a House document of a report entitled "The Economy of Hawaii in 1947" and authorizing the printing of additional copies thereof; without amendment (Rept. No. 1838). Referred to the House Calendar.

Mr. LECOMPTE: Committee on House Administration. House Resolution 539. Resolution providing for the payment to Ella J. Ickes, widow of William G. Ickes, late employee of the House, 6 months' salary and $250 funeral expenses; without amendment (Rept. No. 1839). Referred to the House Calendar.

Mr. LECOMPTE: Committee on House Administration. House Resolution 566. Resolution for the relief of Mary A. Conrad, widow of Dorsey B. Conrad; without amendment (Rept. No. 1840). Referred to the House Calendar.

Mr. DAVIS of Georgia: Committee on Post Office and Civil Service. H. R. 5508. A bill to amend the Veterans' Preference Act of 1944 to extend the benefits of such act to certain mothers of veterans; with amendments (Rept. No. 1841). Referred to the Committee of the Whole House on the State of the Union.

Mr. HINSHAW: Committee on Interstate and Foreign Commerce. H. R. 5960. A bill to amend section 32 (a) (2) of the Trading With the Enemy Act; without amendment (Rept. No. 1842). Referred to the Committee of the Whole House on the State of the Union.

Mr. HINSHAW: Committee on Interstate and Foreign Commerce. H. R. 6116. A bill to amend the Trading With the Enemy Act; with an amendment (Rept. No. 1843). Referred to the Committee of the Whole House on the State of the Union.

Mr. MUNDT: Committee on Un-American Activities. H. R. 5852. A bill to combat un-American activities by requiring the registration of Communist-front organizations, and for other purposes; with an amendment (Rept. No. 1844). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. HAGEN:

H. R. 6400. A bill to provide an appropriation for the reconstruction and repair of roads and other public facilities in the States of Minnesota and North Dakota which were destroyed or damaged by recent floods; to the Committee on Appropriations.

By Mr. ANDREWS of New York:

H. R. 6401. A bill to provide for the common defense by increasing the strength of the armed forces of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. COLE of New York:

H. R. 6402. A bill to provide for extension of the terms of office of the present members of the Atomic Energy Commission; to the Joint Committee on Atomic Energy.

By Mr. CRAWFORD:

H. R. 6403. A bill to establish within the Department of the Interior an Office of National Minerals Resources, Production, and Conservation, and for other purposes; to the Committee on Public Lands.

By Mr. FULTON:

H. R. 6404. A bill to broaden the cooperative extension system as established in the act of May 8, 1914, and acts supplemental thereto, by providing for cooperative extension work between colleges receiving the benefits of this act and the acts of July 2, 1862, and August 30, 1890, and other qualified colleges, universities, and research agencies, and the United States Department of Labor; to the Committee on Education and Labor.

By Mr. O'HARA:

H. R. 6405. A bill to amend section 2402 (a) of the Internal Revenue Code, as amended, and to repeal section 2402 (b) of the Internal Revenue Code, as amended; to the Committee on Ways and Means.

By Mr. REES:

H. R. 6406. A bill providing procedures for the control of the use of penalty mail by Government departments; to the Committee on Post Office and Civil Service.

By Mr. WOLVERTON:

H. R. 6407. A bill to encourage the development of an international air-transportation system adapted to the needs of the foreign commerce of the United States, of the postal service, and of the national defense, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEPPARD:

H. R. 6408. A bill to amend the Reconstruction Finance Corporation Act; to the Committee on Banking and Currency.

By Mr. HAGEN:

H. R. 6409. A bill to make Friday, December 24, 1948, a holiday in lieu of Saturday, December 25, 1948, for all officers and employees of the United States, including officers and employees of the field postal service; to the Committee on Post Office and Civil Service.

H. R. 6410. A bill to make Saturday, December 25, 1948, a holiday to the same extent as though it did not fall on a Saturday, for all officers and employees of the United States, including such employees of the field postal service; to the Committee on Post Office and Civil Service.

By Mr. McCORMACK:

H. R. 6411. A bill to provide for the issuance of a special postage stamp in further-

ance of national safety against traffic and other accident hazards; to the Committee on Post Office and Civil Service.

By Mr. REED of Illinois:

H. R. 6412. A bill to codify and enact into law title 3 of the United States Code, entitled "The President"; to the Committee on the Judiciary.

By Mr. WOLVERTON:

H. R. 6413. A bill to amend section 3 (a) of the Securities Act of 1933, as amended, relating to exempted securities; to the Committee on Interstate and Foreign Commerce.

By Mr. THOMAS of New Jersey:

H. Con. Res. 191. Concurrent resolution authorizing the printing of additional copies of the hearings held before the Committee on Un-American Activities on the bills (H. R. 4422 and H. R. 4581) to curb or control the Communist Party of the United States; to the Committee on House Administration.

H. Con. Res. 192. Concurrent resolution authorizing the printing of additional copies of the hearings held before the Committee on Un-American Activities relative to the Communist infiltration of the motion-picture industry; to the Committee on House Administration.

By Mr. VURSELL:

H. Res. 567. Resolution authorizing Charles W. Vursell to review certain papers in the files of the House; to the Committee on House Administration.

By Mr. THOMAS of New Jersey:

H. Res. 571. Resolution authorizing the printing of additional copies of the report prepared by the Committee on Un-American Activities on the organization American Youth for Democracy; to the Committee on House Administration.

H. Res. 572. Resolution authorizing the printing of additional copies of parts 1 and 2 of the hearings held before the Committee on Un-American Activities on the bills (H. R. 1884 and H. R. 2122) to curb or outlaw the Communist Party of the United States; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BOGGS of Delaware:

H. R. 6414. A bill for the relief of Lois E. Lillie; to the Committee on the Judiciary.

By Mr. FARRINGTON:

H. R. 6415. A bill for the relief of Leslie Fullard-Leo and Ellen Fullard-Leo; to the Committee on the Judiciary.

By Mr. JAVITS:

H. R. 6416. A bill for the relief of Anna Der A. Wing Jee; to the Committee on the Judiciary.

By Mr. PHILBIN:

H. R. 6417. A bill for the relief of James Flynn; to the Committee on the Judiciary.

By Mr. STIGLER (by request):

H. R. 6418. A bill for the relief of Robert A. Higbee, Jr.; to the Committee on Public Lands.

PETITIONS, ETC.

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

1854. By Mr. HART: Memorial of the House of Assembly of the State of New Jersey, urging that the United States Senate and House of Representatives do not ratify any treaty or agreement with the Dominion of Canada or pass any legislation which may provide for the construction of the St. Lawrence seaway; to the Committee on Public Works.

1855. By Mr. SMITH of Wisconsin: Resolution by Racine Taxpayers Association, Racine, Wis., in opposition to Federal aid to education; to the Committee on Education and Labor.

1856. By the SPEAKER: Petition of Miss Elizabeth Anderson, Zephyrhills, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

1857. Also, petition of Mrs. H. M. Jarvis, Orlando, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

1858. Also, petition of the National Office Machine Dealers Association, petitioning consideration of their resolution with reference to request for repeal of that portion of the existing tax law imposing an excise tax on office machines; to the Committee on Ways and Means.

1859. Also, petition of T. S. Kinney, Orlando, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

1860. Also, petition of W. A. Butler, Jacksonville, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

1861. By Mr. WELCH: Resolution No. 7401 passed by the Board of Supervisors of the City and County of San Francisco, requesting the Congress of the United States to enact legislation now pending before the Congress with reference to California's title to tide and submerged lands; to the Committee on Public Lands.

SENATE

MONDAY, MAY 3, 1948

(Legislative day of Friday, April 30, 1948)

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

Rev. John W. Rustin, D. D., minister, Mount Vernon Place Methodist Church, Washington, D. C., offered the following prayer:

Eternal God, Father of us all, we pause in the midst of the busy rush of life to ask Thy direction. Help us, when that direction comes, not to ignore it.

Grant, we pray Thee, to this body wisdom and unselfish understanding so that all action taken here today shall be to the best possible interest of all Thy people everywhere.

Save us from weak resignation and futile despair. Undergird us with a sense of Thy presence so that calmness and peace shall be in our souls.

Through Christ our Lord we pray. Amen.

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 today, May 3, 1948, the President had approved and signed the following act:

S. 1263. An act for the relief of fire district No. 1 of the town of Colchester, Vt.

MESSAGE FROM THE HOUSE

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

H. R. 2245. An act to repeal the tax on oleomargarine; and

H. R. 5992. An act to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 151) authorizing the printing as a House document of a report entitled "The Economy of Hawaii in 1947" and authorizing the printing of additional copies thereof, in which it requested the concurrence of the Senate.

HOUR OF MEETING—POINT OF ORDER

Mr. OVERTON. Mr. President——

The PRESIDENT pro tempore. The Senator from Louisiana is recognized to make a point of order.

Mr. OVERTON. Mr. President, I make the point of order that the Senate is not legally convened and is not legally in session. My point of order is based upon the fact that under the Constitution of the United States each House may determine the rules of its procedure. Pursuant to that constitutional authorization, at the beginning of the session, on motion of the able Senator from Nebraska [Mr. WHERRY], the Senate adopted a resolution which reads as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

On Friday, April 30, being the last day the Senate was in session, on motion of the Senator from Nebraska that the Senate take a recess until Monday next at 12 o'clock noon, the Senate took a recess until Monday, May 3, 1948, at 12 o'clock meridian. Therefore, Mr. President, under the rule of the Senate and under the phraseology of the resolution, the Senate recessed until 12 o'clock meridian—or noon; it makes no difference.

Furthermore, Mr. President, the act of March 19, 1918, chapter 24, section 2, Fortieth Statutes, page 451 (U. S. C., 1940 ed., title 15, sec. 262), establishes the standard time throughout the United States as follows:

In all statutes, orders, rules, and regulations relating to the time of performance of any act by any officer or department of the United States, whether in the legislative, executive, or judicial branches of the Government, or relating to the time within which any rights shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the United States, it shall be understood that the time shall be the United States standard time of the zone within which the act is to be performed.

When, therefore, the Senate recessed last Friday until 12 o'clock meridian today, it recessed in accordance with its resolution that the hour of daily meeting of the Senate will be 12 o'clock meridian and in accordance with the Federal statute, which I have just quoted, fixing the