EXHIBIT 14.—*Congressional vote and percent of population voting in 1940 election, by non-poll-tax States*—Continued

State and successful candidate	District	1940 population	Votes cast for successful candidate	Percent of 1940 population	Total votes cast	Percent of 1940 population
Pennsylvania—Continued						
Faddis	25	255, 523	58, 442	23	95, 801	37
Graham	26	341, 221	64, 669	19	126, 942	37
Tibbott	27	428, 490	75, 243	17	145, 751	34
Kelley	28	303, 411	58, 772	19	105, 998	35
Rodgers	29	252, 533	50, 147	20	92, 441	36
Scanlon	30	276, 948	62, 450	22	124, 549	45
Weiss	31	318, 584	76, 819	24	137, 854	43
Eberharter	32	206, 796	62, 121	30	90, 533	44
McArdle	33	287, 077	70, 824	25	128, 723	45
Wright	34	322, 134	75, 004	23	139, 341	43
Rhode Island:						
Forand	1	338, 883	87, 327	26	151, 844	45
Fogarty	2	374, 463	87, 253	23	162, 179	43
South Dakota:						
Mundt	1	485, 829	135, 406	28	227, 373	47
Case	2	157, 132	47, 051	30	71, 178	45
Utah:						
Granger	1	256, 388	62, 654	24	109, 675	43
Robinson	2	293, 922	86, 874	29	137, 206	46
Vermont:						
Plumley	(1)	359, 231	89, 637	25	140, 477	39
Washington:						
Magnuson	1	412, 689	113, 988	28	185, 098	45
Jackson	2	269, 757	66, 314	25	115, 523	43
Smith	3	258, 301	60, 529	23	109, 459	42
Hill	4	244, 908	50, 493	21	98, 496	40
Leavy	5	274, 754	67, 582	24	121, 840	44
Coffee	6	275, 782	71, 536	26	113, 870	41
West Virginia:						
Ramsay	1	281, 333	72, 717	26	136, 632	49
Randolph	2	297, 167	77, 045	26	133, 956	45
Edmiston	3	316, 917	79, 441	25	141, 251	45
Johnson	4	323, 202	82, 979	26	157, 470	49
Kee	5	305, 725	81, 903	27	130, 126	42
Smith	6	378, 630	105, 927	28	171, 689	45
Wisconsin:						
Bolles	1	293, 974	69, 276	23	124, 122	42
Sauthoff	2	319, 069	60, 481	19	136, 842	43
Stevenson	3	290, 719	54, 457	19	118, 399	40
Wasielewski	4	375, 418	57, 381	15	161, 125	43
Thill	5	391, 467	73, 728	19	166, 159	42
Keefe	6	284, 114	66, 821	23	116, 371	41
Murray	7	295, 305	58, 696	20	113, 749	39
Johns		329, 815	49, 005	15	111, 000	33
Hull	9	294, 618	61, 009	21	115, 600	39
Gehrmann	10	263, 088	50, 776	19	106, 026	40
Wyoming:						
McIntyre	(1)	250, 742	57, 030	23	106, 888	43

[1] At large.

Mr. MORSE. Mr. President, in accordance with the unanimous-consent agreement previously entered into, I intend to conclude my remarks for this evening with this summary statement. I sought in this part of my speech to show, first, that I think when we come to interpret any section of the Constitution, including article I, section 2, we must remember that we have to consider the Constitution in its entirety, and we have to look to make certain whether there are other restrictions within the Constitution that bear upon article I, section 2.

In the course of my remarks tomorrow I shall take the position and argue the point that article I, section 2, must be read in light of other restrictions which will be found in the Constitution, particularly in connection with amendments 14 and 15.

Second, I sought to point out in my remarks tonight that we must decide, when we are considering a constitutional question, whether or not we are going to make a liberal, dynamic approach to the Constitution, whether we are going to look upon it as an instrument subject to adjustment of the changing trends of social conditions, or whether we are going to look upon it simply in its literal sense as the product of a dead historic hand.

Next, Mr. President, I sought in my remarks to point out that at the time the Constitution was written the trend, the objective, the point of view of the Constitution fathers was to work in the direction of a national universal suffrage, and instead of imposing further restrictions on the right of suffrage, the result of the Constitutional Convention was to remove theretofore existing restrictions, and it was not until some years later that there was reimposed upon the right of suffrage in this country the poll tax as a limitation upon suffrage itself. Furthermore, that the tax and the property restrictions on suffrage which existed at the time the Constitutional Convention was in session were in the process of being lifted by the States that were parties to the Constitutional Convention.

Lastly, Mr. President, I have sought to point out in these remarks that we cannot escape the fact that the poll tax is an effective economic barrier to a free franchise, and it does, in fact, have the effect of disfranchising people who, under the Constitution, should be recognized as free citizens. It does have the effect of having Members of Congress elected to this body by an exceeding small percentage of the adults of their States in contrast with the much higher percentage of voters who go to the polls in poll-tax-free States.

Tomorrow, in the course of my remarks, Mr. President, I shall proceed to discuss some of the decisions of the United States Supreme Court previously cited and discussed by my good friends on the opposition side of this issue, but I shall endeavor to point out that I think that in many respects the decisions are not subject to the application my good friends have given to them.

With that statement I conclude for the evening.

RECESS

Mr. BROOKS. Mr. President, may I ask to what hour the unanimous-consent agreement provided that we should recess?

The PRESIDING OFFICER. To 1 o'clock tomorrow afternoon.

Mr. WHERRY. Mr. President, in my motion I was about to state the hour to which the recess would be taken.

We have now, as I understand, concluded the business of today's session, so I now move that the Senate, under the order previously entered, take a recess until tomorrow at 1 o'clock p. m.

The motion was agreed to; and (at 10 o'clock and 16 minutes p. m.) the Senate took a recess, the recess being, under the order previously entered, until tomorrow, Wednesday, August 4, 1948, at 1 o'clock p. m.

SENATE

WEDNESDAY, AUGUST 4, 1948

(Legislative day of Wednesday, July 28, 1948)

The Senate met at 1 o'clock p. m., on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou gracious Benefactor, who art ever making us the beneficiaries of Thy bountiful providence, we rejoice in the glad assurance that Thou wilt not withhold from us anything that is needful if we walk uprightly and that where Thou dost guide Thou wilt provide.

We pray that this assurance of Thy goodness may kindle within our hearts a more vivid sense of social responsibility. Help us to understand that the question, "Am I my brother's keeper?" must be answered conclusively in the affirmative.

Fill us with a longing to minister unto all who are finding the struggle of life so difficult. May we seek to bring about a more ethical and equitable distribution of the blessings of life.

In Christ's name we offer our prayer. Amen.

THE JOURNAL

On request of Mr. WHERRY, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, August 3, 1948, was dispensed with, and the Journal was approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Nash, one of his secretaries.

REPORT OF NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 737)

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which, with the accompanying report, was referred to the Committee on Banking and Currency.

(For President's message, see today's proceedings of the House of Representatives.)

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

REPORT OF THE DISTRICT OF COLUMBIA ADMINISTRATOR OF RENT CONTROL

The PRESIDENT pro tempore laid before the Senate a letter from the Acting President of the Board of Commissioners of the District of Columbia, transmitting, pursuant to law, the semiannual report of the Administrator of Rent Control of the District of Columbia for the period January 1 to June 30, 1948, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIAL

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

By the PRESIDENT pro tempore:

A letter in the nature of a petition from the East Twenty-fifth Assembly District of the Independent Progressive Party of California, San Francisco, Calif., signed by J. Canterbury, chairman, praying for the enactment of legislation providing price controls, etc.; to the Committee on Banking and Currency.

A resolution adopted by religious, labor, and civic leaders at Philadelphia, Pa., favoring the prompt enactment of civil-rights legislation; ordered to lie on the table.

A resolution adopted by religious, labor, and civic leaders at Philadelphia, Pa., protesting against the arrest of Communist Party leaders; to the Committee on the Judiciary.

ADEQUATE HOUSING FOR WORLD WAR II VETERANS

Mr. O'CONOR. Mr. President, I ask unanimous consent to present for appropriate reference and to have printed in the RECORD a resolution adopted by the Catholic War Veterans, Inc., an outstanding group of patriotic citizens, and endorsed by the Department of Maryland, Disabled American Veterans, in annual convention at Hagerstown, Md., May 7 to 9, 1948. The resolution emphasizes the need of adequate living facilities for veterans of World War II.

There being no objection, the resolution was received, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

CATHOLIC WAR VETERANS, INC., ENACTMENT OF FEDERAL HOUSING AID BILL

Whereas the most crying need of World War II veterans of today is that of adequate living facilities; and

Whereas a conservative estimate yields a figure of only 710,000 new dwelling units slated for completion this year, but with over 2,000,000 American families in need of adequate housing it is evident that, at present construction rate, several years will be required for construction to come abreast of present needs unless direct Government actions are taken; and

Whereas the major part of the 700,000 dwelling units now under construction are designed for sale at prices not within the reach of the vast majority of veterans today; and

Whereas the National Department of Catholic War Veterans, Inc., has gone on record endorsing passing of the Taft-Ellender-Wagner general housing bill and has petitioned the aid of the various State departments in obtaining passage of that legislation: Now, therefore, be it

Resolved, That the Department of Maryland implement the program of the national department by going on record as favoring direct Government aid on the Federal, State, and municipal levels in the solution of this pressing crisis, Federal action taking the form of congressional enactment of the Taft-Ellender-Wagner housing bill or some similar piece of legislation, with State and municipal action consisting of the appointment needs of veterans in Maryland and Baltimore with the view in mind of rendering complete data to the Federal Government so as to facilitate the carrying out of the provisions of whatever Federal legislation may be enacted; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States, the Senators, and Representatives from Maryland's six districts, the Governor of Maryland, and the mayor of Baltimore City.

THOMAS M. BAILEY,
Department Commander.
GEORGE W. BLUM,
Department Adjutant.

The above resolution endorsed by the Department of Maryland, Disabled American Veterans, department convention assembled in Hagerstown, Md., May 7-9, 1948.

JAMES F. AUBREY, Sr.,
Department Commander, Department of Maryland, Disabled American Veterans, Takoma Park, Md.

REPORT ON DISPOSITION OF EXECUTIVE PAPERS

Mr. LANGER, from the Joint Select Committee on the Disposition of Executive Papers, to which was referred for examination and recommendation a list of records transmitted to the Senate by the Acting Archivist of the United States that appeared to have no permanent value or historical interest, submitted a report thereon pursuant to law.

BILL AND JOINT RESOLUTION INTRODUCED

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

(Mr. MORSE introduced Senate bill 2927, to amend the Servicemen's Readjustment Act of 1944, as amended, and for other purposes, which was referred to the Committee on Labor and Public Welfare, and appears under a separate heading.)

By Mr. TYDINGS (for himself and Mr. O'CONOR):

S. J. Res. 238. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

THE POLL TAX

Mr. WHERRY. Mr. President, I ask the distinguished President pro tempore of the Senate to state what the parliamentary situation is.

The PRESIDENT pro tempore. In response to the inquiry, the Chair will state that the pending question is on the appeal of the Senator from Ohio [Mr. TAFT] from the decision of the Chair holding that the cloture motion on the motion to take up House bill 29 was not in order. Under the order of the Senate of yesterday, the junior Senator from Oregon [Mr. MORSE] has the floor.

Mr. WHERRY. Mr. President, will the Senator from Oregon yield for an announcement?

Mr. MORSE. I yield.

AUTHORIZATION FOR REPORT AND CONSIDERATION OF BILLS, ETC.

Mr. WHERRY. Mr. President, I ask unanimous consent that, subsequent to the conclusion of the business of the Senate today, any committee now considering proposed legislation recommended in the recent message of the President to the Congress be authorized to report a bill thereon; that any such bill may be deemed to have been read twice and to have gone over one legislative day, and that a motion on tomorrow to proceed to its consideration may be in order.

I ask further unanimous consent that, subsequent to the conclusion of the day's business, the Secretary be authorized to receive a message from the House, that any bill received therefrom shall be deemed to have been read twice, and that likewise a motion on tomorrow to proceed to its consideration shall be in order.

The PRESIDENT pro tempore. Is there objection?

Mr. BARKLEY. Mr. President, will the Senator from Nebraska state the request again?

Mr. WHERRY. All we are asking is unanimous consent that any bill reported subsequent to the recess or adjournment following today's session shall be considered as having been reported for the calendar so that we may proceed to take it up tomorrow.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the order is made.

ANNOUNCEMENT AS TO NIGHT SESSION

Mr. WHERRY. Mr. President, if the Senator from Oregon will yield further, I wish to announce to the Members of the Senate that there will not be a night session tonight. Already there has been released by the chairman of the Policy Committee the reasons for not having a night session, and also, I think, a statement as to what can be expected so far as our program for tomorrow is concerned. Before a motion to recess or adjourn is made today I shall have an additional statement to make to the Members of the Senate, but at this time I think all that is necessary is to say that when the Senate concludes its work today there will be a recess or adjournment, and it is not contemplated that there will be a night session.

THE POLL TAX

The Senate resumed the consideration of the motion of Mr. WHERRY to proceed to the consideration of the bil (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.

The PRESIDENT pro tempore. The pending question is on the appeal of the Senator from Ohio [Mr. TAFT] from the decision of the Chair holding that the cloture motion on the motion to take up House bill 29 was not in order.

Mr. MORSE. Mr. President, on completing my remarks yesterday——

Mr. McMAHON. Mr. President, will the Senator yield for an insertion?

Mr. MORSE. I was just about to announce that I shall find it necessary to decline to yield for any purpose until I complete my remarks—and I say this with regret to my good friend the Senator from Connecticut, as I am sure he understands. As I said last night during the course of my formal remarks on the pending subject, I shall not yield for any purpose, for two reasons: First, because I think it of importance that the Republican side of the aisle make its statement in the RECORD with continuity as to its position on the constitutionality of the anti-poll-tax legislation. Second, as I said last night, we have no desire on this side of the aisle, and certainly the present speaker has no desire, to aid or abet in any way prolonged debate by way of what is commonly known as a filibuster. Nevertheless, for the RECORD and for future reference I think it important at this time that a statement, of unbroken continuity, be placed in the RECORD, setting forth the position of the proponents of the anti-poll-tax bill as to its constitutionality and as to its merits from the standpoint of being sound civil-rights legislation.

Further by way of recapitulation, Mr. President, I think it is important that once again I call the attention of the American people to what I think is the realistic parliamentary fact which confronts us in this special session of Con-

gress. As I said in my remarks last night, and I repeat it today, I think it has been clearly demonstrated in this special session of Congress that there is no chance of passing any anti-poll-tax legislation, and the reason why there is no chance of doing that is the obvious fact that we are confronted with a concerted movement on the part of a group of Senators on the Democratic side of the aisle to use, to the maximum extent the rules permit, their parliamentary privileges in the Senate.

The American people should thoroughly understand that when a group of Senators—5, 6, 10, 11, or 12—make up their minds to prevent the passage of legislation, the archaic rules of the Senate give them the power to succeed in their attempt. So, in my judgment, there is no chance of passing any civil-rights legislation at this special session of Congress, be it anti-poll-tax legislation, FEPC legislation, antilynch legislation, or any other section of the President's civil-rights program, so long as there is the clear, obvious, and announced determination on the part of leadership on the Democratic side of the aisle, representing those who have the power in their hands, to prevent the passage of any civil-rights legislation by the exercise of their full parliamentary rights. So long as the Democrats take that position, we cannot break a filibuster in this special session of Congress. We cannot break it because time does not permit. We cannot break it because physically it is impossible to break it due to the fact that a small group of Senators, resting between their separate speeches, can wear down the majority, because the majority has to be on hand for quorum calls and for sudden votes which may be requested.

Therefore, Mr. President, as I said about 2 years ago in an article which I published in Collier's magazine entitled "D-day on Capitol Hill," I think there is no chance at all of eliminating what I consider to be the filibuster evil under the rules of the United States Senate, unless at the beginning of a regular session of Congress—and I proposed it in the article—the majority party in the Senate makes up its mind to amend rule XXII of the Senate rules.

As I pointed out in that article, the American people should understand that under rule XXII, which refers to the filing of a cloture petition on a measure, the petition is not applicable to motions, such as the motion to take up the anti-poll-tax legislation which was pending before the Senate prior to the appeal that was taken from the ruling of the Chair on cloture.

The Presiding Officer of this body, in what I am sure will be recognized in the years ahead as a historic ruling in the Senate the other day—and a statesmanlike ruling it was, too—pointed out to the Senate that the fundamental issue before us is the problem of amending rule XXII.

Mr. President, I ask unanimous consent to have printed in the body of my remarks at this point the article I published some 2 years ago in Collier's magazine, discussing that very problem, and pointing out then that what we should do in the Senate of the United States is to proceed to amend the rule at the beginning of a regular session. I said we should do so the first day of a regular session, and subsequent to the writing of the article, I submitted in this body an antifilibuster resolution by which I sought to accomplish the purpose which I think we must accomplish, namely, amend rule XXII, so that a cloture petition can be filed on any question pending before the Senate, such as a motion to take up a bill, or a motion to approve the Journal, or any other type of motion.

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

D-DAY ON CAPITOL HILL

(By WAYNE L. MORSE, United States Senator from Oregon)

On the floor of the Senate a small band of willful men had been holding up Senate action on a bill to promote equal employment opportunity for all Americans, regardless of race, religion, or color. A clear-cut majority of the Senate favored the principles of the bill. President Truman, on behalf of the Democrats, had asked for the legislation. The Republican Party platform of 1944 had pledged itself to the principles of the measure. Nevertheless, a group of southern Democrats had banded together to talk the bill to death. Hearing it, a young veteran burst out to me:

"But, Senator, it's dictatorship."

The air in the Senate was fervid with oratory. Senator WALLACE WHITE, of Maine, the Republican leader, defended the filibuster, although not a party to it, by stating that: "There may be times and circumstances in which minorities can in one way alone successfully resist the power of a temporary majority."

My veteran friend was bewildered. "If the Senate's rules allow a minority to control it," he asked, "where's democracy in Congress?" And if we don't have democracy in Congress, how can we preserve democracy in the United States?

Millions of people are asking these same questions. Not only because they have witnessed the disgraceful spectacle of filibustering in the Senate, but also because in the House of Representatives they have seen the principle of majority rule stifled by the small but powerful Rules Committee.

It is common knowledge that 7 members of this 12-man committee wield what amounts to dictatorial power over the entire House. These men have time and time again prevented important measures from being properly considered in debate by the House as a whole, or even from reaching the House floor.

The theory behind the Rules Committee is that it should act as a traffic director on the legislative highway. In actual fact, the committee has become an obstruction to orderly traffic. Like feudal barons who levied a toll upon those who used their roads, the committee often allows bills to come before the House only on the condition that certain amendments be written into them. It frequently usurps the functions of the regular legislative committees by conducting hearings on bills that already have been carefully studied by the proper legislative committee and not confining itself, as it should, to questions of procedure.

UNFAIR CONTROL OF LEGISLATION

There have been notable occasions when the Rules Committee, in effect, has originated legislation, although it was never contemplated that it should exercise this privilege. Recently, it will be recalled, the House Labor Committee approved the kind of bill it thought would contribute to labor peace. But a majority of the Rules Committee favored the Case bill, which the legislative committee had rejected. So it ruled that the Case bill be considered by the House rather than the Labor Committee's bill.

The job of the Rules Committee is to report to the House, in conjunction with a bill, a resolution setting the terms of debate upon the measure. Often the committee blocks the legislative road completely by failing to give a bill the right of way to the House floor under any rule of debate. Sometimes the committee works its will upon the entire House membership by imposing "gag rules" that restrict the time allowed for debate and the circumstances under which amendments may be offered.

There is no hope for government by the majority in Congress until the rules are thoroughly overhauled to free the House and the Senate from the legislative tyranny of a willful minority in either branch. These two infections of the body politic—the powers of the Rules Committee and the filibuster—are sources of intolerance and reaction. The Rules Committee must be assigned its original role of traffic director for House bills, and the Senate must adopt rules empowering a majority to end a filibuster.

It must be made clear to the voters that their substantive rights in the passage of all sound legislation needed in the interests of the general welfare cannot be separated from their procedural rights in attaining passage of such legislation. The people must be made to realize that the archaic rules of Congress permit self-seeking minority blocs to defeat legislation the people want without letting it come to a vote.

Most writers dip their pens in despair when they attempt to make suggestions for remedying these two evils. They point out that any resolution to reform the House Rules Committee would be referred to that committee itself—which group could be expected to protect its dictatorship by quietly filing the proposal.

They call attention to the fact that the Rules of the Senate have been carefully devised to protect the filibuster. A third plus one of the Senators can now prevent cloture—put a limit on the length of time a Senator may talk—thereby allowing a filibuster to continue until the legislation against which it is directed has been withdrawn or emasculated. Thus, most critics say it is almost hopeless to propose a resolution to eliminate the filibuster because the proposal itself would be subject to the filibuster technique.

The Senate has a Rules Committee, too. Although it does not have the sweeping powers possessed by the House Rules Committee, it does have jurisdiction over any proposal to change the rules and procedures of the Senate. Judging from the past, this committee could be counted upon to bury alive any proposal referred to it which seeks to reform the procedures of the Senate in the interest of majority rule.

EXAMPLE IN SELF-DEFENSE

A good example of the way the Rules Committees of both Houses protect what they believe to be their vested interests is the action which they took in passing upon the resolution setting up the La Follette-Monroney committee to make recommendations for the reorganization of Congress.

Since early 1945 this committee has been making an exhaustive study of various proposals for the reorganization of Congress, and it recently submitted a splendid report on the subject.

However, although the report presents sound proposals for reorganizing most other congressional committees, it makes no recommendations whatsoever in regard to the House Rules Committee, and says nothing about the colossal waste of congressional time occasioned by the filibuster. The omissions are startling, but no fault of the La Follette-Monroney committee.

The resolution that set it up was rewritten by Senate and House Rules Committees specifically to prohibit the special committee from making "any recommendations with respect to the rules, parliamentary procedures, practices, and/or precedents of either House."

But the problem is not as hopeless as the experts seem to think it is, provided enough Members of the Congress have the will to make the fight. The situation calls for a two-front attack in both Houses of Congress. The time to attack is on the first day of the new Congress next January.

On the first day of a new Congress the House adopts the rules that will guide it for the next 2 years. Usually the rules of the last Congress are accepted without change, by a routine motion. But that need not be the case. During that brief period on the opening day between the time that the Speaker of the House opens the session of the new Congress and the time when the House passes a motion adopting the rules of its previous session with whatever changes it may wish to authorize, the Rules Committee is temporarily stripped of power.

Hence it is at this time that the proponents of majority rule must strike their blows against the dictatorship of the committee. They must be prepared to offer at precisely the right moment an amendment to the rules depriving the committee of its broad powers over legislation, limiting it to the task of directing legislative traffic on the House floor.

This proposal would become pending business of the House, open to full debate on the floor and not subject to reference to the Rules Committee. The changes would become effective if approved by a majority of the House.

If the majority of the Members of the new Congress elected next November really want to establish majority rule in the House and be freed from the dictatorial domination of the Rules Committee, let them stand up and be counted on the opening day of the new session.

A similar fight for democracy should be waged in the Senate on the first day of the next session of Congress. On that day all Senators who believe in the establishment of majority rule in the Senate should support a resolution aimed at preventing any future filibusters. By a majority vote such a resolution can be made the subject of Senate business and disposed of without reference to committee. There is little doubt, of course, that the introduction of such a resolution will be vigorously opposed by the defenders of the filibuster. The sponsors of Senate rule by the minority already have made themselves clear. During the recent FEPC filibuster, Democratic Senator Tydings, of Maryland, stated: "The rule of the majority. The rule of votes. Majority to Hades * * * Let us not fool ourselves with the silly thought that majorities are always right."

Democratic Senator RUSSELL, of Georgia, rejected the idea of "a pure democracy, where every man's vote would be counted on every issue," and then later referred to the filibuster as a "bulwark against oppression by a mere popular majority."

WILL USE OBSTRUCTIVE TACTICS

It is clear that these Senators will wage a last-ditch fight against antifilibuster legislation with their customary weapon, the filibuster. However, a filibuster can be defeated. The recent FEPC filibuster could have been broken if a serious attempt to do so had been made by the Democratic Senators.

At that time the Democratic majority in the Senate, supported by many Republicans, recessed the Senate between 4 and 6 o'clock each afternoon during the filibuster, and on Friday afternoon recessed until each following Monday at noon. The Democratic administration made public statements in support of the FEPC, but took no effective action against the filibuster. No Democratic Senator and only a few Republican Senators were willing to join in my suggestion at that time to hold the Senate in continuous session for 24 hours a day for as many days, weeks and months as might be necessary to break it. An opportunity to establish, once and for all, majority rule in the Senate was passed up. It should not happen again.

Under the filibuster with all its insidious effrontery, the principle of rule by a majority is denied the people in the determination of congressional policy. I do not say that the majority is always right; but I do say that under our form of representative government a minority of Senators should not be permitted, by means of the filibuster, to block legislation favored by the majority. If the majority passes legislation which the people of the country do not favor, it must answer to the voters of the country for their action on that legislation, and the voters will then have a chance to send men to the Senate under instructions to repeal any legislation that the people do not want.

There is no way to smash a filibuster but to exhaust the filibusters by forcing them to speak day after day for 24 hours a day.

In a very real sense a filibuster is an endurance test. If a majority of the Senators really want to free themselves from the dictates of a willful minority they must be willing to take the time and undergo the physical strain that may be necessary to abolish once and for all the filibuster travesty.

If a majority of the present Senate really doesn't want to make that fight, then the voters should start finding it out in the 1946 elections. They should see to it that they send back to the Senate men pledged to make that fight. For my part, I am determined that the fight shall be made. But it cannot be made without the assistance of Senators in both parties. It will not be a pleasant fight. But with demonstrated public backing, it undoubtedly would end quickly.

FOR THE DIGNITY OF THE SENATE

When continuous sessions were proposed as the only effective method of beating the recent FEPC filibuster, the criticism was made that the procedure was beneath the dignity of Senators. That, of course, was pure nonsense. Nothing could be more undignified than the manner in which the Senate record is disgraced with long-winded ranting and meaningless talk during a filibuster. My proposal for continuous sessions of the Senate has been criticized as too dramatic. That argument is without weight. It is highly important that this issue be fully dramatized in order to impress upon the American people its vital importance to their legislative rights.

There are two reasons why it is important that the fight to pass an antifilibuster resolution should be waged at the beginning of the next session of Congress. First, it should be conducted concurrently with the fight to establish majority rule in the House in order that public attention may be focused on the same basic issue, namely, the need of democracy in both Houses of Congress.

Second, if the resolution is followed by a filibuster, it will not hold up any other legislation, since none will be ready for Senate action. It would be very difficult to break a filibuster near the close of a session, because the unity of action required on the part of Senators is difficult to obtain when so many of them are anxious to recess and go home. It is likewise difficult to wage a successful fight against a filibuster in the middle of a session, since the argument is always made that taking the time to defeat a filibuster blocks actions on other legislation vital to the welfare of the country.

One rule in political strategy, as in boxing, is never to telegraph your punches. But this fight involves more than political strategy. This is a fight to establish the people's rights to democratic procedures in their Congress, and it is important that the people themselves should become understanding participants. Everyone should know months ahead of time that January 7, 1947, or whatever day Congress reopens, will be D-day on Capitol Hill—Democracy Day for reasserting and reestablishing majority rule in the Congress of the United States; Duty Day for all Members of Congress to restore representative government to the legislative processes of Congress.

If majority rule is to characterize the procedures of Congress, the voters of this country must make that clear to congressional candidates in November. Either we are going to reestablish the principle of majority rule in our Congress or we are going to continue to drift into government by minority interests and bloc pressures. This is another test of liberalism versus reactionism.

It is important that the American people recognize that our form of government can protect their rights only so long as they keep it strong and effective. Representative government is not a machine that works automatically. It is but a set of rules and principles which the people by their own consent have decreed shall be binding upon their own conduct. These principles cannot work unless they are administered by men and women responsive to the will of the voters who elected them.

The people must be ever watchful against institutions—like the filibuster and powers of the House Rules Committee—which permit the perversion of free government by self-seeking men. If the people relax their vigilance, they may lose the fruits of democracy which promote the greatest good for the greatest number within the framework of our private-property economy.

Mr. MORSE. Mr. President, in the article, as I said again in my remarks last night and I want to repeat it today, we must make clear to the American people the relationship between the rules of the Senate and their substantive rights in connection with needed social legislation. In some way, somehow, we must enable every man and woman on the streets of America to understand that the rules of this body have a direct relationship to their liberties and freedoms. We must get them to understand that under rule XXII of this body such power is vested in a small group of men in the Senate of the United States—and it is always an ever-changing group—that five, six, seven, or eight, or more Senators who want to league themselves together can successfully block the passage of any piece of legislation they want to block. The only way we can ever remove this great danger to our national welfare is for a Republican majority in the Senate, come January 1949, to do what I suggested in the Collier's article we should have done in January 1947, namely, make up our mind to change rule XXII in such manner that a cloture petition can be filed on any pending question, be it a measure as now interpreted under rule XXII, or a motion affecting any other item of business.

Mr. President, I shall dwell on this point a while longer, because, as I said last night, I want the American people fully to understand why we are blocked in this special session of Congress in the passing of civil-rights legislation. We are blocked because, in my judgment, a group of Senators on the Democratic side of the aisle have, under the rules, the

power to block the passage of such legislation. I have every reason to believe, as every other Member of the Senate has reason to believe, as the words in the RECORD spoken from the lips of one of their leaders at the special session already show, that they have served notice on the Senate of the United States that they intend to use the rules to the extent of their application in an endeavor to block the passage of civil-rights legislation.

Mr. PEPPER. Mr. President——

Mr. MORSE. Mr. President, I will not yield.

The PRESIDENT pro tempore. The Senator from Oregon has announced that he will not yield.

Mr. MORSE. Mr. President, in view of that parliamentary situation which confronts us, I repeat what I set out in the Collier's article, I repeat what I have said to Republican groups since the writing of that article, that come January 1949, we as a Republican majority in the Senate of the United States, must deliver the American people from the encroachment—which I consider the filibuster power in the Senate of the United States to be—on their rights, welfare, and interests.

I heard the Presiding Officer of this body—and I am sure he will not object to my saying so—in discussing the problem, point out with the crystal clearness that always characterizes his pronouncements, that it is not safe in time of great national crisis to have the rules of the Senate in such form that a small group of men can balk the passage of needed legislation to meet a great national crisis. I agree with the Presiding Officer of this body.

From this forum I remind the people of the country today, Mr. President, that the cloture petition rule in the first instance was found necessary because of the great crisis which then confronted the Nation. It goes back to the dark days of 1917 when the Senate of the United States was threatened to be tied up by a filibuster which endangered the very security of the Nation. The cloture rule was adopted to block that filibuster.

Subsequently thereto interpretation of rule XXII developed whereby the precedents have been well established, as the Presiding Officer pointed out the other day, that the word "measure" in rule XXII is not applicable to a motion, and, therefore, motions to approve the Journal or motions to take up an item of business are not subject to the application of a cloture petition.

I say, Mr. President, that we must change that rule, and we must use the record of this special session of Congress on the anti-poll-tax bill and the concerted drive on the part of the Democratic side of the aisle to block the passage of that bill as our exhibit A to the American people of the necessity of adopting a modification of rule XXII, so, as I pointed out in the Collier's article, cloture will be applicable even to a motion to approve the Journal.

Mr. President, I do not like to take a licking any more than anyone else does, but one is called upon sometimes to be realistic enough and honest enough to admit when he is licked. I am perfectly willing here and now to say that in my opinion the proponents of an anti-poll-tax bill in this special session of Congress are licked. I do not think there is any chance of getting through this special session of Congress an anti-poll-tax bill.

Some might say, "Why do you not try to amend rule XXII in this special session of Congress?" I think there are two very good reasons why that cannot be done. In the first place, the time limitation itself would prevent it, because we would be confronted with a filibuster on any proposal to amend rule XXII. I think that is perfectly obvious. We shall need to have a rather long bracket of time in which to beat such a filibuster, and time does not permit in the special session of Congress.

I think we should also be sufficiently realistic to say that we cannot imagine anything the Democrats would relish more than to have us stay here in a long drawn-out fight in an attempt to break a filibuster on a proposal to modify rule XXII, with a great, historic political compaign in the offing, because as a Republican Party we also have the great responsibility of making clear to the American people the importance of a Republican victory in November in the interests of our national welfare. As Republicans we have the responsibility of making clear to the American people that the irreconcilable conflict and controversy between the White House and the majority in the Congress must be brought to an end, and, I will add quickly, Mr. President, that the conflict between the White House and a large number of Senators on the Democratic side of the aisle must be brought to an end. It is not good for our Government. It is not safe, in my opinion, for sound representative government that this conflict between the Congress and the White House, which is the natural result of having the Congress of one political complexion and the White House of another, should longer continue. I think that this campaign is so important in making clear to the American people the importance of a Republican victory in November that I believe we should pass as quickly as we can on the vital issues facing the country relating to housing and inflation, matters which are bringing great suffering to the American people from the standpoint of the high cost of living, and then go into that campaign, assuring the American people that if they will give us a Republican President and a Republican Congress in November we will proceed immediately after the election to put into effect and practice the great progressive, forward-looking platform which my party adopted at Philadelphia.

Mr. President, I think we must be frank enough to say to the American people that we do not propose to be caught in a political trap, or in a parliamentary situation of prolonging the special session of Congress in a fight over a filibuster to modify rule XXII of the Senate, thereby putting ourselves out of the position in which we can give to the American people, as we should, all the help we can in reaching their decision as to how to vote in November.

I think it is important that the Republican Members of this body, at the earliest opportunity, go out into the country and carry these campaign issues to the American people in order to assure a Republican victory in 1948. That is why I say it is unrealistic to suggest that in a special session of Congress time permits the breaking of a filibuster over the proposal to modify rule XXII. Therefore I shall join with my Republican colleagues, now that we shall have demonstrated by the end of this day the impossibility of passing any anti-poll-tax legislation, in recognizing that fact and proceeding to other items on the agenda, giving the American people the assurance that, come January, we intend to make the first order of business the modification of rule XXII. At that time we will fight to a finish any filibuster that develops in the Senate in opposition to a modification of that rule.

Before I proceed to discuss some of the cases which have been stressed by my good friends of the opposition on the constitutional issue which is before us, I should like to invite attention to the fact that there are increasing indications that, through the judicial process, the true meaning of the Constitution, particularly the fifteenth amendment, is going to be put into application. I invite attention to an item which appears on the first page of this morning's New York Times. It reads as follows:

NEW MEXICO INDIANS GET RIGHT TO VOTE

SANTA FE, N. MEX., August 3.—A special three-judge Federal court ruled today that a New Mexico constitutional provision denying the right to vote to Indians was contrary to the United States Constitution.

The decision, in effect, gives the voting privilege in New Mexico to Indians.

The court ruled that New Mexico's law providing that "Indians not taxed" may not vote contravenes the fifteenth amendment of the United States Constitution, which assures a ballot for everyone of voting age regardless of race, creed, or color.

The far-reaching decision was made in a suit that had been filed in behalf of Miguel H. Trujillo, an Isleta Indian, living at the Laguna Pueblo. It charged that Eloy Garley, clerk of Valencia County, had refused to register Trujillo before the New Mexico primary election on June 8.

I have not read the decision, but I shall do so as soon as I can get it in my hands. I cite that case as applicable to the discussion before us only to the extent that it is another brick in the great judicial wall of protection of civil rights that is being built by the courts of America. It is another brick in that wall similar to some other decisions which I shall discuss later in my remarks. I am satisfied that legislation such as our anti-poll-tax legislation will be sustained by the United States Supreme Court when directly before the Court for decision.

That is one reason, among others, why I am opposed to the suggestion made by the distinguished Senator from Arizona [Mr. HAYDEN] early in the special session that we lay aside the anti-poll-tax bill and substitute therefor a proposal for a constitutional amendment.

I am opposed to that approach because I am satisfied, in the first instance, that an anti-poll-tax bill is constitutional. If I did not think so, as I said

last night, Mr. President, I would not be asking my colleagues to vote for it, because I take the position that a Senator who has any doubt as to the constitutionality of any piece of legislation which is called up for a vote in the Senate should, in keeping with his oath of office, vote against the legislation. But I submit that a study of the cases and a careful study of the Constitution will remove any doubt as to the constitutionality of anti-poll-tax legislation.

In the second place, I am opposed to the constitutional-amendment approach because I believe that it would result in years of frustration, years of delay in giving to 10,000,000 people in this country the franchise right to a free ballot, to which they are clearly entitled under the Constitution. I say that because I am satisfied that a terrific campaign, even in the Southern States which have abolished their own poll-tax legislation, would be carried on in order to prevent the ratification by the States of such a constitutional amendment. It does not take very many States to block it.

Therefore, I say that the challenge of statesmanship in regard to anti-poll-tax legislation is to pass the bill pending before the Senate and then give to the courts of the country, in accordance with our system of checks and balances, and in accordance with the judicial rights of our courts under the Constitution, an opportunity to render a decision squarely in point involving the interpretation of an anti-poll-tax bill itself. As I stated last night, up until this time the litigation which has reached the Supreme Court on this issue has been what we call mixed litigation, at best. It has involved mixed questions of interpretation of State law and State election problems in relation to article I, section 2, of the Constitution. There has not been before the Supreme Court a bill passed in accordance with the enabling clauses of various sections of the Constitution, in a case dealing directly with the poll-tax issue, which raises the question as to whether or not such a bill falls within the legislative power of Congress, for example, in carrying out its obligations under the fifteenth amendment.

Most of my constitutional argument today--but not all of it—will rest upon the powers and duties of Congress under the fifteenth amendment. I think it is interesting to note that in the New Mexico decision announced in the New York Times this morning, and apparently rendered yesterday, that court considers the fifteenth amendment as the basis for declaring null and void the constitutional provision of the State of New Mexico which sought to deny to Indians the right to vote because they did not pay taxes.

During the past few days there have been very learned discussions on the floor of the Senate as to whether the Congress has the authority under our Constitution to enact legislation such as that proposed in House bill 29. This is not a new area of discussion. The niceties of the legal questions have been argued in committees of Congress and on the floors of both Houses from time to time for about 6 years now. There have been able and eminent lawyers on both sides of the question. In the light of this fact, I think that every Member of Congress is going to have to be his own constitutional lawyer on this question. It is rather clear that the majority of both Houses have consistently believed—and so voted—that Congress has the constitutional authority to abolish the poll tax insofar as it affects the election of Federal officers.

Let me take just a moment to review the history of this legislation. In the Seventy-seventh Congress, the House passed House bill 1024, an anti-poll-tax bill similar to the measure now under discussion, by a vote of 252 to 84 on October 12, 1942. During the Seventy-eighth Congress, the House on May 25, 1943, again passed House bill 7, similar to House bill 29, and sent it over to the Senate by a vote of 265 to 110. Again, the House during the Seventy-ninth Congress resolved its doubts about the constitutionality of this proposed legislation and passed House bill 7, on June 12, 1945, by a vote of 251 to 105. The bill I now speak in behalf of was passed by the House, after full hearings before the Committee on Administration, by a vote of 290 to 112, on July 21, 1947.

Committees of the Senate have given full and careful consideration to the constitutionality of this proposed legislation, and have repeatedly reported it to the Senate. Extensive hearings, at which many eminent constitutional lawyers appeared and testified, were held by the Senate Judiciary Committee in 1942. I was not a Member of this body at that time, but I understand that the late Senator George Norris, a member of the committee and a distinguished lawyer in his own right, went into those hearings with very serious reservations in his own mind regarding the constitutionality of this proposed legislation—the power of Congress to abolish the poll-tax requirement by statute. After listening to countless witnesses who appeared and after making his own painstaking legal research, Senator Norris was not only convinced that Congress did have the constitutional power and responsibility for eliminating these taxes, but he himself wrote the majority report and led the fight on the floor of the Senate for the bill during the fall of 1942. I recommend that historic debate and the report of Senator Norris' Judiciary Committee in 1942 to any of my brethren who may have any doubts as to the constitutionality of this bill. In the Seventy-eighth Congress the Senate Judiciary Committee found that legislation such as House bill 29 was constitutional, and the committee reported the then pending bill to the Senate. House bill 29 was itself considered at length by the Senate Rules and Administration Committee, and was reported favorably in the Senate on April 30, 1948.

I mention these facts simply to show that in the light of the legislative history of anti-poll-tax legislation in this and preceding Congresses, a substantial majority of the Members have come to the conclusion, and I think a very sound one, that this proposed legislation is constitutional.

I have some views on this question which I should like to discuss.

First, a large number of cases have been cited by the opponents of this proposed legislation in an attempt to show that it cannot be constitutionally enacted by the Congress. But not a single one has been, or can be, cited to show that House bill 29 is unconstitutional, for the simple and incontrovertible reason that the Supreme Court of the United States has never had an occasion to pass on whether an act of Congress such as is proposed in House bill 29, abolishing the payment of a poll tax as a prerequisite to voting in a Federal election, is or is not constitutional. That question has never been before the Court. We can argue from now until doomsday, Mr. President, about the cases that involve what I call mixed litigation, cases which involve the application of poll-tax laws to both State and Federal elections; but, as I said last night, all the Court has to do is to pass on the fact that the measure is offered as a true taxing measure, in order to eliminate from its discussion or consideration any other facet of the case. Let the Congress pass an anti-poll-tax measure under its alleged constitutional power to protect the ballot of free citizens in a national election for Federal officers, and then the Court will have to lay down a decision directly "on the nose" of our problem. I am satisfied that, if the Court is given such a set of facts, there will be no escape from a decision that the bill is constitutional, because in my judgment the Court will find that poll taxes contravene the fifteenth amendment.

Mr. President, the Constitution affords a number of bases on which the Congress may, in my opinion, properly and constitutionally enact a statute abolishing the poll-tax requirement.

Section 4 of article I requires that—

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

This grant of power is further implemented by broad legislative authority contained in section 8 of article I of the Constitution, which empowers Congress—

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Before I conclude, I shall have something to say about the power of the Congress to perpetuate a republican form of government; but I call especial attention to this enabling clause of article I of section 8 of the Constitution, which gives the Congress the clear constitutional power and places upon it the constitutional duty of passing whatever laws are necessary to carry out the provisions of the Constitution. It is vital in America today to preserve a republican form of government; and in my judgment we cannot preserve, in the true constitutional sense, a republican form of government if 10,000,000 supposedly free citizens are denied a free ballot box in a

national election. That is a vital constitutional issue, Mr. President, and I submit that when the Supreme Court has an opportunity to pass on it directly by way of interpreting and applying the constitutional powers under an anti-poll-tax bill passed by the Congress, the Court will find that the enabling clauses are a part of the basis for the constitutionality of the act.

These two broad provisions—section 4 of article I and section 8 of article I—have constituted the basis of a number of Federal statutes designed to rid the elective machinery of certain evils and burdens. The Federal Corrupt Practices Act is one, and the act, passed during the recent war exempting members of the armed services from the payment of poll taxes, is another example. Both those examples, and likewise the exemption which is sought under the bill now under discussion, rest upon the constitutional power to regulate the manner of holding elections.

Let me repeat that, Mr. President, because I desire to dwell at some length on the anti-poll-tax bill which, in fact, we passed when we enacted the soldier voting measure during the war. I want to connect the constitutional theory of such acts as the Corrupt Practices Act and the Soldier Voting Act, with its anti-poll-tax provision, to sections 4 and 8 of article I of the Constitution. Therefore, I repeat the reading of those two sections. Section 4 says:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Section 8 says:

> To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

Mr. President, Members of this body I am sure would be enlightened, and some, I think, no little amused, if they would read the debates as recorded in the CONGRESSIONAL RECORD at the time the Corrupt Practices Act was under consideration, and at the time the soldiers vote bill was under consideration. They would find a remarkable similarity between the arguments then made and the arguments now made by the opponents of an anti-poll-tax bill. It was contended by the opponents in those debates that the prerogatives and the rights of the States were being infringed and impinged upon by such legislation. I think there is only one place to meet the issue of States' rights. Let the record be perfectly clear that I shall defend States' rights as granted under the Constitution as vigorously as any other Member of the Senate, but I shall not read into the Constitution, as I submit many of my colleagues do, the vesting in the States of rights which in fact were delegated to the Federal Government under the Constitution.

I say sections 4 and 8 of article I of the Federal Constitution delegated broad powers to the Congress of the United States in protecting national elections. In my view, it is impossible to read those sections and give any other meaning to them. Therefore, from time to time in the past the Congress of the United States has seen fit to enact legislation in the very face of arguments that such legislation, which would keep pure the national elections by way of congressional law, impinged upon States' rights.

Now a word or two about the soldier-vote bill that was passed during the war. The bill contains an anti-poll-tax provision. The bill, as the CONGRESSIONAL RECORD will show, and I shall go to it in a minute, was a Republican bill. I want to say to the proponents of the anti-poll-tax legislation throughout the Nation, and I want to say to some of those in minority groups who from time to time raise questions as to the good faith of the Republicans in connection with civil-rights legislation, that we can stand on the record of our support of civil-rights legislation. Let us see whether or not the Democrats can.

The distinguished junior Senator from Illinois [Mr. BROOKS] offered an amendment to the soldier-vote bill to eliminate the poll-tax restriction. Let me go to the CONGRESSIONAL RECORD. It speaks for itself. I turn to the CONGRESSIONAL RECORD of August 25, 1942, at which time the soldier-vote measure was pending before the Congress.

Mr. KNOWLAND. Mr. President, would the Senator yield merely for an inquiry? Is the Senator going to put the page number in the RECORD at this point, so it will make it easier to find?

Mr. MORSE. I refer to the CONGRESSIONAL RECORD for August 25, 1942, starting on page 6970. The Senator from Illinois [Mr. BROOKS] said:

> Mr. President, I do not desire to prolong the argument. I merely wish to add that the junior Senator from Illinois is not concerned or is not attempting in any way to interfere with the election, the method of holding the election, or the conduct of the election in any State.
>
> I wish to reiterate what I stated yesterday, the Federal Government, by vote of this body, has reached into the sovereign States and said to the young manhood of the States, "You register and present yourselves for service wherever you are told to go by the Federal Government." Many of them left without paying a poll tax, many of them left without registering their right to vote at home. By no choice of theirs, by no act or thought of theirs, they are scattered all over the world, and this body, which by its vote created the situation by which they find themselves throughout the world, can do well to remove the simple restrictions which deprive them of the right to participate in the choice of those who shall in the future occupy seats in this body, while we talk about spreading four freedoms throughout the world after the war.
>
> We have told our people that soon, I understand, we will have another bill under which we will register more of our citizens. We say they can no longer live as usual, think as usual, or have business as usual, but by our conduct apparently we are going to say to them, "We are going to conduct our political restrictions as usual," notwithstanding what we do about their vote. We may say that we love the soldier, and that we want every soldier to have the right to vote, but when one votes against giving him the right to vote in a primary, or against removing a simple restriction, he proves the depth of his love and affection for the men in the armed services. We have no desire to attempt to interfere in any State, but the rights of those men rest in this body, and I am ready to have the record made on the pending amendment.

This is the Republican Senator from Illinois [Mr. BROOKS] making a speech in support of his amendment to eliminate the poll-tax requirement from the soldier-vote measure.

The Senator from Illinois brought out very clearly in his remarks, as it was brought out in other remarks made during the debate, that there was a clear duty vested in the Congress of the United States to see to it that the arbitrary restrictions upon suffrage represented by the poll tax should be removed from the men in uniform. On what theory? On the theory that it interfered with States' rights? On the theory that the proposal was unconstitutional, as has been alleged here throughout the debate on House bill 29? No; but as Senator BROOKS said, on the theory that it is the clear duty and the obligation of the Congress to protect the rights of soldiers to vote in national elections. I say on the theory that under amendment 15 of the Constitution the Congress has a clear duty to pass legislation to protect the right of suffrage of free citizens. That was a Republican proposal, and it was fought for by the Republicans on the floor of the Senate during that historic debate.

Let us look at the record in connection with the vote on the proposal. I have said so many times—I cannot say it too often—that the test of a man's political philosophy, the acid test of his constitutional liberalism, is to be found in his votes in the Congress of the United States. What he says is not so important; what he says is important only if he backs up his statements with votes which support them. Many people, for long years past, Mr. President, have been playing political football with the civil-rights issue in the United States. I would not say that my party has been free of such hypocrites; we have had some of them. But at any time I will lay the Republican record on civil rights alongside of the Democratic record and have no fear as to what an impartial jury of independent voters will say when they come to study and to pass judgment upon the record. I say that because the record is perfectly clear that the Republicans for many years past have attempted to put through civil-rights legislation, and such legislation as Congress has been able to put through has been put through with Republican votes.

During the war the anti-poll-tax provision of the soldier-vote bill came from a Republican Senator from Illinois [Mr. BROOKS]. How did the Senate vote on it? That is a good test of where Republicans and Democrats stand on the issue of civil rights. That, in my judgment, is the test of where people stand on civil-rights matters, at least insofar as true support of anti-poll-tax legislation is concerned. The Brooks amendment was called up for a vote on August 25, 1942, as shown on page 6971 of the CONGRESSIONAL RECORD for that day. Let me make plain what amendment I am talking about. I am talking about

the amendment which proposed to relieve the soldiers from a poll-tax restriction in casting their votes in a Federal election for national officers. That was the issue. It was crystal clear, unequivocal, calling for a vote as to where a man stood on that civil-rights issue. The roll was as follows: Those voting "yea" were: Bone, Brewster, Bridges, Brooks, Brown, Capper, Danaher, Downey, Johnson of California, Johnson of Colorado, Kilgore, La Follette, Lodge, McCarran, McFarland, McNary, Maloney, Mead, Murray, Norris, Pepper, Reynolds, Rosier, Schwartz, Stewart, Taft, Thomas of Idaho, Thomas of Utah, Tunnell, Vandenberg, Walsh, White, Wiley.

Counting the number of Republicans in light of the few Republicans who were in the Senate in 1942, it will be seen that the Republicans in the Senate by a large majority voted to protect the precious civil right that our soldiers should be freed of the restriction of a poll tax on their suffrage.

Let us look at the "nay" votes: Andrews, Bailey, Barkley, Byrd, Clark of Idaho, Clark of Missouri, Connally, George, Gerry, Green, Guffey, Hayden, Herring, McKellar, Radcliffe, Russell, Smathers, Truman, Tydings, Van Nuys.

Mr. President, I am willing to let that record speak for itself as to who believed in delivering on civil-rights legislation. I am willing to let that vote speak for itself as to whether those of us on the Republican side of the aisle are fighting and voting for civil-rights legislation, and whether, in the main the Democrats are merely talking for it. I am willing to let the vote of the President of the United States, when he served as a Member of this body as a Senator from Missouri, in opposition to the proposal offered by the Senator from Illinois to protect the soldiers from a poll tax in the national election, during the war, speak for itself as to whether he means to deliver on civil-rights legislation. We cannot go behind that vote. I repeat, Mr. President, that I shall judge the political record of a man not on what he says, but on both what he says and how he votes to back up what he says.

Mr. President, we Republicans have made other fights for civil-rights legislation, and we have backed up our speeches with our votes. Let me for a moment refresh the memories of Senators as to what I think was a rather historic fight, as time will prove, in the Eightieth session of Congress, when Democratic representatives, in the main, in the Senate of the United States, from 16 Southern States, offered to the Senate for ratification a compact which would have empowered, with congressional approval, 16 Southern States to establish regional schools of higher education based on the principle of segregation, which they sought to make Federal policy by getting the Senate to approve, if they could, that compact. I make no apology to the American people for leading the fight against that compact on the ground that the compact section of the Constitution did not require the approval of that type of compact. I pointed out in the debate, and I have no fear of successful contradiction on that point, that one of the obvious motivations of that fight was to enable its proponents to get themselves in a position so that when civil-rights legislation involving racial questions in the field of education reached the United States Supreme Court they could point to the Senate of the United States as having placed its stamp of approval on a policy of segregation in higher education in the United States. I have already said, and I now repeat, that I have no intention to interfere with State policy in the field of education, but when the Senators from 16 Southern States sought to have the Senate place its stamp of approval, by way of ratification, on that compact, which had embodied in it the principle of segregation, I had no hesitation in leading the fight against that transgression on what I think is a precious civil right, because never by my vote will I put my stamp of approval on segregation in free public schools in America.

I know something about schools which are attended by all races. I went through the grade school in the city of Madison, Wis., known as the Greenbush School, which was located on the edge of the slum area of Madison, Wis. There attended that school throughout the 8 years I was there boys and girls from all races of that area, many Negro children, many Jewish, Greek, Italian, Polish, indeed attending that school was a cross-section of the great melting pot which America is.

It is difficult by way of self-analysis and introspection to determine how one comes to hold certain views which he entertains on certain social questions, but I am satisfied, as I analyze my own thinking, that the whole background of my constitutional liberalism is to be found in the conditioning and the training and the understanding of democracy I learned in 8 years in the Greenbush School in Madison, Wis.

Never, Mr. President, with my vote will I deny what I think is a precious civil right in this country, the right of any child to go to a public school irrespective of any attempt to discriminate against him because of race, color, or creed. Democracy will never remain strong in America unless we drive from our midst intolerable prejudice against people because of their race, color and creed. I may add that the civil rights principles of the Constitution are on trial before the world today. As I said last night, our attitude in this country in not taking a courageous and forthright forward step to eliminate discriminations practiced against the civil rights guaranteed by the Constitution is developing a hotbed for communism in the United States.

There is not a southern Democrat, there is not a northern Democrat, there is not a Republican in the whole Congress who hates and despises the Communist ideology more than does the junior Senator from Oregon. The way to meet a threat to democracy is to make democracy work so well that the propaganda of the Communists will not mislead or deceive a single American. Many of them are now being deceived, many of them are being misled. Many Americans, I fear far too many, are going to register a protest vote this fall by voting for the third party because of their opinion that we are not putting into effect as rapidly as we should the full guarantees of the Constitution.

Oh, here is a chance, by the passage of this anti-poll-tax bill, which, as I have said, we shall not be able to pass because of the parliamentary tactics of the Democratic side of the aisle—to answer the third party advocates on the question of whether or not we are going to march forward and prohibit further discrimination because of race, color, or creed.

Mr. President, we defeated the attempt to have the United States Senate approve the policy of segregation in higher education in this country. The vote was close, but the fact remains that the major fight against it came from the Republican side of the aisle. I think it is clear from the RECORD that the only effective blow struck in defense of civil rights in the Eightieth Congress was struck by those of us on the Republican side of the aisle who succeeded in preventing the Senate ratification of the compact to which I have referred. Therefore I say to the proponents of civil-rights legislation, that is another bit of evidence of the good faith and the sincerity of purpose of the Republicans in the Congress of the United States in delivering on civil-rights legislation, in backing up their talk with their votes.

Now, for the RECORD, I ask unanimous consent to have printed as a part of my remarks a portion of the final soldier vote law which was enacted in 1942, and which contained an anti-poll-tax provision protecting our men in the armed services from the type of infringement upon suffrage which poll taxes constitute.

The PRESIDENT pro tempore. Is there objection?

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

[PUBLIC LAW 712—77TH CONG.]

[CH. 561—2D SESS.]

[H. R. 7416]

An act to provide for a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence

Be it enacted, etc.,

SPECIAL METHOD OF VOTING IN TIME OF WAR

SECTION 1. In time of war, notwithstanding any provision of State law relating to the registration of qualified voters, every individual absent from the place of his residence and serving in the land or naval forces of the United States, including the members of the Army Nurse Corps, the Navy Nurse Corps, the Women's Navy Reserve, and the Women's Army Auxiliary Corps, who is or was eligible to register for and is qualified to vote at any election under the law of the State of his residence, shall be entitled, as provided in this act, to vote for electors of President and Vice President of the United States, United States Senators, and Representatives in Congress.

SEC. 2. No person in military service in time of war shall be required, as a condition of voting in any election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, to pay any poll tax or other tax or make any other payment to any State or political subdivision thereof.

Mr. MORSE. Mr. President, referring again to the Corrupt Practices Act and to the soldier-vote measure, I wish to repeat that both these statutes rest upon the constitutional power to regulate the manner of holding elections no less than do the exemptions which are sought under the pending bill. The Federal Government has the inherent right to "insure its own preservation" for, as pointed out in the dissenting opinion of Justices Brandeis, Clark, and Pitney in *Newberry* v. *United States* (256 U. S. 232, at 281)—

> The election of Senators and Representatives in Congress is a Federal function; whatever the States do in the matter they do under authority derived from the Constitution of the United States. * * * [Any other conclusion] would be to leave the General Government destitute of the means to insure its own preservation without governmental aid from the States, which they might either grant or withhold according to their own will. This would render the Government of the United States something less than supreme in the exercise of its own appropriate powers; a doctrine supposed to have been laid at rest forever by the decisions of this Court in *McCulloch* v. *Maryland* (4 Wheat. 316, 405, et seq.); *Cohens* v. *Virginia* (6 Wheat. 264, 381, 387, 414); and many other decisions in the time of Chief Justice Marshall and since.

It should be recalled that in McCulloch against Maryland, supra, Chief Justice Marshall, that great expounder of our Constitution, had observed—Fourth Wheaton, 316, 424—that—

> No trace is to be found in the Constitution of an intention to create a dependence of the Government of the Union on those of the States for the execution of the great powers assigned to it. Its means are adequate to its ends, and on those means alone was it expected to rely for the accomplishment of its ends. To impose on it the necessity of resorting to means which it cannot control, which another government may furnish or withhold, would render its course precarious, the result of its measures uncertain, and create a dependence on other governments which might disappoint its most important designs, and is incompatible with the language of the Constitution

I apply that language Mr. President, to the power of the Congress, through the enabling clauses to which I have heretofore referred, to pass legislation which will protect the national suffrage of 10,000,000 American people now denied that protection by existing poll-tax laws.

I say, Mr. President, that these quotations from two landmarks in our constitutional history make it abundantly clear that the revisionary power conferred upon the Congress by section 4 of article I of the Constitution, to regulate the "manner of holding elections for Senators and Representatives," was intended to and does authorize the Federal Government to take all steps deemed by it to be necessary and proper to insure that the election of its officers shall conform with true democratic principles; shall be without fraud, corruption, or pernicious political activities attendant upon the exercise by the people of their highest privilege; and that substantial portions of the populace in the several States shall not be disfranchised by a pseudo qualification bearing no reasonable relation to their fitness to vote.

I dwell upon that criterion, Mr. President, because when we do get this matter before the Supreme Court there is no doubt of the fact that it will give an interpretation of the word "qualification," as contained in article I, section 2 of the Constitution, in regard to which the distinguished Senator from Mississippi [Mr. STENNIS] and the distinguished Senator from Virginia [Mr. ROBERTSON], as well as my friend the able Senator from Alabama [Mr. HILL], dwelt at such great length. The court will have to give an interpretation to the word "qualification." What will be its text?

As a lawyer, I suggest that one of the things the court will look into is the relationship between the poll tax and the qualification or capability or ability of a man to vote. Do Senators know what I think the court will say respecting that? Dangerous as predictions are for a lawyer even to suggest in attempting to prophesy a court decision, I think the court will be bound to find that there is no relationship between the poll tax and the ability of a man to vote. I think the court will pierce the veil of sham which the poll tax is, and will not let the States hide behind that veil under the pretext that the poll-tax requirement is a qualification under article I, section 2. To the contrary, I think the court will say that qualification under article I, section 2, has to have some reasonable relationship to the ability to vote if it is to in any way limit the right to vote.

There is no such relationship, I submit, when a poll tax is imposed on an individual under the pretext that it defines his qualifications to vote. I think the court will tear the veil from the face of the poll tax and recognize that the Congress of the United States has the obligation and the power under the Constitution to protect free citizens from that type of restriction upon what ought to be recognized as a guaranty of free suffrage.

Thus I say, Mr. President, that to make sure that there should be no doubt on this score, the framers of our Constitution wisely inserted a "necessary and proper" clause specifically authorizing the Congress, "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." Under that enabling clause, under the power therein given to preserve the republican form of government, if it were desired to put it on no other basis, I submit that the court would find that the exercise of our power in passing an anti-poll-tax law met all constitutional requirements.

I have already pointed to the fact that 10,000,000 citizens of the United States are disfranchised by the poll-tax requirement and shown that its abolition in Georgia resulted in an immediate and substantial increase in the number of voters who participated in the elections when not hindered and impeded by the poll-tax requirement. Moreover, the difference in the size of the electorate in poll-tax States as compared with that in non-poll-tax States generally, fully demonstrates that the republican form of government contemplated by the Constitution is nonexistent in the poll-tax States.

The report of the President's Committee on Civil Rights at page 38 carries a chart, Suffrage in Poll-Tax States. It shows that of the potential voters who voted in the 1944 Presidential elections, 68.74 percent voted in the then 40 non-poll-tax States while only 18.31 percent voted in the 8 poll-tax States. In 1944 Georgia required the payment of the poll tax, and therefore her statistics are included in the table.

Section 4 of article IV of the Constitution provides:

> The United States shall guarantee to every State in this Union a republican form of government.

It is well settled that questions arising under this clause are political, not judicial, in character, and thus are for consideration of Congress and not the courts. *Ohio ex rel. Bryant* v. *Akron Metropolitan Park District* (281 U. S. 74, 80 (1930)), citing *Pacific States Teleph. Co.* v. *Oregon* (223 U. S. 118 (1912)), *O'Neill* v. *Learner* (239 U. S. 244, 248 (1915)).

I recognize that this is a technical point of law to the layman, and hence, even at the expense of time, I want to reiterate it, because I think it is one of the points that my friends of the opposition have overlooked in their entire discussion of the constitutionality of a proposed anti-poll-tax bill. I said last night, for example, that in my judgment, our power to pass an anti-poll-tax law rests in part under the political powers of the Constitution vested in the Congress. Thus section 4 of article IV of the Constitution, which reads "the United States shall guarantee to every State in this Union a republican form of government" raises what the Court has called a question political in character and not judicial. What does that mean? It means that very broad and wide powers are given to the Congress of the United States to pass legislation which in its judgment is necessary, and which it is empowered to pass under the enabling sections of the Constitution, to protect, preserve, and perpetuate a republican form of government.

I think I can hear the Supreme Court say it is not for the Court to dictate to the Congress of the United States what steps it should take to preserve, perpetuate, and protect a republican form of government, because that is basically a political question which primarily vests in the wise judgment and discretion of the elected representatives of the people. I think I can hear the Court say that, if in the exercise of their wisdom in the legislative branch of government they come to the finding of fact that the existence of a poll tax endangers free suffrage in America, it rests within their political power under section 4, article 4, of the Constitution to pass an anti-poll-tax bill, and by so doing they exercise their right to preserve a republican form of government.

That is an additional premise on top of my premise respecting amendment 15, Mr. President, on which I base my argument that an anti-poll-tax bill would be declared by the Supreme Court to be constitutional. It is not for the Court, as the precedents which I have cited

clearly indicate, by way of judicial action to amend the Constitution by means of an interpretation, by saying that a bill which Congress passed to protect, preserve, and perpetuate a republican form of government is unconstitutional, because if it did, then in a very real sense it would be substituting itself as the legislature, on a question which it has already recognized in its decisions is political and not judicial in character.

Of course, I do not mean that we can pass any sort of legislation we might want to pass under section 4 of article IV of the Constitution. I mean that on this subject, too, the well-established judicial rule of reasonableness will prevail. In my judgment, under this section the Court would have to find that the law we passed was highly capricious and arbitrary, bearing no reasonable relationship whatsoever to the power granted under the section before it would be justified in declaring it to be unconstitutional. I do not believe that the Court could possibly so find in this instance, because, in my humble judgment, the existence of a poll-tax restriction on suffrage which has the effect, as I pointed out in the statistics presented last night, of disfranchising 10,000,000 supposedly free American citizens is a serious threat to the perpetuation of a republican form of government. Therefore I say to my friends who are puzzled—and I can understand their puzzlement—over this constitutional question, that they should reconsider the meaning of section 4, article IV, of the Constitution and refresh their recollections of the decisions which I have cited thereunder. I submit that Congress has the constitutional mandate, as provided in section 8 of article I, to "make all laws which shall be necessary for carrying into execution powers vested by this Constitution in the Government of the United States," to restore a republican form of government to the people of the seven poll-tax States by enacting House bill 29.

The Senate Judiciary Committee, on October 27, 1942, in its report on House bill 1024, which was also an anti-poll-tax bill, practically identical with House bill 29, said the following in its excellent report on the bill:

> Can we have a republican form of government in any State if, within that State, a large portion and perhaps a majority of the citizens residing therein are denied the right to participate in governmental affairs because they are poor? We submit that this would be the result if under section 2, article I, of the Constitution, the proposed law is held to be unconstitutional. The most sacred right in our republican form of government is the right to vote. It is fundamental that that right should not be denied unless there are valid constitutional reasons therefor. It must be exercised freely by free men. If it is not, then we do not have a republican form of government. If we tax this fundamental right, we are taxing a Federal privilege. We might just as well permit the States to tax Federal post offices throughout the United States.

I say that House bill 29 is authorized by the fifteenth amendment to the Constitution. That amendment provides as follows:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

I pointed out in my comments last night that there is no doubt as to what the purpose was for calling the constitutional conventions in several of the poll-tax States at the time their constitutions were amended in order to put into them a poll-tax provision. A distinguished former Member of this body, the beloved Carter Glass, of Virginia, in the speeches from which I quoted last night, made perfectly clear the purpose in Virginia. When he spoke to the convention in Virginia he made it very clear that the convention had been called to discriminate against approximately 146,000 ignorant Negroes in Virginia. We cannot erase the record of history, and that is what the record of history shows was the dominant motivation which produced the poll-tax laws and the constitutional amendments in the several States which sought to solve the problem by way of a constitutional amendment.

Mr. President, with the passage of an anti-poll-tax bill by the Congress, and thereafter a direct raising of the issue before the United States Supreme Court on the question of the constitutionality of such legislation, I have no doubt as to the inescapable conclusion which the Court must reach; namely, that the power vests in the Congress of the United States to carry out the mandate of amendment XV of the Constitution:

> SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

I say that a thoroughly prepared case before the Supreme Court on the true meaning of amendment XV can lead to no other decision than the right of the Congress to protect national suffrage of free citizens from the type of restriction and imposition on that basic right which the poll taxes constitute in the States which have them.

Let us take a look at the history of the fifteenth amendment for a moment. This amendment was proposed to the legislatures of the several States by the Fortieth Congress on February 26, 1869, following the dark days of the Civil War. It was declared to have been ratified March 30, 1870. It is not simply a coincidence that shortly after this date the payment of a poll tax as a requirement for voting became a qualification in those States having a large percentage of Negro voters. Tennessee was the first State to adopt the requirement, in 1870; Virginia in 1875.

I digress for a moment to emphasize a point which I think needs to be reemphasized in this debate. We have heard a great deal from members of the opposition about the tax requirements and the property requirements which existed at the time the Constitution was adopted. But we must not lose sight of the fact that the adoption of poll taxes as a restriction on voting, designed definitely and with purpose to prevent certain people from voting, and to disfranchise them, followed the Civil War, subsequent to the adoption and ratification of the fifteenth amendment. They were adopted by the Southern States having a large number of Negro citizens as a way, they thought—and it has worked for a great many years—of getting around the fifteenth amendment. They were adopted in the hope that if and when the issue reached the Supreme Court, they might prevail under an interpretation of the word "qualification," as it is found in article I, section 2. But, Mr. President, as I said last night, we are still waiting for a case squarely on the nose, so that the Court clearly can interpret the meaning of qualification under section 2, article I, in relation to the exercise of Federal power by the Congress to protect national suffrage through the medium of an anti-poll-tax bill. So I say that the issue as to the constitutionality of such a bill cannot now be settled by the Supreme Court, because the Court must have before it a congressional enactment which clearly raises the question whether it infringes on the constitutional power in consideration of the word "qualification" as it appears in section 2, article I. I am not afraid of the result when the Supreme Court is given a chance to render a clear-cut decision on that issue.

That is why I think that, although it is pertinent to discuss the border-line cases on this problem, which thus far have been passed upon by the Supreme Court, they are not binding or sound precedents on the present issue, because the only way we can obtain a decision on the issue is to get it before the Court. But it has not been before the Court, and we shall not get it before the Court until under the fifteenth amendment, we, the Congress, proceed to carry out what I think is the clear mandate of that amendment to see to it that under section 2 of amendment fifteen the necessary laws are passed to protect all free citizens from discrimination or abridgement or denial of their rights on the basis of race, color, or previous condition of servitude.

Mr. President, I rest my argument on this point on the proposition that that is exactly what a poll tax does. It abridges free suffrage. It denies, on a discriminatory basis, on the basis of race, color, or creed, the right of approximately 10,000,000 American citizens to cast a free ballot unless they meet certain highly arbitrary restrictions imposed upon them through a poll tax.

As I was saying, Mr. President, Tennessee was the first State to adopt the requirement, and did so in 1870; Virginia in 1875; Florida, 1885; Mississippi, 1890; Arkansas in 1892; South Carolina in 1895; Louisiana, 1898; North Carolina, 1900; Alabama in 1901; Texas in 1903. It is a long, long way from 1787 to 1903, Mr. President. The Georgia constitutions of 1865 and 1877 made the payment of all taxes a prerequisite to voting in general elections; but in 1908 its constitution was amended so as to make the payment of the poll tax a requirement for voting in the primary election also. This statement appears in the Senate Judiciary Subcommittee Hearings on

Senate bill 1280 in July 1942, at page 253 in the testimony of Henry H. Collins.

Seven of the 11 States which originally had poll taxes still retain their poll-tax requirements. The Negro population of those States alone amounts to 5,449,186 on the basis of the 1940 census. In round figures that is about one-third of the entire Negro population of the United States.

I have already alluded to the findings contained in the report of the Senate Judiciary Committee regarding the original purpose of these poll-tax requirements, namely, to disfranchise Negro citizens. I wish to quote very briefly from the report again, to show that these taxes, at their very inception, violated Federal statutes:

At page 5, the report states:

It ought to be borne in mind also that many, if not all, of these constitutional amendments in the poll-tax States are in direct conflict with the statutes under which these States were readmitted to the Union under the act of Congress of June 26, 1870 (16 Stat., p. 62). The provision which refers to Virginia reads as follows:

"The constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote, who are entitled to vote by the constitution herein recognized, except as punishment for such crimes as are now felonies at common law, whereof they have been duly convicted under laws, equally applicable to all the inhabitants of said State: Provided, That any alteration of said constitution, prospective in its effect, may be made in regard to the time and place of residence of voters."

It therefore follows that these State poll tax constitutional amendments were in direct violation of this statute and therefore absolutely unconstitutional.

It seems perfectly plain that the object of this poll-tax provision in the State constitutions was not to prevent discrimination among the citizens but to definitely provide for a discrimination by which hundreds of thousands of citizens were taxed for the privilege of voting.

Mr. President, the principal purpose behind these State poll-tax requirements being the disfranchisement of a large number of Negro citizens, which purpose is today still being achieved, it is submitted that such poll-tax laws are violative of the express language, purpose, and intent of the fifteenth amendment; and the Congress should proceed to eliminate these sham "qualifications" under the specific authority granted it under section 2 of the amendment "to enforce this article by appropriate legislation." *James* v. *Bowman* (190 U. S. 127, 137); *United States* v. *Reese* (92 U. S. 214); *Guinn* v. *United States* (238 U. S. 347).

Chief Justice Marshall, in the celebrated case of McCulloch against Maryland, from which I have already quoted, laid down a basic principle in American constitutional law when he declared that "the power to tax is the power to destroy." States cannot levy or exact a tax on a Federal instrumentality or function. Yet we have the anomalous situation of State governments requiring a tax as a condition to exercising the highest and most basic right in a democratic society—the right to cast a ballot for the President, the Vice President, and Members of the Congress.

Action by the courts is not the only avenue for the redress of this wrong or the only protection against the danger implicit in permitting a State to tax a Federal function. That Congress of its own initiative can enact legislation to safeguard and preserve the structure and very existence of government is a proposition too elementary to require argument. If the States under the guise of setting up a "qualification" for voting, levy a $1 tax on the right of a Federal elector to vote—and I have already shown that certain States through their poll-tax requirements have compelled, and continue to compel, their citizens to spend as much as 2 percent of their annual income in order to vote in Federal elections—what is there to hinder such States from exacting a larger proportion, or, conceivably, to reduce it to the absurd, all the earnings of the prospective voter? If there were no other constitutional basis for the enactment of House bill 29, the implied power of a sovereignty to protect itself from destruction would alone afford ample constitutional authority and justification.

Mr. President, I wish to turn now to the group of cases about which we have heard so much in the very able arguments presented by the Senators of the opposition. First, I think the RECORD should contain at this point a very brief digest of those alleged leading cases. I take such a digest from a report of the Senate Judiciary Committee, after having checked the decisions and read them very carefully and after having satisfied myself that the digest in fact sets forth an accurate thumbnail sketch of the decisions themselves.

First let us turn to *Breedlove* v. *Suttles* (302 U. S. Repts. 277), decided December 6, 1937. The dates are important in this discussion, and I should like my colleagues to keep them in mind. The action was brought to determine whether or not the appellees, State officials, had acted unlawfully or illegally in refusing to register a white man aged 28 to vote for Federal and State officers at primary and general elections, for the reason that he had neither made poll-tax returns nor paid any taxes. The opinion of the Court was perfectly proper, in my opinion, in view of the fact that the appellant demanded that the State official qualify him to vote in a State election as well as a Federal election. But I think the Court arrived at an erroneous conclusion, because it had erroneously judged the nature of the right to vote for a Federal official. The Court thought the nature of the right or the source of the right to vote for a Federal official was the State itself. Surely the State is not the one to grant a Federal privilege. The Court said:

Privilege of voting is not derived from the United States, but is conferred by the State.

In the second case, *Pirtle* v. *Brown* (C. C. A., 6th Ct., 118 Fed. Repts., 2d ed., 218), decided March 8, 1941, certiorari was denied by the Supreme Court. The issue in this case was whether the State could condition a right to vote for a Representative in Congress in an election, not a primary, because the citizen had failed to pay a poll tax. It was not a State election and not a primary, and the citizen had qualified in every way except to pay the tax. The State levied the tax and set up the method of collection. It had experienced difficulty in getting it collected, and burdened the franchise with the duty to pay the tax, as a method of collecting it. It was therefore a condition precedent to the exercise of the right to vote. The Court held that the right to vote in a national election is conditioned upon such terms as the State wants to impose, and, using the Breedlove case as a precedent, about the right conferred by the State, the Court said such right was conferred save as restrained by the fifteenth and nineteenth amendments with respect to race, color, or previous condition of servitude, and other provisions of the Constitution. It was a unanimous opinion by three judges of the circuit court.

The gentlemen of the opposition have laid great stress on the Breedlove and Pirtle cases. If I were in their position and honestly believed, as I am sure they honestly believe, that an anti-poll-tax law is unconstitutional, as a lawyer I certainly would stress for all it is worth their argument on the Breedlove case and on the case of Pirtle against Brown. Those cases are what I call fringe cases. They approach the issue in question, but they are not cases on all fours with the issue we now face.

The first case, as I have pointed out, involves a question in which a State law is mixed up with a Federal election. The second case is a court of appeals case relying upon the Breedlove case, even though the Classic case, which I shall shortly discuss, came in between. It was disposed of in what manner? By denial of a writ of certiorari by the Supreme Court. I think my lawyer friends of the opposition have done a masterful job in creating the impression in this body among some of my colleagues that Pirtle against Brown represents a decision by the United States Supreme Court on the merits of the issues involved. Lawyers know that reasons for denying certiorari rest in the bosom of the Supreme Court. Lawyers know that it is a pretty weak precedent to cite, if all that can be cited in support of their position in a case is the fact that the Supreme Court denied a writ of certiorari. I would be the last in this Chamber to cast any reflection to any degree whatever on the Supreme Court, but it is important that the American people understand the procedure of the Supreme Court. There are many reasons why the Supreme Court may deny certiorari, and it is generally recognized that one of the most common reasons is that because the agenda of the Court is so large, the docket of the Court is so extensive, the mass of cases the Court is called upon to decide in a given term is so great, that the Court must follow a selective process. It has to meet a timetable, and very frequently—and I do not think there can be any denial of this fact—it denies certiorari, not because it does not think the issues involved in a case should in due course of time be litigated, but because the time element does not permit. It follows a selective process in acting upon petitions for writs of certiorari. It is not uncommon at all to have a writ

denied in one term of Court, and to have the identical issue involved in another case at the next session of the Court taken up by the Court by granting a writ in that case. Therefore I am not saying that Pirtle against Brown should not be cited by the gentlemen of the opposition; it should, of course, be cited. It has some weight in the argument. But I am saying that the mere fact that a writ of certiorari was denied in Pirtle against Brown does not constitute a ruling by the United States Supreme Court on the merits of the issue involved in this debate. There will not be a Supreme Court decision on the merits of this great constitutional issue until a congressional act is before the Court in the form of an anti-poll-tax bill seeking to lift the restriction upon the privilege of voting now imposed upon some 10,000,000 citizens by way of a poll tax.

The next case is that of *United States* v. *Classic* (313 U. S. 299), decided May 28, 1941. The gentlemen of the opposition make considerable point of the fact that the denial of a writ of certiorari in the Pirtle case follows the decision in the Classic case. I do not think that is particularly relevant, because the Classic case speaks for itself. I shall not claim and I do not want to claim too much for the Classic case. I may say to my good friends of the opposition, however, that as a lawyer I somewhat enjoyed the speed with which they passed over the Classic case and laid all the emphasis of their argument on the Breedlove and Pirtle cases. That is good lawyer technique. I understand it. I do not want to give any greater emphasis to the Classic case than I honestly think it deserves, but I do want to say, and I do not think the statement can be denied, that so far as concerns the language of the Court in discussing the general merits of the problems before us in this constitutional argument, it is, in fact, the last pronouncement of the Court on the subject, because the mere denial of a writ of certiorari in the Pirtle case did not, in fact, involve any discussion on the part of the Court by way of a decision on the issue itself which confronts us. But the Classic case, like the Breedlove case and the Pirtle case, is still a border-line case, and I claim no more for it than that. As such, however, it is deserving of some attention on the part of my colleagues.

In the Classic case, the charge was that the election officials had violated sections 19 and 20 of the Criminal Code by wilfully ordering and falsely counting and certifying ballots cast in a primary in Louisiana for a Representative in Congress.

The Court said:

> The questions for decision are whether the right of qualified voters to vote in the Louisiana primary and to have their ballots counted is a right "secured by the Constitution" within the meaning of Sections 19 and 20 of the Criminal Code, and whether the acts of the appellees charged in the indictment violate those sections.

Chief Justice Stone, after citing cases, said:

> The right of the people to choose their elective officers is a right established and guaranteed by the Constitution, and, hence, is one secured by it to those citizens, inhabitants of the State, entitled to exercise that right.

He continues:

> While in a loose sense the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the State—

Citing cases—

> this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4, and it has some general power under article I, section 8, of the Constitution to make all laws which shall be necessary and proper for carrying into execution the foregoing powers. Section 4 authorizes Congress to regulate the times, places, and manner of electing Representatives.

In *United States* v. *Mumford* (16 Fed. 223) the Court said:

> There is little regarding elections that is not included in the terms "times, places, and manner," and Congress could legislate generally in respect to general elections.

Mr. President, my good friends of the opposition like to talk about the language in the Classic case as being dictum. I do not share their characterization of the language as dictum. I shall not quibble about that; but, nevertheless, the language of Chief Justice Stone in the Classic case is the last formal pronouncement by way of court discussion of the question of the power of Congress in the field of national elections. The opponents of the anti-poll-tax bill may characterize it in any way they want; but they cannot erase it; and the Supreme Court has not, as yet, by any specific language, retracted or repudiated the language of Chief Justice Stone in the Classic case. Note to what he refers. Note his reference to those powers in section 4 of article I and in clause 8, section 18, of article I, which I discussed at some length earlier in my remarks this afternoon. When it comes to tracing the trend of constitutional law under a conception of the Constitution as a dynamic document, do I not think there can be any doubt about the fact that in the Classic case the Court made very clear to the Congress of the United States that there is vested in it a great residual power to pass legislation that will protect free suffrage in the United States.

I should welcome the opportunity, Mr. President, to stand before the Court in support of the constitutionality of an anti-poll-tax law and discuss with the Court its own language in the Classic case. I do not think there is any way the Court could possibly get over, behind, or around that language, and I do not fear that the Court would revoke or reverse the position which it took in the famous Classic case. No, Mr. President, I do not propose in this debate to let my good friends of the opposition forget the Classic case. I know they would like to do it, because I know the language of the Classic case gives them great trouble in their thinking when they seek to sustain what I consider to be a fallacious proposition, that an anti-poll-tax bill would be unconstitutional.

Let us go into the case for a moment, because I think it not only proper and right but very important to have a very full discussion of the Classic case in this debate.

On page 310 of the decision, the Chief Justice said:

> Article I, section 2, of the Constitution commands that "The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature." By section 4 of the same article, "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators." Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity to the requirements of State law, subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4 to regulate the times, places, and manner—

And manner—

> of holding elections for Representatives.

My good friends of the opposition like to quote the first part of that sentence, and then, with falling voices, skim over the second part. The second part of that sentence also is pregnant with great constitutional meaning, and calls attention to the fact that the right discussed in the first part of the sentence is, however, subject to the right and authority conferred on Congress to regulate the times, places, and manner of holding elections for Representatives.

On page 311 the Chief Justice said in the Classic case:

> Pursuant to the authority given by section 2 of article I of the Constitution and subject to the legislative power of Congress under section 4 of article I and other pertinent provisions of the Constitution, the States are given, and in fact exercise, a wide discretion in the formulation of a system for the choice by the people of Representatives in Congress. In common with many other States, Louisiana has exercised that discretion by setting up machinery for the effective choice of party candidates for Representatives in Congress by primary elections and by its laws it eliminates or seriously restricts the candidacy at the general election of all those who are defeated at the primary. All political parties, which are defined as those that have cast at least 5 percent of the total votes at specified preceding elections, are required to nominate their candidates for Representatives by direct primary elections. (Louisiana Act No. 46, regular session, 1940, secs. 1 and 3.)
>
> The primary is conducted by the State at public expense. (Act 46, supra, sec. 35.) The primary, as is the general election, is subject to numerous statutory regulations as to the time, place and manner of conducting the election, including provisions to insure that the ballots cast at the primary are correctly counted, and the results of the count correctly recorded and certified to the secretary of state, whose duty it is to place the names of the successful candidates of each party on the official ballot. The secretary of state is prohibited from placing on the official ballot the name of any person as a candidate for any political party not nominated in accordance with the provisions of the act. (Act 46, sec. 1.)
>
> One whose name does not appear on the primary ballot, if otherwise eligible to become a candidate at the general election, may do so in either of two ways: by filing nomination papers with the requisite num-

ber of signatures or by having his name "written in" on the ballot on the final election.

Then the Chief Justice proceeds to discuss the Louisiana statute and corresponding constitutional provisions of the State of Louisiana. On page 313 of the decision the Chief Justice proceeds as follows:

The right to vote for a Representative in Congress at the general election is, as a matter of law, thus restricted to the successful party candidate, at the primary, to those not candidates at the primary who file nomination papers, and those whose names may be lawfully written into the ballot by the electors. Even if, as appellees argue, contrary to the decision in *Serpas* v. *Trebucq*, supra, voters may lawfully write into their ballot, cast at the general election, the name of a candidate rejected at the primary and have their ballots counted, the practical operation of the primary law in otherwise excluding from the ballot on the general election the names of candidates rejected at the primary is such as to impose serious restrictions upon the choice of candidates, by the voters, save by voting at the primary election. In fact, as alleged in the indictment, the practical operation of the primary in Louisiana is and has been since the primary election was established in 1900, to secure the election of Democratic primary nominee for the Second Congressional District of Louisiana.

Interference with the right to vote in the congressional primary in the Second Congressional District for the choice of Democratic candidate for Congress is thus, as a matter of law and in fact, an interference with the effective choice of the voters at the only stage of the election procedure when their choice is of significance, since it is at the only stage when such interference could have any practical effect on the ultimate result, the choice of the Congressman to represent the district. The primary in Louisiana is an integral part of the procedure for the popular choice of Congressman. The right of qualified voters to vote at the congressional primary in Louisiana and to have their ballots counted is thus the right to participate in that choice.

Then there follows language which I prophesy here today, Mr. President, will become historic legal language in this great fight for civil rights in the United States because it is language on which I think a powerful argument can be based in the Supreme Court once we pass an anti-poll-tax bill. The Chief Justice said:

We come then to the question whether the right is one secured by the Constitution. Section 2 of article I commands that Congressmen shall be chosen by the people of the several States by electors, the qualifications of which it prescribes. The right of the people to choose, whatever its appropriate constitutional limitations, where in other respects it is defined, and the mode of its exercise is prescribed by State action in conformity to the Constitution, is a right established and guaranteed by the Constitution, and hence is one secured by it to those citizens and inhabitants of the State entitled to exercise the right. * * * See *Hague* v. *CIO* (307 U. S. 496), * * * giving the same interpretation to the like phrase "rights" "secured by the Constitution" appearing in section 1 of the Civil Rights Act of 1871. * * * While in a loose sense the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States—

Citing cases, including the Breedlove case; and I shall dwell on that citation for a moment.

Sometimes when one picks up a United States Supreme Court decision and reads it, he knows that the Court has omitted reference to a very important case on the same subject matter which had previously been decided by the Supreme Court. This does not happen often but it does happen. The reader is astounded to discover that the case he is reading nowhere mentions the previous case. So as a lawyer he is puzzled; he does not know whether the Court has overruled the previous decision or whether it thinks the present decision is in conformity with the previous decision. In such instances the situation presents to the lawyer advising his clients a very perplexing problem.

The Court here cites the Breedlove case, the case on which the opposition lays so much emphasis, showing perfectly clearly that the Chief Justice had in mind the Breedlove case when he enunciated what I say is historic legal language, because immediately after citing the Breedlove case the Chief Justice said:

This statement is true only in the sense that the States are authorized by the Constitution, to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18 of the Constitution "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

Citing cases. No one can argue with me as to whether or not the Supreme Court was cognizant of the Breedlove case when the Chief Justice wrote that historic language. Of course he was cognizant of it. He cited it. I think he made just as clear in that language as he could that the States are not free, under the sham of qualification, to pass any law restricting the right of suffrage they may want to pass. On the contrary, I think the Classic case is ample legal precedent for supporting the argument until such time as the Supreme Court rules directly on the issue when it comes to decide an anti-poll-tax law passed by the Congress, that the right of the State under article I, section 2, is subject to the restrictive rights of the Congress in section 4 and in section 8 of article I.

I go further, Mr. President, and say that it is perfectly clear that this decision can be cited in support of the proposition that the right of the State under article I, section 2, of the Constitution, insofar as qualification is concerned, must be exercised in conformance with and subject to the right of Congress to pass legislation under the other enabling clauses of the Constitution, including amendment 15, protecting the right of suffrage of free Americans from the type of restriction that clearly impinges upon a free ballot box by way of a poll tax.

Senators were talking last night about shooting away at my argument. Shoot all they will, Mr. President, they cannot erase from the Classic case that language of the Supreme Court. Shoot all they will, they cannot cite language from the Supreme Court in a case that retracts the language of the Classic case.

From the standpoint of a legal argument, the only attempt they made—and I respectfully submit it must be classified by lawyers as a feeble attempt—was to cite denial of a writ of certiorari in the Pirtle case. I do not know, and no one else knows, all the factors that entered into the denial of that writ of certiorari. Lawyers who are familiar with the procedure of the United States Supreme Court know that the Court does not have to give any reason for denying certiorari. As we lawyers say, their reasons rest in their own bosoms.

We know it was not so many years ago that the Supreme Court was under severe attack because of the long delay in disposing of its docket. And again I offer no disrespect to the Court when I point out that it is a fact that the denial of writs of certiorari following the public discussion of the condition of the docket of the Supreme Court increased at a very rapid rate. There are those who are of the opinion that the Court, after that criticism, exercised to a greater extent its selective powers in determining what cases it would pass upon in a given term of court, and denied writs of certiorari, possibly as a means of speeding up action on its docket. At least the fact remains that we do not know in a given case, in the absence of any explanation of the Court, the reasons behind a denial of a writ of certiorari, because frequently all we read is "writ denied."

So I say, there stands the language of the Chief Justice of the United States Supreme Court in the Classic case, and I think it is rich with constitutional meaning when we apply it to the constitutional problem before us.

The Chief Justice proceeds on page 315 to say:

Obviously included within the right to choose, secured by the Constitution, is the right of qualified voters within a State to cast their ballots and have them counted at congressional elections. The Court has consistently held that this is a right secured by the Constitution.

Citing cases.

And since the constitutional command is without restriction or limitation, the right, unlike those guaranteed by the fourteenth and fifteenth amendments, is secured against the action of individuals as well as of States.

Citing cases.

But we are now concerned with the question whether the right to choose at a primary election, a candidate for election as Representative, is embraced in the right to choose Representatives secured by article I, section 2. We may assume that the framers of the Constitution, in adopting that section, did not have specifically in mind the selection and elimination of candidates for Congress by the direct primary any more than they contemplated the application of the commerce clause to interstate telephone, telegraph, and wireless communication, which are concededly within it.

But in determining whether a provision of the Constitution applies to a new subject matter, it is of little significance that it is one with which the framers were not familiar. For in setting up an enduring framework of government they undertook to carry out for the indefinite future and in all the vicissitudes of the changing affairs of men, those fundamental purposes which the instrument itself discloses. Hence we read its words, not as we read legislative codes which are subject to continuous revision with the changing course of events, but as the revelation of the great purposes which were intended

to be achieved by the Constitution as a continuing instrument of government.

Citing cases.

That the free choice by the people of representatives in Congress, subject only to the restrictions to be found in sections 2 and 4 of article I and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubted.

That is the third time in his decision the Chief Justice points out these restrictions over and above the rights granted in section 2, article I. In his decision the Chief Justice constantly refers to the powers of congressional restriction found elsewhere in the Constitution, including section 4 and section 8, making very clear that section 2, article I, is in fact in the form of words of limitation, as we lawyers say. They are subject to the modifications and restrictions of language qualifying them, to be found elsewhere in the Constitution. They do not confer a blanket right, nor the power to set up any so-called qualification the State wants to; but it is clear in itself, it seems to me, that section 2, article I, must be administered by the States in conformance with the other restrictive clauses of the Constitution, such as amendment 15, which give clear power to the Congress of the United States to pass legislation that will protect suffrage in national elections.

So the Chief Justice says:

Subject only to the restrictions to be found in sections 2 and 4 of article I, and elsewhere in the Constitution, was one of the great purposes of our constitutional scheme of government cannot be doubted. We cannot regard it as any the less constitutional purpose, or its words as any the less guaranteeing the integrity of that choice, when a State, exercising its privilege in the absence of congressional action—

Have we heard the gentlemen of the opposition stress that sentence, Mr. President? I cannot find a word in their speeches about the importance of that sentence. According to my sights on this constitutional question it is very important language. Let me repeat it.

We cannot regard it as any the less the constitutional purpose, or its words as any the less guaranteeing the integrity of that choice, when a State, exercising its privilege in the absence of congressional action, changes the mode of choice from a single step, a general election, to two, of which the first is the choice at a primary of those candidates from whom, as a second step, the representative in Congress is to be chosen at the election.

Nor can we say that that choice which the Constitution protects is restricted to the second step because section 4 of article I, as a means of securing a free choice of representatives by the people, has authorized Congress to regulate the manner of election, without making any mention of primary elections. For we think that the authority of Congress, given by section 4, includes the authority to regulate primary elections when, as in this case, they are a step in the exercise by the people of their choice of representatives in Congress.

Let those of the opposition try to erase that language from the Supreme Court decision. That is the last language which the Supreme Court has handed down on the power of Congress under section 4 of article I of the Constitution. That language is not changed by denial of a writ of certiorari in the Pirtle case. That language is clear notice to the Congress of the United States that section 4 of article I is wealthy in power so far as the right of Congress to take action in protecting the people of the United States in their right of suffrage is concerned. Dictum, is it, Mr. President? Squarely on the nose is that language as to Federal power over primary elections in States, which was one of the questions raised in the Classic case.

The language which I have just read has no semblance of dictum. It is decisive language, bearing upon congressional power under section 4 of article I. A part of my constitutional argument in support of the constitutionality of anti-poll-tax legislation is based upon my contention that, under section 4, Congress has the power vested in it to take the steps necessary to protect national suffrage, which is being imposed upon by poll-tax restrictions under the sham and guise of qualifications in accordance with section 2, article I.

I am not worried about what the Supreme Court will say on this constitutional question, if the opposition will let us get a case before the Supreme Court based upon an actual congressional act prohibiting poll taxes. I think that is a fair proposition. I do not mean that they should vote for an anti-poll-tax bill if they do not believe it to be constitutional, but I do mean that I think it is fair, after they have had their say on their point of view concerning the constitutionality of such legislation, that they give the rest of us, who sincerely believe that it is constitutional, the opportunity to pass it through the Senate and an opportunity then to start it on its way, in accordance with our system of checks and balances in government, to the Supreme Court for final decision.

I do not interpret motives, nor do I assign motives. I simply wish to say that I do not see how there is any escaping the fact that there are many opponents of anti-poll-tax legislation who are not very anxious to have a bill get before the Supreme Court, in view of the language of the Classic case. I have a hunch—and one cannot be blamed for having hunches—that there are a good many opponents of anti-poll-tax legislation who have grave doubt as to whether or not their arguments as to the alleged unconstitutionality of such legislation would survive a Supreme Court test, in view of the language of the Classic case.

The Chief Justice went on, on page 317 in the decision, to say:

The point whether the power conferred by section 4 includes in any circumstances the power to regulate primary elections was reserved in *United States* v. *Gradwell*, supra, 487. In *Newberry* v. *United States*, supra, four Justices of this Court were of opinion that the term "elections" in section 4 of article I did not embrace a primary election, since that procedure was unknown to the framers. A fifth Justice, who with them pronounced the judgment of the Court, was of opinion that a primary, held under a law enacted before the adoption of the seventeenth amendment, for the nomination of candidates for Senator, was not an election, within the meaning of section 4 of article I of the Constitution, presumably because the choice of the primary imposed no legal restrictions on the election of Senators by the State legislatures to which their election had been committed by article I, section 3. The remaining four Justices were of the opinion that a primary election for the choice of candidates for Senator or Representative were elections subject to regulation by Congress within the meaning of section 4 of article I. The question then has not been prejudged by any decision of this Court.

To decide it we turn to the words of the Constitution read in their historical setting as revealing the purpose of its framers, and search for admissible meanings of its words which, in the circumstances of their application, will effectuate those purposes. As we have said, a dominant purpose of section 2, so far as the selection of representatives in Congress is concerned, was to secure to the people the right to choose representatives by the designated electors, that is to say, by some form of election. Compare the seventeenth amendment as to popular election of Senators. From time immemorial an election to public office has been in point of substance no more and no less than the expression by qualified electors of their choice of candidates.

Long before the adoption of the Constitution the form and mode of that expression had changed from time to time. There is no historical warrant for supposing that the framers were under the illusion that the method of effecting the choice of the electors would never change or that, if it did, the change was for that reason to be permitted to defeat the right of the people to choose representatives for Congress which the Constitution had guaranteed. The right to participate in the choice of representatives for Congress includes, as we have said, the right to cast a ballot and to have it counted at the general election, whether for the successful candidate or not. Where the State law has made the primary an integral part of the procedure of choice, or where in fact the primary effectively controls the choice, the right of the elector to have his ballot counted at the primary is likewise included in the right protected by article I, section 2. And this right of participation is protected just as is the right to vote at the election, where the primary is by law made an integral part of the election machinery, whether the voter exercises his right in a party primary which invariably, sometimes or never determines the ultimate choice of the representative. Here, even apart from the circumstance that the Louisiana primary is made by law an integral part of the procedure of choice, the right to choose a representative is in fact controlled by the primary because, as is alleged in the indictment, the choice of candidates at the Democratic primary determines the choice of the elected representative. Moreover, we cannot close our eyes to the fact, already mentioned, that the practical influence of the choice of candidates at the primary may be so great as to affect profoundly the choice at the general election, even though there is no effective legal prohibition upon the rejection at the election of the choice made at the primary, and may thus operate to deprive the voter of his constitutional right of choice.

This was noted and extensively commented upon by the concurring Justices in *Newberry* v. *United States*, supra, 263–269, 285, 287.

Unless the constitutional protection of the integrity of elections extends to primary elections, Congress is left powerless to effect the constitutional purpose.

Note that, Mr. President, because we must not forget that many of the same arguments we have been hearing in opposition to congressional interference, so-called, with State election laws as they relate to poll taxes were made in an attempt to prevent Federal interference,

so-called, into primary elections. That is why this decision of Chief Justice Stone is, in my judgment, so applicable to the issue before us. Of course, it is a fringe case, a borderline case; but, nevertheless, it deals with the interpretation of congressional power over elections, and it recognizes the right of Congress to take a look into procedures that involve primary elections, because the primary elections so frequently determine who the final congressional representative shall be. So Mr. Chief Justice Stone says:

Unless the constitutional protection of the integrity of elections extends to primary elections, Congress is left powerless to effect the constitutional purpose, and the popular choice of representatives is stripped of its constitutional protection save only as Congress, by taking over the control of State elections, may exclude from them the influence of the State primaries. Such an expedient would end that State autonomy with respect to elections which the Constitution contemplated that Congress should be free to leave undisturbed, subject only to such minimum regulation as it should find necessary to insure the freedom and integrity of the choice.

What do you suppose, Mr. President, he means by the use of the words "freedom and integrity of choice"? I think they, at least, are a peg on which to hang an argument that, after all, we do not have freedom of choice and we cannot have integrity of choice, either, when 10,000,000 people find themselves restricted as to their freedom to exercise a free ballot.

Mr. Chief Justice Stone further said:

Words, especially those of a Constitution, are not to be read with such stultifying narrowness. The words of sections 2 and 4 of article I, read in the sense which is plainly permissible and in the light of the constitutional purpose, require us to hold that a primary election which involves a necessary step in the choice of candidates for election as representatives in Congress, and which in the circumstances of this case controls that choice, is an election within the meaning of the constitutional provision and is subject to congressional regulation as to the manner of holding it.

I agree that this case deals with a primary election problem. But I also contend that it deals with the inherent power of the Congress, under section 4 of article I and under the fifteenth amendment, to step in and see to it that the necessary regulations are imposed by Congress to protect free suffrage in any instance in which a State adopts a method or manner of conducting elections which impinges or infringes upon the rights guaranteed by the Constitution as to elections. I do not think we can get away from that point. There is no reversal of that language of the Chief Justice, and it is not dictum. Its language bears directly upon the issue involved in this case.

Chief Justice Stone further said:

Not only does section 4 of article I authorize Congress to regulate the manner of holding elections, but by article I, section 8, clause 18, Congress is given authority "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof." This provision leaves to the Congress the choice of means by which its constitutional powers are to be carried into execution.

That cannot be erased, and I know of no reversal or retraction of that language. In my judgment, it is a clear notice upon the Congress that this decision by the United States Supreme Court recognizes the power, as I have argued in this debate, of the Congress to enact legislation which will protect the suffrage of free citizens; and it seems to me it recognizes by a clear, logical application of the language of the Court to article I, section 2, that that section contains words of limitation subject to the powers of the Congress over elections, vested elsewhere in the Constitution. That is a part of the very heart of the argument I am trying to make clear. It is a part of the very basis of the argument I would urge upon the Supreme Court if I were pleading the constitutionality of an anti-poll-tax bill before that Court. I think the Court would recognize the applicability of that language to the constitutional issue before us.

So I repeat for purposes of emphasis that Chief Justice Stone said:

This provision leaves to the Congress the choice of means by which its constitutional powers are to be carried into execution. Let the end be legitimate; let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional. *McCulloch* v. *Maryland* (4 Wheat. 316, 421). That principle has been consistently adhered to and liberally applied, and extends to the congressional power by appropriate legislation to safeguard the right of choice by the people of representatives in Congress, secured by section 2 of article I.

Mr. President, I think the excerpts I have read from the opinion of Chief Justice Stone in the famous Classic case lay the basic framework and foundation for my argument that the word qualification in section 2, article I, is a word of limitation, subject to the powers over elections given to the Congress in sections 4 and 8 of article I and also in the fifteenth amendment.

But in the Classic case there is a dissenting opinion, not dealing with the particular points I have been stressing. The dissenting opinion is by Mr. Justice Douglas.

There is certain language in the dissenting opinion which I think is worthy of notice in this debate, recognizing, as I do, of course, that it is the language of a dissenting opinion. The lawyers in the Senate Chamber know that the history of constitutional law in this country is one containing many pages which disclose that the dissenting opinions of one decade frequently become the majority opinions of succeeding decades. Therefore, I think this point of view, at least, of Mr. Justice Douglas as set forth in his opinion in the Classic case should be made a part of my remarks. At page 330 of that case, he said:

The important consideration is that the Constitution should be interpreted broadly so as to give to the representatives of a free people abundant power to deal with all the exigencies of the electoral process. It means that the Constitution should be read so as to give Congress an expansive implied power to place beyond the pale, acts which, in their direct or indirect effect, impair the integrity of congressional elections. For when corruption enters, the election is no longer free, the choice of the people is affected. To hold that Congress is powerless to control these primaries would indeed be a narrow construction of the Constitution, inconsistent with the view that that instrument of government was designed not only for contemporary needs but for the vicissitudes of time.

So I agree with most of the views expressed in the opinion of the Court. And it is with diffidence that I dissent from the result there reached.

The disagreement centers on the meaning of section 19 of the Criminal Code, which protects every right secured by the Constitution. The right to vote at a final congressional election and the right to have one's vote counted in such an election have been held to be protected by section 19 (*Ex parte Yarbrough*, supra; *United States* v. *Mosley* (238 U. S. 383)). Yet I do not think that the principles of those cases should be, or properly can be, extended to primary elections. To sustain this indictment we must so extend them. But when we do, we enter perilous territory.

We enter perilous territory because, as stated in *United States* v. *Gradwell* (243 U. S. 476, 485), there is no common-law offense against the United States; "the legislative authority of the Union must make an act a crime, affix a punishment to it, and declare the court that shall have jurisdiction of the offense" (*United States* v. *Hudson* (7 Cranch 32, 34)).

Thus he proceeded to dissent on the ground of a difference with the majority over an application of section 19 of the Criminal Code, but not on the broad principles laid down by the Chief Justice, which I have cited at considerable length, in regard to the powers of Congress in respect to national elections.

There are other cases I intended to discuss and other authorities to which I contemplated referring, but I have spoken at much greater length than I had any thought I would when I started this discussion. I have laid down at least the major premises on which I rest my constitutional argument. With the permission of the Senate, rather than take the time of the Senate to cite the further authorities, I ask to insert as part of my remarks certain material which I shall describe.

First, for review purposes, I should like to have inserted at this point in my remarks the digests to which I have referred, dealing with the Breedlove case, the Pirtle case, the Classic case, and the Edwards case, the so-called California "Okie" case.

The PRESIDING OFFICER (Mr. BALDWIN in the chair). Is there objection?

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

CONSTITUTIONALITY

1. *Breedlove* v. *Suttles* (302 U. S. 277), decided December 6, 1937: This action was brought to determine whether or not the appellees, the State officials, had acted unlawfully or illegally by refusing to register a white man aged 28 for voting for Federal and State officers at primary and general elections because he had made neither poll-tax returns nor paid any poll taxes. The opinion of the Court was perfectly proper in view of the fact that the appellant demanded the State official to qualify him to vote in a State election as well as a Federal election.

The Court arrived at this erroneous conclusion because it had erroneously judged the nature of the right to vote for Federal officials. The Court thought the nature of the right or the source of the right for a Federal official was the State itself. Surely, the State is not the one to grant a Federal privilege. The Court said "Privilege of voting is not derived from the United States, but is conferred by the State."

2. *Pirtle* v. *Brown* (C. C. A., 6th Ct. (118 Fed. (2d) 218)), decided March 8, 1941, and certiorari denied by the Supreme Court: The issue in this case was whether the State could condition a right to vote for a Congressman in an election, not a primary, because the citizen had not complied, or had failed to pay a poll tax. It was not a State election and not a primary and the citizen had qualified in every way except pay the tax. The State levied the tax and set up the method of collection, having had difficulty in getting it collected, they burdened the franchise with the duty to pay the tax, as a method of collecting. It was therefore a condition precedent to the exercise of the right to vote. The court held that the right to vote in a national election is conditioned on such terms as the State wants to impose, and using the Breedlove case as a precedent about the right conferred by the State, said such right was conferred save as restrained by the fifteenth and nineteenth amendments on race, color, or previous condition of servitude and other provisions of the Constitution. (Unanimous opinion of three judges.)

3. *United States* v. *Classic* (313 U. S. 299), decided May 28, 1941: In this case the charge was that election officials had violated sections 19 and 20 of the Criminal Code by wilfully altering and falsely counting and certifying the ballots cast in a primary in Louisiana for a Representative of Congress. The questions for decision were whether the rights of qualified voters to vote in Louisiana and to have their ballots counted is a right secured by the Constitution and whether the appellees violated the sections of the code. Stone said, after citing cases going back to *Ex parte Yarbrough* (110 U. S. 651) that the right of the people to choose their elective officers is a right "established and guaranteed by the Constitution and hence is one secured by it to those citizens and inhabitants of the State entitled to exercise the right."

He continued: "While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the States (cites cases), this statement is true only in the sense that the States are authorized by the Constitution to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18, of the Constitution, 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.'"

Section 4 authorizes Congress to regulate the times, places, and manner of electing representatives in *United States* v. *Mumford* (16 Fed. 223, C. C., Virginia, 1883).

The Court said there is little regarding an election that is not included in the terms "time," "place," and "manner" and that Congress could legislate generally in respect to general elections.

In the Classic case, Justice Douglas went further on to say: "The important consideration is that the Constitution should be interpreted broadly so as to give the representatives of a free people abundant power to deal with all the exigencies of the electoral process. It means that the Constitution should be read so as to give Congress an expansive implied power to put beyond the pale, acts which in their direct or indirect effect, impair the integrity of congressional elections.

In the California "Okie" case, Justice Jackson in a concurring opinion (*Edwards* v. *California* (314 U. S. 181)): "We should say now, and in no uncertain terms that a man's mere property status, without more, cannot be used by a State to test, qualify, or limit his rights as a citizen of the United States."

The Breedlove case does not distinguish between rights of citizens as State or Federal electors, and the Pittle case is an effort to strike down the poll-tax restriction in Federal elections by judicial reasoning without the exercise of Congress of its power to regulate such elections.

In the Classic case Douglas went on to say that sections 2 and 4 of article I are an arsenal of power ample to protect congressional elections from any and all forms of pollution.

Mr. MORSE. Then, after only a brief mention of it, I shall ask shortly to have inserted in the RECORD certain arguments in support of the constitutionality of the anti-poll-tax bill as submitted by some unquestionably outstanding authorities on constitutional law, in a memorandum entitled "The Case for the Constitutionality of the Pepper Anti-Poll-Tax Bill." I am not offering it as yet. I want first to describe it, if I may. The introduction of the pamphlet reads as follows:

INTRODUCTION

Too often constitutional questions are raised simply to obstruct or delay. In consequence many laymen have come to regard them with impatience as the occasion for a lawyer's game of matching precedents with little relation to actualities. When those who discuss such questions remember that the Constitution primarily embodies great principles of government, that it is indeed "a charter and not a document," constitutional issues assume a new importance. To discuss them in the light of history and political philosophy as well as of the law as formulated by the courts results not only in a more just understanding of the particular issue but also in a quickened sense of the meaning and value of our scheme of government. Such a discussion is of value to lawyers and laymen alike.

It is in the spirit of broad statesmanship that the supporters of the constitutionality of the Pepper anti-poll-tax bill have discussed the specific constitutional questions propounded to them by the Senate committee in charge of that bill. These questions are framed in narrow terms, but no satisfactory answer could be found without consideration of the history of the Constitution and the political philosophy of its founders.

The Pepper bill itself (S. 1280), the constitutional questions posed by the commitee, and the three principal statements in answer to those questions are printed in this pamphlet. The first statement is a memorandum, purposely brief, signed by 10 outstanding legal scholars, 6 of them connected with the poll-tax States either by birth and education or by recent affiliation. These signers are George Gordon Battle, of North Carolina and Virginia, long the leading southern member of the New York bar; Walton Hamilton, of Tennessee, now professor of constitutional law in the Yale Law School; Myres McDougal, of Mississippi, also of the Yale Law School; Leon Greene, of Louisiana and Texas, now dean of Northwestern University Law School; Robert K. Wettach and M. T. Van Hecke, dean and ex-dean of the law school of the University of North Carolina; Lloyd K. Garrison, dean of Wisconsin Law School; Charles Bunn, of the Wisconsin Law School faculty; Walter Gellorn, of Columbia University Law School; and Edwin Borchard, specialist in public law and professor in the Yale Law School.

The statement of Irving Brant is that of an outstanding student of the Constitution, who is also a political philosopher. Mr. Brant is the author of Storm Over the Constitution.

Mr. Morrison, the author of the third statement, has long been professor of constitutional law in Tulane University, and is now a practicing lawyer in New Orleans. Like Mr. Brant, he makes use of constitutional history in his statement, but uses it as the constitutional lawyer rather than the political philosopher. Because his statement will appear in full in the Lawyers Guild Quarterly it has been somewhat abridged for printing in this pamphlet, but no alteration of the meaning has been made.

These three statements all reach the same conclusion, but their authors travel different roads, and so their arguments supplement and strengthen each other. They constitute an important contribution to the understanding of the meaning of the Constitution, and of the plan of our forefathers in establishing a republican form of government.

These statements are in answer to a series of questions which the distinguished Senator from Wyoming [Mr. O'MAHONEY], then chairman of a subcommittee of the Committee on the Judiciary, propounded at the Judiciary Committee hearings on the so-called Pepper anti-poll-tax bill. I simply want to read the questions, because they show that the papers presented in answer to the questions bear directly on the great issue of this debate; namely, the constitutionality or unconstitutionality of the anti-poll-tax bill.

The first question the Senator from Wyoming [Mr. O'MAHONEY] propounded to these gentlemen was this:

Whether or not the drafters of the Constitution adopted, for the Federal election of the House of Representatives, the qualifications that might be laid down, whatever they were, by the legislatures of the several States.

The second query was:

Does this section recognize the right of the separate States to fix the qualifications of the electors by failure to make any reference whatsoever to those qualifications?

The third query was:

Does this justify the inference that again the right to fix the qualifications of the voters is a State right?

The next query was:

Is this not tantamount to acknowledgment by the Congress and by the States, when the nineteenth amendment was submitted and approved, that the fourteenth amendment did not prohibit the States from denying or abridging the right to vote?

And then, the next question that arises is, whether since there are only eight States which now have the poll-tax requirement, the object sought by this bill might not more effectively be attained by a constitutional amendment which should provide that the right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of any property qualification or poll-tax requirement?

Mr. President, these legal scholars, recognized authorities in the field of constitutional law, wrote answers, in the three memoranda which comprise this pamphlet, to the questions which the Senator from Wyoming put to them, and I ask unanimous consent to have the contents of the pamphlet printed at this point in the RECORD as a part of my remarks.

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

THE CASE FOR THE CONSTITUTIONALITY OF THE PEPPER ANTI-POLL-TAX BILL

[77th Cong., 1st sess.; S. 1280; in the Senate of the United States, March 31, 1941, Mr. PEPPER introduced the following bill; which was read twice and referred to the Committee on the Judiciary]

A bill concerning the qualification of voters or electors within the meaning of section 2, article I, of the Constitution, making unlawful the requirement for the payment of a poll tax as a prerequisite to voting in a primary or general election for national offices

Whereas the requirements in many jurisdictions that a poll tax be paid as a prerequisite for voting or registering to vote at primaries or elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, have deprived many citizens of the right and privilege of voting as guaranteed to them under the Constitution, and have been detrimental to the integrity of the ballot in that frequently such taxes have been paid for the voters by other persons as an inducement for voting for certain candidates; and

Whereas these requirements have no reasonable relation to the residence, intelligence, ability, character [education, maturity, community-consciousness, freedom from crime], or other qualifications of voters; and

Whereas such requirements deprive many citizens of the right and privilege of voting for national officers, and cause, induce, and abet practices and methods in respect to the holding of primaries and elections detrimental to the proper selection of persons for national offices: Now therefore

Be it enacted, etc., That the requirement that a poll tax be paid as a prerequisite to voting or registering to vote at primaries or elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or elections for said offices, within the meaning of section 2 of article I, of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and elections for said national offices and a tax upon the right or privilege of voting for said national offices.

SEC. 2. It shall be unlawful for any State, municipality, or other government or governmental subdivision to prevent any person from voting or registering to vote in any primary or election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, on the ground that such person has not paid a poll tax, and any such requirement shall be invalid and void insofar as it purports to disqualify any person otherwise qualified to vote in such primary or election. No State, municipality, or other government or governmental subdivision shall levy a poll tax or any other tax on the right or privilege of voting in such primary or election, and any such tax shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting at such primary or election.

SEC. 3. It shall be unlawful for any State, municipality, or other government or governmental subdivision to interfere with the manner of selecting persons for national office by requiring the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, and any such requirement shall be invalid and void.

SEC. 4. It shall be unlawful for any person, whether or not acting under the cover of authority of the laws of any State or subdivision thereof, to require the payment of a poll tax as a prerequisite for voting or registering to vote in any primary or election for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives.

UNITED STATES SENATE,
COMMITTEE OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D. C., March 13, 1942.

Senator O'MAHONEY. The fact that you have presented this memorandum on the constitutional question, and the fact that I have discussed this matter on numerous occasions with Senator PEPPER, the sponsor of the bill, prompts me to take advantage of this opportunity to pose the constitutional questions that seem to appear to some of the members of the committee, in the hope that those witnesses who, hereafter, undertake to testify upon constitutional questions, will endeavor to answer these questions.

Now, the bill, itself, shows on its face a question of the interpretation of section 2, article I, which has arisen in the minds of the sponsors, as well as in the minds of the committee. Now, this provision of the Constitution reads as follows:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

It is obvious, from the language, that the drafters of the Constitution, in providing in this clause the qualification of those who should choose the Members of the House of Representatives, said, in so many words, that these electors should have the qualifications requisite for the elector of the most numerous branch of the State legislature.

The query is this: Whether or not the drafters of the Constitution adopted, for the Federal election of the House of Representatives, the qualifications that might be laid down, whatever they were, by the legislatures of the several States.

Now, the next section of moment there is section 4, of article I, which reads as follows:

"Time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may, at any time, by law, make or alter such regulations except as to the places of choosing Senators."

It would seem to be clear, from this provision, that the drafters of the Constitution recognized the right of the respective State legislatures to fix the time, places, and manner of holding elections, but reserved to the Congress the right by law, to make or alter such regulation except as to places of choosing electors.

Query: Does this section recognize the right of the separate States to fix the qualifications of the electors by failure to make any reference whatsoever to those qualifications?

Then we come to article II, section 1, second clause:

"Each State shall appoint in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, et cetera," the electors spoken of, of course, being Presidential electors, and it was recognized by the drafters of the Constitution that the legislatures of the respective States have complete authority to direct the manner of election of such presidential electors.

Query: Does this justify the inference that again the right to fix the qualifications of the voters is a State right?

Then, I am prompted to call attention to the fourteenth amendment and to the nineteenth amendment, both of which have already been mentioned in this testimony this morning.

The portion of the fourteenth amendment which seems to be of significance is this:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

Obviously, this provision has the effect of making all native-born or naturalized persons in the United States citizens of the United States, and of the State wherein they reside.

The question, then, arises as to whether or not the next sentence, which raises a prohibition upon the State, and prevents the State from abridging the privilege or immunity of the citizens, whether that is a prohibition upon the State to make a property qualification or a poll-tax qualification as the basis of the right to vote.

In construing this, the question will arise whether the nineteenth amendment does not have a bearing, because the nineteenth amendment, which was adopted many years after the fourteenth amendment, reads:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

Query: Is this not tantamount to acknowledgment, by the Congress and by the States, when the nineteenth amendment was submitted and approved, that the fourteenth amendment did not prohibit the States from denying or abridging the right to vote?

And then, the next question that arises is, whether, since there are only eight States which now have the poll-tax requirement, the object sought by this bill might not more effectively be attained by a constitutional amendment which should provide that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of any property qualification or poll-tax requirement?

I leave that to the constitutional experts.

Dr. RICE. As to that last question raised, I can only say, momentarily, that the history of child-labor protection is perhaps a nice parallel. Congress tried to prevent child labor by two specific acts, both of which were held to be unconstitutional, and then a constitutional amendment was proposed which never received sufficient strength and finally Congress ratified a bill which has gone into effect.

Senator O'MAHONEY. In other words, the Constitution occasionally is flexible?

Dr. RICE. The Constitution grows.

Senator O'MAHONEY. The committee will be in recess until tomorrow morning at 10:30 o'clock.

Whereupon, at 12:30 o'clock p. m., the committee recessed until 10:30 o'clock the following morning, Saturday, March 14, 1942.

MEMORANDUM

This memorandum is directed to answering briefly certain questions affecting the constitutionality of S. 1280, a bill to eliminate poll-tax requirements in Federal elections. The question as raised by the chairman of the subcommittee of the Senate Judiciary considering the bill, are appended hereto. In answering these questions, this memorandum deliberately avoids discussion of controversial points not essential to the determination of the constitutionality of S. 1280.

Query 1. "Whether or not the drafters of the Constitution adopted, for the Federal election of the House of Representatives, the qualifications that might be laid down, whatever they were, by the legislatures of the several States."

The answer is "yes"; but such an affirmative reply leaves unresolved the crucial issues.

The basic issue is not whether the States have power to prescribe the qualifications for the Federal suffrage. The Constitution provides that to vote in congressional elections the voters shall have "the qualifications requisite for electors of the most numerous branch of the State legislature." The basic question is whether the payment of a poll tax is a "qualification" for voting in the constitutional sense.

The Constitution looks to the substance and not to the form. Cf. *Nixon* v. *Condon* (286 U. S. 73). The Constitution does not authorize the States, under the guise of prescribing voting qualifications, to impose, contrary to the laws of Congress regulating Federal elections, restrictions on the Federal franchise that have no reasonable relation to a citizen's qualification to vote. If the payment of a poll tax has no rational relationship to the citizen's capacity to participate in the choice of public officials, it need not be treated by the Congress as a qualification within the meaning of the Constitution. A poll-tax requirement imposes a restriction on the citizen's right to vote, but if it is not a qualification in the constitutional sense, then it is within the power of Congress in regulating Federal elections to override such a restriction on the right of a qualified citizen to vote. As Justice (now Chief Justice) Stone stated in *United States* v. *Classic* (313 U. S. 299, 315), "While, in a loose sense, the right to vote for representatives in Congress is sometimes spoken of as a right derived from the States (citing cases), this statement is true only in the sense that the States are authorized by the Constitution, to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18, of the Constitution 'to make all laws which shall be necessary and proper for carrying into execution the foregoing powers.'"

In *Edwards* v. *California* (314 U. S. 181), the Supreme Court unanimously held that a State could not deny entry to a citizen of the United States merely because he was indigent. The majority of the Court resting their decision upon the commerce clause rejected the suggestion that the State police power could be exercised, as California had attempted to exercise it, to discriminate against citizens because of their indigence. Four of the Justices were of the opinion that, apart from the commerce clause, such discrimination was in violation of the rights of national citizenship as guaranteed both under the original Constitution and the privileges and immunities clause of the fourteenth amendment. One of them, Mr. Justice Jackson, in his concurring opinion, stated broadly (314 U. S. 181, 184–5):

"We should say now, and in no uncertain terms that a man's mere property status, without more, cannot be used by a State to test, qualify, or limit his rights as a citizen of the United States. * * * The mere state of being without funds is a neutral fact—constitutionally an irrelevance, like race, creed, or color. I agree with what I understand to be the holding of the Court that cases which may indicate the contrary are overruled." Whatever might have been true in times past, there is no doubt a serious question today how far property may properly be regarded as a reliable index of or even a rough and ready guide for determining the educational qualification, civic worth, or community loyalty of the citizen.

But a poll-tax requirement clearly has much less relationship to a citizen's capacity to perform the civic responsibility of voting than has a property test. The most shiftless of men may pay the tax because he found a $5 bill upon the street. The worthiest citizen may prefer to feed his family. In truth it is difficult today to establish any real or substantial relationship between the poll-tax requirement and the civic worth or capacity of the citizen. Until the Congress acts, the courts may hesitate to disturb State electoral practices because of their own views of the logical requirements of the Constitution. But any such hesitancy upon the part of the courts to upset State practices of doubtful constitutionality would be dispelled by congressional action. It would seem clear, therefore, that the poll-tax requirement need not be regarded by the Congress as an electoral qualification within the meaning of the Constitution giving the States the power to fix qualifications for the Federal suffrage, cf. *Breedlove* v. *Suttles* (312 U. S. 277).

The Congress has affirmative power to regulate Federal elections to protect the rights of citizens under the Constitution and to guard against fraud and corruption in the exercise of the Federal franchise. The right of citizens to vote at congressional elections, subject only to such limitations as may be legally imposed by the State or Federal Government in conformity with the Constitution, is a right secured by the Constitution, which the Congress is empowered to protect by appropriate legislation. (*United States* v. *Classic* (313 U. S. 299, 314–315, 320).) Otherwise the rights of qualified voters could be set at naught. Assuming that certain restrictions on the suffrage which are not genuine qualifications in the constitutional sense may be imposed by the States in the absence of congressional action, such restrictions do not escape the Federal power to preserve the integrity of Federal elections and to protect the rights of constitutionally qualified voters. In the exercise of its powers over Federal elections, it is altogether fitting and proper for the Congress to prohibit State poll-tax requirements if in the judgment of the Congress such requirements unduly restrict the rights of national citizenship and make for fraud and corruption in Federal elections.

It is unnecessary to consider in this memorandum whether the State poll taxes are invalid in the absence of Federal legislation on the ground that they violate the rights of national citizenship secured by the original Constitution or by the fourteenth amendment. It is sufficient to affirm the power of the Congress to nullify such State statutes in the exercise of its power to regulate Federal elections and to protect the rights of constitutionally qualified voters. It is sufficient to affirm that should the Congress exercise its power in the premises, the courts in our judgment would sustain and uphold the action of the Congress.

Query 2. "Does this section (art. I, sec. 4) recognize the right of the separate States to fix the qualifications of the electors by failure to make any reference whatsoever to those qualifications."

Answer: We may assume an affirmative answer to this query. The power of the States to fix qualifications, however, is limited, as explained in our answer to query 1, by (1) the inherent meaning of the word "qualifications" as used in the Constitution, and (2) the power of Congress to protect the integrity of Federal elections and the rights of constitutionally qualified voters.

Query 3. Relates to article II, section 1, clause 2 of the Constitution which provides that "Each State shall appoint in such manner as the legislature thereof may direct" the presidential electors.

While Congress could not question the right of a State legislature to provide the manner of appointment of Presidential electors, a State legislature in exercising that right must exercise it in conformity with the requirements of the Constitution. If the legislature provides for the appointment to be made by the process of election, that election, like a primary election for congressional candidates, "involves a necessary step in the choice of candidates" for national office "which in the circumstances of this case controls that choice" (*United States* v. *Classic* (313 U. S. 299, 320)), and that choice must be made in a manner that does not offend the Constitution or such legislation as the Congress may reasonably deem appropriate to protect the rights of constitutionally qualified voters from discrimination and invasion. Article II, section 1, clause 2 of the Constitution does not authorize the State legislature to fix arbitrary conditions to the right to vote for Presidential electors which have no relation to the voter's worth or ability.

Query 4. Relates to the privileges and immunities clause of the fourteenth amendment; and to the effect of the nineteenth amendment upon its interpretation.

Answer: The right of a qualified voter to vote subject to the limitations imposed by the Constitution, is a right secured by the Constitution itself prior to the adoption of the fourteenth amendment, and that right may be protected by appropriate congressional legislation (*United States* v. *Classic* (313 U. S. 299, 315, 320)). That right has only been fortified and strengthened by the privileges and immunities clause of the fourteenth amendment. The imposition by the States of proper qualifications for voting does not abridge the rights of national citizenship, either under the original Constitution or the fourteenth amendment. But restrictions which are not qualifications in the constitutional sense cannot survive congressional action to protect the rights of national citizenship under the original Constitution or the fourteenth amendment. It is unnecessary to consider whether a poll-tax requirement or a property test is invalid under the Constitution or the fourteenth amendment in the absence of Federal legislation.

The nineteenth amendment merely took note of the fact that sex was historically recognized as an appropriate qualification. It decreed that thereafter the right to vote should not be denied on account of sex either by the United States or by the States. It applied to State as well as Federal suffrage. It certainly throws no light on whether a State poll-tax requirement should be regarded by the Congress as a qualification in the constitutional sense for voting at a Federal election. The nineteenth amendment, which was designed to broaden the suffrage, certainly was not intended to take away any power the Congress might otherwise have to protect the rights of national citizenship.

If the poll tax is not a legitimate qualification for the Federal suffrage in the constitutional sense, the Congress has the power to eliminate it and protect the rights of national citizenship. A constitutional amendment is not necessary to achieve a result within the existing power of the Congress.

George Gordon Battle, Walton Hamilton, Myres S. McDougal, Leon Greene, M. T. Van Hecke, Robert K. Wettach, Lloyd K. Garrison, Edwin Borchard, Walter Gellhorn, Charles Bunn.

STATEMENT OF IRVING BRANT ON THE CONSTITUTIONALITY OF S. 1280, BEFORE SENATE SUBCOMMITTEE, JULY 30, 1942

The poll tax, employed as a restriction upon the right of suffrage, directly violates two provisions of the Constitution and comes within the regulatory powers of Congress under three other provisions.

It violates and can be abolished by Congress under article IV, section 4, which says that "the United States shall guarantee to every State in this Union a republican form of government."

It violates and can be abolished by Congress under the Fourteenth Amendment,

which says that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

It comes within the regulatory powers of Congress, and can be abolished, through the combined effect of article I, section 2, and the 18th clause of article I, section 8. The original jurisdiction arises from section 2, which says that in the election of the House of Representatives, "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."

It comes within the regulatory powers of Congress, and can be abolished, under article I, section 4, which gives Congress power to regulate the "time, places, and manner" of electing Members of Congress.

All of these clauses have back of them the broad authority of the eighteenth clause of article I, section 8, which empowers Congress to make all laws which shall be necessary and proper for carrying into execution the powers vested in the Government of the United States. From that eighteenth clause Congress also derives independent power of legislation to protect the Federal Government in its constitutional independence and supremacy. That would include the power to control Federal elections.

To pursue this last point first, the Federal Government, by the terms of the Constitution, is a republican government, a government of the people, and a supreme government in all that comes within its scope. This carries with it, implemented by the "necessary and proper" clause, the right of the Federal Government to insure its own perpetuation, its independence of State control, its supremacy over the States in Federal affairs, and its status as a government of the people of the United States. If the Constitution did not contain a single word on the subject of congressional elections Congress would have plenary power to regulate them as a part of the implied power of a supreme government to maintain its supremacy, of an independent government to maintain its independence, of a republican government to maintain its republicanism.

However, it is not necessary to rely on this implication. The election of Members of Congress is specifically made a Federal matter by sections 2 and 4 of article I—section 2 setting up the qualifications of electors, section 4 regulating elections.

Article I, section 2, bears upon S. 1280 in two respects, first as to the nature of governmental power over Federal elections, whether it is primarily a Federal power or a State power; second, as to the scope and meaning of the proviso that congressional electors shall have the same qualifications as electors of the most numerous branch of the State legislatures.

It has been argued, by opponents of S. 1280, that because of the way congressional electors are defined the fixing of their qualifications is a State right and that any intervention of the Federal Government in that field is a Federal interference with a right of the States. To show the fallacy of that argument, we need but ask from what source the States derive this supposed right. It stems entirely from the Federal Constitution. Therefore it is not a State right at all, but a use by the Federal Government, for Federal purposes, of certain State electoral machinery. This has been the ruling of the United States Supreme Court and it was the opinion of those who wrote the Constitution. James Madison made it clear in No. 52 of the Federalist when he said:

"The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution."

In the Newberry case Chief Justice White called sections 2 and 3 of article I "reservoirs of vital Federal power constituting the generative sources of the powers of section 4," and Justice Pitney, agreeing on this point in his dissent from the decision, declared for himself and Justices Brandeis and Clarke: "For the election of Senators and Representatives in Congress is a Federal function; whatever the States do in the matter they do under authority derived from the Constitution of the United States." The same position was taken by Chief Justice Stone for the majority, and Justice Douglas for the minority, in *U. S.* v. *Classic* (decided in 1941).

Section 2, therefore, does not appear in the Constitution as a State right to define Federal electors, but as a definition and establishment of a Federal right in terms of State law. When Madison discussed this subject in 1787, he had no fear of the effect of it. "It cannot be feared," he wrote in Federalist 52, "that the people of the States will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal Constitution." Madison misjudged the future, but in the very act of expressing his mistaken belief that the rights of State citizenship would not be abridged by the States, he made it plain that misuse of section 2 by the States would be an abridgement of Federal citizenship. Thus, at the very dawn of consitutional history, we have an answer to the question which next presents itself—whether, having defined a Federal electorate in terms of a State electorate, the Federal Government is bound to accept anything, no matter what its nature, that a State chooses to call a qualification for voting.

The answer to that must be "no," for three reasons:

1. Any other answer would imply that the Constitution is not an organic whole, but that one section of it can be lifted out and interpreted without regard to any other section or to the general nature of the entire law.

2. The mere fact of placing an affirmative clause in the Constitution gives the Federal Government the power and duty of policing that clause, to see that it is obeyed in accordance with its true substance and purpose as a part of the fundamental law.

3. In the understanding of any law, words must be given their true meaning. A qualification for voting is not simply the ability to dodge an arbitrary or unnatural disqualification. It must bear some reasonable relationship to the purpose for which electoral qualifications are set up. It must be a test of fitness harmonizing with American principles of government and bearing a living relationship to the period in which it is in vogue.

That brings us to the specific question whether the States, in restraining the right of suffrage by means of a poll-tax requirement, have set up a qualification for electors within the meaning and purpose of article I, section 2; and, furthermore, whether such a restraint upon suffrage comes within the power of Congress under other provisions of the Constitution.

What did the framers of the Constitution have in mind when they drafted article I, section 2? Did they intend to establish a broad and democratic base for the election of representatives, or a narrow and aristocratic base? Or did they simply turn the matter over to the States with no thought of what the States might do?

You will notice, first, that this section accepts the qualifications of the "most numerous" branch of the State legislature. The reason for that was that in some of the States a broader right of suffrage existed in the election of the larger house of the legislature than of the smaller. In this distinction, the larger body stood for the rights of the people, the smaller for the rights of property. These words were put into the Constitution, therefore, to insure a broad suffrage for the maintenance of popular rights by the House of Representatives, while the Senate, chosen by State legislatures, was expected to have more regard for property rights.

The popular intent in framing section 2 was further emphasized by the fact that in the process of adopting this clause, the framers of the Constitution voted down a motion to limit the right of voting to freeholders of land. The recorded debate shows that the purpose and expected result was to broaden the right of suffrage for all time. James McHenry read this section of the Constitution to the Maryland Legislature on November 29, 1787. This is what he said about it:

"It was objected that if the qualifications of the electors were the same as in the State governments, it would involve in the Federal system all the disorders of a democracy; and it was therefore contended that none but freeholders, permanently interested in the Government, ought to have a right of suffrage. The venerable Franklin opposed to this the natural rights of man—their rights to an immediate voice in the General Assembly of the whole Nation, or to a right of suffrage and representation."

Franklin was not the only one who spoke thus. No man in that convention believed that in writing article I, section 2, they were simply leaving it to the discretion of the States whether few or many citizens should be allowed to vote.

Oliver Ellsworth, of Connecticut, advocating the adoption of this provision, said: "The people will not readily subscribe to the National Constitution if it should subject them to be disfranchised."

George Mason, of Virginia, advocating its adoption, said: "Eight or nine States have extended the right of suffrage beyond the freeholders. What will the people there say, if they should be disfranchised?"

Pierce Butler, of South Carolina, advocating its adoption, said: "There is no right of which the people are more jealous than that of suffrage. Abridgments of it tend [as in Holland] to * * * a rank aristocracy."

Even the opponents of section 2 had the same opinion of its effect. Gouverneur Morris, of Pennsylvania, opposing this provision, said: "Give the votes to people who have no property, and they will sell them to the rich who will be able to buy them." John Dickinson, of Delaware, opposing the provision, warned against "the dangerous influence of those multitudes without property and without principle with which our country, like all others, will in time abound."

Because of differing State laws and differing opinions, it was easier to provide for uniformity between State and Federal qualifications than for Federal uniformity among the 13 States, but both in the phraseology employed and in the choice of alternatives the purpose of section 2 was revealed, and the purpose was to establish a broadly democratic base for Federal elections. Madison described the result to the people of America in No. 57 of the Federalist:

"Who are to be the electors of the Federal representatives? Not the rich, more than the poor; not the learned, more than the ignorant; not the haughty heirs of distinguished names, more than the humble sons of obscurity and unpropitious fortune. The electors are to be the great body of the people of the United States."

The record shows conclusively that article I, section 2 was adopted, not in recognition of any State right to define Federal electors, not to disclaim Federal responsibility, not to open the way to the disfranchisement of American citizens, but as a convenient means of assuring the right of suffrage to the great body of the people without overriding existing State laws which, on the whole, conformed to the standards of that day. Whenever Congress, by virtue of its power to make

necessary and proper laws, elects to enforce article I, section 2 by ending an arbitrary and unnatural disqualification of voters, it will but carry out the declared purpose of the framers of the Constitution to base congressional elections upon the great body of the people, rich and poor alike.

The fathers of our country could not visualize the coming of a time when the people would be corruptly deprived of their rights in State elections, and thereby cause Federal rights to be lost. Put they did look ahead to a time when the conduct of State governments might cause Federal suffrage rights to be lost, and they provided against it in article I, section 4. This section gives Congress power, by law, to regulate the time, places, and manner of electing Members of Congress, and to alter State laws on the subject. The debates in the Constitutional Convention show that the principal purpose of this clause was to make Federal authority paramount in Federal elections and to guard them against corruption. Rufus King, of Massachusetts, said that failure to give Congress this power would be "fatal to the Federal establishment." The words, "time, places, and manner," were not used narrowly. Madison said: "These were words of great latitude." It was impossible, he said, to foresee all the abuses that might arise from an uncontrolled discretion in the States. Whenever the State legislatures had a favorite measure to carry, he said, "they would take care so to mold their regulations as to favor the candidates they wished to succeed."

Under section 4, Congress has acted from time to time to prevent corruption in Federal elections. The poll tax is an agency of wholesale corruption, employed by political machines to debauch and control both Federal and State elections. The Virginia poll-tax requirement of the 1870's was described in the debate on its repeal as having "opened the floodgates of corruption." Poll-tax corruption was a prime factor in the repeal of the requirement in Massachusetts and Pennsylvania.

The poll tax corrupts elections in two ways, by a conditional disfranchisement of the voter, and by what amounts to an absolute disqualification.

The corrupting influence of the conditional disfranchisement is due to the fact that the disqualification can more easily be removed by an agent of political corruption than by the victim of the disfranchisement. Either in accordance with State law or in violation of State law, corrupt political machines buy up poll-tax receipts for those whose votes can be controlled. Citizens who cannot be controlled may be disfranchised by leaving their names off the assessors' books. If the law requires poll-tax payment several months before election, postdated receipts are given to the henchmen of the corrupt machine.

Relatively complete disfranchisement results from various forms of trickery in the writing of the law. In some States the tax is made cumulative, so that, although the yearly rate is small, the total is an impassable bar to voting. In some States it is unlawful to make any effort to collect the tax, which emphasizes the fact that it is not a revenue measure nor even a financial test, but a planned system of disfranchisement. The effect is to corrupt the election by the very development Madison said section 4 was to guard against, a slanting of it by State legislatures "to favor the candidates they wished to succeed." The corruption is the deeper and more pernicious because it aims, by legal trickery, to favor a particular class of candidates in successive elections.

Against the power of Congress to prevent corruption by forbidding poll-tax restrictions it has been argued that this method is unconstitutional because other and lesser measures might be employed to the same end. Those who argue thus would overturn the definition of the "necessary" and "proper" clause given by Chief Justice Marshall in *McCulloch* v. *Maryland* and followed by the Supreme Court without deviation for a century and a quarter.

Observe what happens when you place sections 2 and 4 together, and consider them in relation to each other. Treated as broad and positive powers, they fit snugly together and complement each other. If Congress abolishes the poll-tax requirement under section 4, to prevent corruption, it thereby restores the breadth of suffrage contemplated by the framers of the Constitution when they drafted section 2. If you act under section 2 to defend the rights of citizens, you thereby put an end to the corruption which section 4 guards against. But if you hold that either of these sections takes away the power of Congress to act under the other section, you nullify the purpose of both.

One need not, I believe, go beyond these clauses of the Constitution to find ample power in Congress to put an end to the misuse of the poll tax in Federal elections. Yet this is a narrow approach. When the Constitution is treated as an organic whole, the constitutionality of S. 1280 ceases to turn upon the sections dealing with electoral processes and becomes a matter of the fundamental rights of American citizenship and the fundamental nature of American Government. The basic question is whether the millions of voters disfranchised by poll taxes are deprived of one of the privileges or immunities of citizens of the United States guaranteed to them by the Constitution. Still more basic, but unnecessary to prove because it includes the last, is the question whether this denial of the rights of citizens goes so far as to subvert the republican form of State government made obligatory by the Constitution. For purposes of discussion, these two matters are interrelated. Anything that subverts republican government takes away the privileges and immunities of citizens. Anything that denies the constitutional rights of citizens in matters of government has a tendency to subvert the republican form of government founded upon those rights. Qualifications of electors laid down by State legislatures must harmonize with the constitutional rights of citizens.

Is the right to vote a privilege inherent in American citizenship? Franklin must have thought so when he made it still more basic, declaring that the right to vote is one of the natural rights of man. Jefferson must have thought so in 1824 when he said of his own State of Virginia: "The exclusion of a majority of our freemen from the right of representation is merely arbitrary, and a usurpation of the minority over the majority."

We are likely to be misled on this subject by the fact that property and taxpaying qualifications for voting were once universal in America, and were but slowly eradicated. Of this it may be said, first, that there is no basic resemblance—rather, indeed, a contrast—between the modern poll tax, used as a method of disfranchisement, and the early poll tax which was a true revenue measure and had the effect of extending the right of suffrage. In the second place, the failure to recognize a right at any given time does not prove its nonexistence; and, third, the absence of a right at one time does not prove its nonexistence later.

The rights of American citizens are not static. They are alive and growing, and the more slowly they grow the more surely they are established. Slow growth means a testing of principles in the face of opposition. The privileges and immunities protected by the Constitution are not merely those which were universally acknowledged in 1787 and 1868. They are the accumulated rights and privileges of the whole period in which they were developed, from the days of Protagoras down to the present moment. The poll tax as a weapon against the right to vote is not a recurrence to the property qualifications of 1787. It is a return to the principles of the Greek slave state of the time of Aristotle, who said, as paraphrased by Montesquieu: "It was only by the corruption of some democracies that artisans became freemen * * * a well-regulated republic will never give them the right and freedom of the city." Poll-tax disfranchisement is based on the argument against a broad suffrage set forth by Gouverneur Morris in the Constitutional Convention and denounced and rejected by that body. Said Morris: "The time is not distant when this country will abound with mechanics and manufacturers [by which he meant factory workers]. * * * Will such men be the secure and faithful guardians of liberty?" The founders of our country rejected that doctrine. The Constitution rejects it. But the poll tax accepts it. The poll tax is a device for turning mechanics, factory workers, sharecroppers, tenant farmers, poor landowners, and day laborers back to the condition of servitude which Aristotle and Gouverneur Morris and the Bourbon kings of France thought them fitted for.

I wish now to call attention to the contrast between the modern poll tax and the early American property qualifications for voting. The American colonies were settled in protest against feudal land monopoly. Early land ownership in America was the badge not only of good citizenship, but of democratic equality. It was associated with the doctrine of Montesquieu that in a well-regulated republic, wealth should be divided as evenly as practicable and land holdings should be small and equal. It was associated also with the feeling of those who lived upon the land that it was the source of all things good.

When the colonists first adopted the laws limiting the suffrage to landed freeholders, it produced a near approach to universal suffrage for free adult males, because practically all freemen were freeholders. As land rose in value and men turned to industrial pursuits, disfranchisement resulted. The right to vote was therefore broadened by admitting freemen who paid taxes. The levying of any new tax increased the number of electors. The New Hampshire poll tax of 1784, and other later poll taxes, were laid for the specific purpose of increasing the number of voters. The franchise was broadened further by extending it to citizens who worked upon the public roads or served in the militia. The fundamental test was not wealth, but evidence of devotion to the state, and when the turbulent frontier pushed westward, that evidence was finally found in the simple fact of residence and citizenship. All of this was part of the American march toward universal free manhood suffrage, which has been a part of the original constitution of every State admitted to the Union since 1819, and, until reversed by the modern poll tax, had been accepted by every other State of the Union except Georgia.

This whole evolutionary process toward universal suffrage was a mere writing into American history of the doctrine laid down by Franklin in 1787 that the right to vote is among the natural rights of men. The modern poll tax is an attempt to reverse the processes of political evolution.

Even more directly, the modern poll tax violates the principle of majority government upon which our Constitution is founded. Here there is no evolutionary process, no gradual recognition of public rights under changing conditions. Majority rule has always been the basic principle of American Government. Madison put the matter clearly in 1821 when he declared himself against any property qualification for voting, saying: "It violates the vital principle of free government that those who are to be bound by laws ought to have a voice in making them, and the violation would be

more strikingly unjust as the lawmakers became the minority."

Madison was protesting against the Virginia law limiting the franchise to landowners. But that law, when first adopted, extended the franchise to more than nine-tenths of the adult free males of the colony. It was only when the States lagged in changing their laws to meet changing conditions that they came into conflict with the vital principle of republican rule. These early practices and trends are diametrically opposed to the principle of the modern poll tax, which not only runs counter to the evolutionary development of the rights of American citizens, but also nullifies the fundamental principle of republican government—the rule of the majority.

Madison warned in No. 39 of the Federalist against the easy habit of calling everything a republic that was not a monarchy or a pure democracy. It is impossible, he wrote, to find the distinctive characteristics of the republican form except by recurring to principles. By that test, he wrote:

"We may define a republic to be, or at least may bestow that name on, a government which derives all its powers directly or indirectly from the great body of the people, and is administered by persons holding their offices during pleasure, for a limited period, or during good behavior. It is essential to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it."

Under that definition by Madison, the republican form of government does not exist today in eight States of the American Union. The government of those eight States, therefore, cannot be in accord with the privileges and immunities of citizens of the United States.

Here we have something more than a denial of the individual right of the individual citizen to a share in his own Government. It is a denial also of the general public right to majority government in the several States, and to a national government based upon the great body of the people. The poll tax takes away from the individual his constitutional right to help write the laws by which he is governed. It takes away the right of the individual to share in the formation of a collective majority. It takes away the constitutional right of the entire society to enjoy the privilege of majority government.

The fourteenth amendment forbids the States to abridge these privileges, and Congress, under that same amendment, is empowered and enjoined to protect them. The Federal Government is required by the Constitution to maintain the republican form of government in the States. Government by a minority is not the republican form of government which our forefathers created, the only republican government known to our Constitution. It is no answer to say that citizens can obtain the right to vote by paying up their poll taxes. In the State of Alabama, a farmer who has spent his cash income raising a family, buying clothing and shoes for his children, paying for a small farm and keeping up his property taxes, may by default of poll taxes during this period find himself in a position where he must pay $72 cash to regain the franchise for himself and his wife. That is a lifetime disfranchisement, which bears no relationship to his qualifications as a citizen. The fourteenth amendment has little meaning if it does not extend to the cure of such a denial of American rights and perversion of republican government.

The question has been asked why, if the fourteenth amendment covers the voting rights of citizens, it was necessary to adopt the nineteenth amendment in order to extend the right of suffrage to women. That is an excellent negative illustration of the principle of evolutionary growth in the privileges of citizenship. The nineteenth amendment was necessary because the organic growth of the right of suffrage had been confined to men. Similarly, the fifteenth amendment was needed to enfranchise Negroes because the organic growth of the right of suffrage had been confined to white men. Let us suppose that men and women had enjoyed equality at the ballot box from the beginning of American history, that in the colonial period they had been disfranchised to an equal extent by property qualifications, and that each broadening of the right of suffrage had applied equally to men and women. We should then have attained, by 1868, not universal manhood suffrage, but universal suffrage regardless of sex. Then, we'll say, about the year 1919 some State passes a law forbidding women to vote, disfranchising at one stroke half of the entire electorate, taking away a right which they had enjoyed from the foundation of our country. Do you think it would take a nineteenth amendment to wipe out that denial of the privileges and immunities of citizens?

Thus you have four separate provisions of the Constitution, all harmonious, all supplementing each other, under any or all of which Congress has power to abolish the poll-tax restriction upon the right to vote in Federal elections. It has not only the power but the duty. I can hardly do better in closing than to quote the concurring opinion of Mr. Justice Jackson in the unanimous decision by which the Court denied the right of California to exclude a citizen from its territory because of his indigence. He said: "We should say now, in no uncertain terms, that a man's mere property status, without more, cannot be used by a State to test, qualify, or limit his rights as a citizen of the United States." There you have in one sentence the judicial and moral verdict upon the poll tax.

STATEMENT OF JAMES T. MORRISON

I. THE FOUNDING FATHERS CONTEMPLATED AND AUTHORIZED CONGRESS TO LEGISLATE ON THE QUALIFICATION OF ELECTORS

In order to determine the intention of the founding fathers in drafting section 2 of article I of the Constitution, it is necessary to turn for a moment to the proceedings of the Constitutional Convention. The archetype of this section appears in the plan for a constitution submitted to the Convention by Mr. Pinckney. In the Pinckney plan, the provision appears as follows:

"ART. 3. The members of the House of Delegates shall be chosen every — year by the people of the several States; and the qualification of the electors shall be the same as those of the electors in the several States for their legislature." (5 Elliot's Debate, p. 129.)

This provision first came up for consideration in the Convention on Thursday, May 31, 1787, when it was proposed "that the members of the first branch of the legislature ought to be selected by the people of the several States." This resolution was opposed by Messrs. Sherman and Gerry, who favored election by the legislatures. Messrs. Mason, Wilson, and Madison, however, argued for the resolution, and it was carried by a vote of 6 to 2.

The question was again adverted to in Committee of the Whole on June 6, when Mr. C. C. Pinckney moved "that the first branch * * * be elected by the State legislatures, and not by the people." This time Mr. Rutledge joined Messrs. Gerry and Sherman in arguing for election by the State legislatures and Colonel Mason and Messrs. Dickinson, Read, and Pierce joined Wilson and Madison in arguing for election by the people. The Committee of the Whole defeated the proposed change by a vote of 8 to 3.

Again, on Thursday, June 21, the proposition was brought up and, according to Mr. Madison, "General Pinckney moved 'that the first branch, instead of being elected by the people, should be elected in such manner as the legislature of each State should direct.'" After considerable discussion, this proposal was finally rejected by a vote of 4 to 6. * * *

Finally, on Tuesday, August 7, the question of the qualification of electors was again taken up in a consideration of the report of the committee of detail. The committee had proposed the following as the constitutional provision:

"The qualification of the electors shall be the same, from time to time, as those of the electors, in the several States, of the most numerous branch of their own legislatures."

Mr. Madison reports that "Mr. Gouverneur Morris moved to strike out the last members of the section, beginning with the words 'qualification of electors,' in order that some other provision might be submitted which would restrain the right of suffrage to freeholders." This motion provoked considerable debate in the Convention. Mr. Wilson argued that this clause was carefully considered "and he did not think it could be changed for the better. It was difficult to form any uniform rule of qualification for all the States. Unnecessary innovations, he thought, too, should be avoided. It would be very hard and disagreeable for the same person at the same time, to vote for representatives in the State legislature, and to be excluded from a vote for those in the National Legislature."

* * * * *

Finally, and conclusively, the Convention, on June 21, 1787, flatly rejected a proposition that would have placed the qualifications of voters exclusively within the discretion of the State legislatures on grounds incompatible with a surrender of the power to prescribe qualifications by the National Government. On that date, pursuant to prior notice, C. C. Pinckney moved "that the first branch, instead of being elected by the people, should be elected in such manner as the legislature of each State should direct."

This resolution was vigorously attacked:

"Hamilton considered the motion as intended manifestly to transfer the election from the people to the State legislatures, which would essentially vitiate the plan. It would increase the State influence which could not be too watchfully guarded against.

"Wilson considered the election of the first branch by the people, not only as the corner-stone, but as the foundation of the fabric. The difference was particularly worthy of notice in this respect, that the legislatures are actuated not merely by the sentiment of the people, but have an official sentiment opposed to that of the general government, and perhaps to that of the people themselves.

"King enlarged on the same distinction. He supposed the legislatures would constantly choose men subservient to their own views, as contrasted to the general interest, and that they might even devise modes of election that would be subversive of the end in view. He remarked several instances in which the views of a State might be at variance with those of the general government * * *."

Mr. Pinckney's motion was defeated by a vote of 6 to 4. (Prescott—Drafting the Federal Constitution, pp. 208 ff.)

Here, then, is a perfectly clear expression by the Convention that the State legislatures should not be permitted to exercise an exclusive discretion as to the qualifications of electors of national officers because "they may even devise modes of election that would be subversive of the end in view," which certainly the language of article I, section 4, of the Constitution does not override.

While the Constitution as finally submitted did not "restrain the right of suffrage to freeholders" as Gouverneur Morris proposed, it

did omit the significant phrase that the qualifications of electors "shall be the same, from time to time," as those of the electors in the several States, leaving the provision merely to read:

"Electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures."

This highly significant omission can be explained only on the basis of the objection urged by Gouverneur Morris in convention on August 7, "that it makes the qualifications of the National Legislature depend on the will of the State, which he thought not proper."

The significance of the omission of the requirement that the qualifications of electors "shall be the same, from time to time" as those of the electors in the several States, and of the refusal of the Convention to grant the State legislatures exclusive discretion with regard to national elections, because the State legislatures "might even devise modes of elections that would be subversive of the end in view," is made even more apparent by the inclusion of clause 1 in article I, section 4, providing:

"The time, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators."

These two clauses read together, particularly in light of Mr. Madison's notes on the discussion in the Convention, and the fears of the fathers that the State legislatures "might even devise modes of elections that would be subversive of the end in view," show clearly an attempt to synchronize the view of Mr. Wilson that "it was difficult to form any uniform rule of qualifications for all the States. Unnecessary innovations * * * should be avoided." With Gouverneur Morris' objection "* * * it makes the qualifications of the National Legislature depend on the will of the State, which he thought not proper." The Constitution as finally worked out provides no uniform rule of qualification, makes no innovations and gives to the State, in the first instance, regulatory powers with regard even to national elections; but it heeds Gouverneur Morris' objections by retaining in Congress the power "to make or alter such regulations, except as to the places of choosing Senators."

Finally, if there was any question but that the founding fathers did not intend to surrender completely to the States the fundamental democratic power of determining the qualifications of voters, it is erased by the plain language of article I, section 8, subsection 18:

"The Congress shall have power * * * to make all laws which shall be necessary and proper for carrying into execution * * * all * * * powers vested by this Constitution in the Government of the United States."

Not only is the regulation of the "time, place, and manner of holding elections" a power specifically and expressly vested in the Congress by article I, section 4, but the determination of the qualifications of voters is a power unquestionably exercised by the Government of the United States in article I, section 2 of the Constitution itself. The very exercise of the power by the Constitution proves conclusively that it is one "vested by this Constitution in the Government of the United States," from which it inevitably follows that Congress has the power to make all laws which shall be necessary and proper for carrying (it) into execution."

It has been urged that article I, section 4, clause 1 should be restricted to the mechanics of election and that it does not apply to the substance thereof or to the qualifications of electors. But this view is totally inacceptable in light of the history of article I, section 2, as set out above. It would, indeed, be strange if the founding fathers, whose wisdom and political sagacity in creating a document of enduring strength, permitted in this single instance an aberration which reserved to the National Government the right only to tinker with the mechanics of election while leaving entirely within the discretion, one might almost say, within the caprice, of the States complete power over the substance thereof. But there is nothing in the Constitution to indicate that the founding fathers were so shortsighted. They must have known, for instance, that Massachusetts from 1631 to 1664 had a law declaring that "for time to come noe man shall be admitted to the freedom of this body polliticke, but such as are members of some of the churches within the lymitts of the same," and that in the colonial period from which the country was then but just emerging "Baptists, Quakers, Roman Catholics, and Jews frequently found themselves excluded from political rights."

Certainly it cannot be suggested that the founding fathers meant to perpetuate such a theocratic system, or to make it possible for it to gain a foothold or to endure as a result of individual State action. Indeed, the Convention was already split on the question of property qualifications by pressure from the rising mechanics and merchant class, who were opposed to the property qualification. The record of the Convention makes it clear that it was in order not to disturb the delicate balance achieved in the several States between the proprietary and mechanics classes that the compromise incorporated in article I, section 2 was hit upon and adopted. It represents an acceptance for the time being only, of the status quo; it does not even suggest that the adjustment made shall be permanent; indeed, it was purposely designed to permit of change; and certainly it does not even imply that only the individual States can change it. To the contrary, words which did imply exclusive power in the States to alter the qualification of voters were significantly omitted after Gouverneur Morris' objection "that it made the qualifications of the National Legislature depend on the will of the States, which he thought not proper." To turn this clause, then, into a surrender of power by the National Government to the States is to miss the point always insisted upon by the fathers, that the National Government must prescribe the qualifications of its voters, and to defeat the whole purpose of its inclusion in the Constitution, for it is obvious that if the purpose of the clause were to surrender the power to the States, it need never have been included in the Constitution at all, or would have been phrased in unambiguous language such as was used in giving the State legislatures exclusive jurisdiction, with certain exceptions, over the qualifications of Presidential electors.

That article I, section 4, clause 1, was neither intended nor understood to be the innocuous procedural regulations of election machinery ascribed to it by later writers, appears clearly from the storm of controversy which arose over its inclusion in the Constitution. This controversy was so heated that Hamilton felt constrained to devote two numbers of the Federalist to this clause of the Constitution (Federalist, Nos. 59 and 60). In this connection, he said:

"This provision has not only been declaimed against by those who condemned the Constitution in the gross, but it has been censured by those who have objected with less latitude, and greater moderation; and, in one instance it has been thought exceptionable by a gentleman who has declared himself the advocate of every other part of the system."

Certainly such a hue and cry was not raised over whether the Federal Government had the power to open the polls at 7 in the morning rather than at 8, or the power to declare that elections should be held on the first Tuesday after the second Monday of November, or the 31st of May, or even whether the election should be held in the precincts, counties, or special districts, or where not; and certainly Hamilton himself was not thinking purely in the terms of such mechanical devices when he declared the importance of the provisions to be as follows:

"I am greatly mistaken, notwithstanding, if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition * * * every government ought to contain in itself the means of its own preservation. Every just reason will, at first sight, approve an adherence to this rule, in the work of the convention; and will disapprove every deviation from it which may not appear to have been dictated by the necessity of incorporating into the work some particular ingredient, with which a rigid conformity to the rule was incompatible. Even in this case, though he may acquiesce in the necessity, yet he will not cease to regard and to regret a departure from so fundamental a principle, as a portion of imperfection in the system which may prove the seeds of future weakness and perhaps anarchy.

"It will not be alleged, that an election law could have have been framed and inserted in the Constitution, which would have been always applicable to every probable change in the situation of the country; and it will, therefore, not be denied, that a discretionary power over election ought to exist somewhere. It will, I presume, be as readily conceded, that there are only three ways in which this power could have been reasonably modified and disposed: That it must either have been lodged wholly in the national legislature, or wholly in the State legislatures, or primarily in the latter and ultimately in the former. The last mode has, with reason, been preferred by the Convention. They have permitted the regulation of elections for the Federal Government, in the first instance, to the local administration; which, in ordinary cases, and when no improper views prevail may be both more convenient and more satisfactory; that they have reserved to the national authority a right to interpose, whenever extraordinary circumstances might render that interposition necessary to its safety.

"Nothing can be more evident, than exclusive power of regulating election for the National Government, in the hands of the State legislatures, would leave the existence to the Union entirely at their mercy. They could at any moment annihilate it, by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say, that a neglect or omission of its kind would not be likely to take place. The constitutional possibility of the thing without an equivalent for the risk, is an answerable objection. Nor has any satisfactory reason been yet assigned for incurring that risk."

II. S. 1280 IS CONSTITUTIONAL AS WITHIN THE UNDISPUTED POWER OF CONGRESS TO PROTECT THE PURITY OF THE BALLOT

S. 1280 expressly provides that—

"The requirements * * * that a poll tax be paid as a prerequisite for voting or registering to vote * * * have been detrimental to the integrity of the ballot in that frequently such taxes have been paid for the voters by other persons as an inducement for voting for certain candidates; and * * *

"Whereas such requirements * * * cause, induce, and abet practices and methods in respect to the holding of primaries and elections detrimental to the proper selection of persons for national offices * * *."

This amounts to a direct finding by the Congress that abolition of the poll tax is essential to the protection of the purity of the ballot in Federal elections. Such a legisla-

tive finding is not subject to impeachment by the courts, certainly not where supported by evidence, and the peculiar susceptibility of the poll tax to corrupt practices in elections is a matter of common knowledge, too well known to require extended discussion.

Nothing can be clearer than that Congress possesses the power to legislate to protect the purity of the ballot in elections for national officers. The principle was completely settled and has never been deviated from since the first case to come before the Supreme Court raising the question (*Ex parte Yarbrough* (110 U. S. 651)).

* * * * *

It will be argued that the poll tax, be it a device for ever so much corruption, is immune from congressional interference, because, as a "Qualification requisite for elections of the most numerous branch of the State legislature," the power is expressly granted to the States by article I, section 2, of the Constitution to impose it as a qualification for the electors of national officers. But this is a fallacy to which at least three answers may be given:

1. Any such argument must assume that article I, section 2, grants to the States an exclusive power over the qualifications of voters for national officers, an assumption which the first part of this memorandum has demonstrated to be fallacious.

2. The Constitution expressly grants Congress plenary authority to regulate the "manner of holding elections." As said by the circuit court in *United States* v. *Munford* (16 Fed. 223):

"If Congress can provide for the manner of elections, it can certainly provide that it shall be an honest manner; that there shall be no repression of voters and an honest count of the ballot."

It should be clear, then, without going further, that the plenary authority with regard to the manner of conducting elections exercised by Congress under article I, section 4, supersedes even an exclusive State authority (if such it is) to prescribe qualifications.

3. Since the Classic case there is no longer any doubt but that the right to vote in national elections is one dependent on and secured by the Constitution—specifically by article I, section 2 thereof. This being so, it inevitably follows that Congress, under article I, section 8, clause 18, as well as under article I, section 4, is empowered to protect the exercise of such right against fraud, coercion, violence, or corruption. * * *

Again, the power of Congress to legislate upon matters within the scope of its authority is plenary under the very terms of the Constitution itself, which provides that:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof * * * shall be the supreme law of the land; and the judges in every State shall be bound thereby; any thing in the constitution or laws of any State to the contrary notwithstanding."

Hence, it is clear that an act of Congress passed pursuant to the Constitution is "the supreme law of the land," superior to its obligation to a State law or constitution, even although it, too, is passed pursuant to the Constitution of the United States. This has been decided in innumerable cases by the Supreme Court. * * *

And so here, too, with respect to S. 1280, even granting that the Constitution in article I, section 2, places the determination of the qualifications for voters in national elections exclusively in the States—yet when Congress exercises its undoubted power to protect the purity of the national ballot under article I, section 4, and under article I, section 8, clause 18, the exercise of which conflicts with a state power, the latter must, under our constitutional system, yield to the paramount power of Congress.

III. S. 1280 IS AUTHORIZED BY THE FIFTH SECTION OF THE FOURTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES

Perhaps no power of Congress has been so little understood and so little exercised as that conferred upon the Congress by the fifth section of the fourteenth amendment. Like the spending power recently rediscovered in connection with the social security and agricultural adjustment programs, and the war power resurrected only in periods of national emergency, the enforcement power, as it may be called, of the fourteenth amendment has lain dormant since its first flurry of activity during the reconstruction period. But the failure of Congress to exercise this power must not be permitted to mislead, either as to its scope, or its importance; for the provision is pregnant with possibilities. This section merely provides that—

"The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

On its face, this provision is innocuous enough. But when it is considered that these words relate back to, and grant Congress the power to enforce, as against abridgments by States, such broad and comprehensive concepts as "Privileges and immunities of citizens of the United States"—deprivations of "life, liberty, and property without due process of law"—and denials of "the equal protection of the law"—then the tremendous scope of the latent congressional authority can be appreciated.

The significance of the tremendous scope of authority proposed to be conferred upon the Congress by this fifth section of the fourteenth amendment did not escape the Congress which proposed the amendment. It was consciously intended to confer broad and new powers, not theretofore possessed under the Constitution, on the Congress. Senator Howard, in introducing the resolution proposing the fourteenth amendment in the Senate, speaking for the joint Committee of Fifteen who drafted the proposal, said, in speaking of the fifth section:

"Here is a direct affirmative delegation of power to Congress to carry out all the principles of all these guaranties, a power not found in the Constitution" (Congressional Globe, 19th Cong., 1st sess., p. 130).

Its importance was emphasized by the attacks made upon the fifth section in the House. Mr. Hendricks said of it:

"When these words were used in the amendment abolishing slavery, they were thought to be harmless, but during this session there has been claimed for them such force and scope of meaning as that Congress might invade the jurisdiction of the States, rob them of their reserved rights, and crown the Federal Government with absolute despotic power. As construed, this provision is most dangerous."

A student of the period has commented on it as follows:

"These unequivocal statements by the representatives of the two parties leave little room for doubt as to the purpose of the section, or of the power to be conferred on Congress. What the one regarded as essential to the amendment to make it effective, the other regarded as dangerous."

The bearing of this on the constitutionality of S. 1280 is, of course, immediate, direct, and simple. The Classic case has held fully, finally, and decisively that—

"The right of the people to choose (i. e., the elective franchise in national elections) * * * is a right (privilege) established and guaranteed by the Constitution * * *."

This being so, it must inevitably be a "privilege or immunity of citizens of the United States" within the first section of the fourteenth amendment, and as such, under the fifth section thereof: "Congress shall have power to enforce, by appropriate legislation, the provisions of this article," including abridgments of "privileges * * * of citizens of the United States"—i. e., abridgments of the elective franchise in national elections. As said by the Supreme Court of the United States in *Strauder* v. *Virginia:*

"A right or an immunity, whether created by the Constitution or only guaranteed by it, even without any express delegation of power, may be protected by Congress (*Prigg* v. *Com.* (16 Pet. 539)). So in *U. S.* v. *Reese* (92 U. S. 214, 23 L. ed. 563) it was said by the chief justice of this court: 'Rights and immunities created by or dependent upon the Constitution of the United States can be protected by Congress. The form and manner of the protection may be such as Congress in the legitimate exercise of its legislative discretion shall provide. These may be varied to meet the necessities of the particular right to be protected.' But there is express authority to protect the rights and immunities referred to in the fourteenth amendment, and to enforce observance of them by appropriate congressional legislation."

It is the fact of congressional exercise of its power under the fifth section of the fourteenth amendment to prevent abridgments by States of the right or privilege of citizens of the United States to exercise the elective franchise in national elections that distinguishes this situation from those presented in *Breedlove* v. *Suttles* and *Pirtle* v. *Brown*. In each of these cases the Court was asked to strike down the State requirement of payment of poll taxes on their own motion, and without implementation by Congress. This the court quite properly refused to do. As pointed out in the early case of *Ex parte Virginia:*

"All of the amendments derive much of their force from this latter provision. It is not said the judicial power of the General Government shall extend to enforcing the prohibitions and to protecting the rights and immunities guaranteed. It is not said that branch of the Government shall be authorized to declare void any action of a State in violation of the prohibitions. It is the power of Congress which has been enlarged. Congress is authorized to enforce the prohibitions by appropriate legislation. Whatever tends to enforce submission to the prohibitions and to secure to all persons the enjoyment of perfect equality of civil rights and the equal protection of the laws against State denial or invasion, if not prohibited, is brought within the domain of congressional power.

"Nor does it make any difference that such legislation is restrictive of what the State might have done before the constitutional amendment was adopted. The prohibitions of the fourteenth amendment are directed to the States, and they are to a degree restrictions of State power. It is these which Congress is empowered to enforce, and to enforce against State action, however put forth, whether that action be executive, legislative, or judicial. Such enforcement is no invasion of State sovereignty. No law can be, which the people of the States have, by the Constitution of the United States, empowered Congress to enact. This extent of the powers of the General Government is overlooked, when it is said, as it has been in this case, that the act of March 1, 1875, interferes with State rights. It is said the selection of jurors for her courts and the administration of her laws belong to each State; that they are her rights. This is true in general. But in exercising her rights a State cannot disregard the limitations which the Federal Constitution has applied to her power. Her rights do not reach to that extent. Nor can she deny to the General Government the right to exercise all its granted powers, though they may interfere with the full enjoyment of rights she would have if those powers had not been thus granted. Indeed, every addition of power to

the General Government involves a corresponding diminution of the governmental powers of the States. It is carved out of them."

In the present case, therefore, quite a different situation will prevail when the constitutionality of this statute is presented for adjudication. Unlike the situation which prevailed in the Breedlove and the Pirtle cases, Congress will have spoken. It will have declared, in effect, that the requirement in some of the States for the payment of a poll tax as a prerequisite for voting in national elections is an abridgment of a right or privilege of citizens of the United States, established and guaranteed by the Constitution. It will have prohibited the States from imposing through its legislatures and enforcing through its administrative and executive officers the abridgment found to exist. In so acting, Congress will have complied to the letter with the provisions of the fifth section of the fourteenth amendment in enforcing the privileges and immunities of citizens of the United States as defined in *United States* v. *Classic*, in *Ex parte Yarbrough* and by Mr. Justice Bushrod Washington in *Corfield* v. *Coryell*. Under such circumstances no court will declare the act of Congress unconstitutional.

IV. CONCLUSION

The attention of the committee has so far been directed exclusively to justifying the power of Congress to prescribe the qualifications of voters in national elections. I should like, for just a moment, to direct the attention of the committee to the implications of the converse of that proposition—that the authority to prescribe the prerequisites to voting is a power resting exclusively in the legislature of each State over which the Congress has absolutely no control. These implications are, to say the least, startling, and, I submit, certainly not outside the boundaries of possibility, and even probability.

It must be recalled that the only constitutional restrictions on State abridgments of the elective franchise are contained in the XV and XIX amendments prohibiting the denial of the right to vote because of:

1. Race,
2. Color,
3. Previous condition of servitude, or
4. Sex.

It must be assumed, if the converse of the proposition here supported is true, that the individual States can impose any qualification on voting except such as violate the above prohibitions. Hence, Massachusetts could well reenact its statute of 1631, that "for time to come noe person shall be admitted to the freedom of this body politicke, but such as are members of some of the churches within the lymitts of the same."

There is no prohibition against the States establishing religious qualifications for voters. Montana could provide that only Catholics could vote; Nebraska that only Spiritualists; South Carolina only Lutherans, and Congress would be powerless to interfere. Moreover, Kansas could provide that only those who subscribed to the principles of the Communist philosophy possessed the qualifications requisite for voting; Idaho that only Fabian Socialists could vote; Indiana that only those who accept the principles of the corporative state; and Louisiana only members in good standing of the share-the-wealth clubs, who accepted the principles of every man a king, possessed qualifications entitling them to vote for Members of Congress. There is no constitutional prohibition against the imposition of any of the above qualifications—yet does any person seriously believe that the National Government would for a moment countenance such qualifications? And let no one say "It can't happen here"—it is now happening and has happened in too many parts of the democratic world.

Again, a number of States already disqualify from voting inmates of State-maintained charitable and eleemosynary institutions. It is but a step from this for States so inclined to disqualify recipients of WPA and social-security benefits. Already the cry is being raised in many sections of the country that such beneficiaries should be disqualified from voting. If Congress cannot outlaw the poll tax neither can it outlaw a disqualification based on receipt of benefits.

Thus the argument that Congress cannot constitutionally interfere with qualifications for voters in national elections established by the State legislatures reduces itself to an absurdity, and lays the foundation for a dissolution of the Union, for, obviously, it is impossible to adopt a separate constitutional amendment (such as the XV and XIX) to prohibit every deleterious qualification of voters that the ingenuity of the States can devise that would, as Mr. King pointed out on June 21, 1787, "be subversive of the end in view" in the establishment of the National Government.

Thus it appears that S. 1280 is constitutional from every point of view, and, indeed, that the position that Congress has no authority to prescribe the qualifications of voters in national elections leads to absurd and totally inacceptable conclusions. Perhaps this memorandum can but be concluded in the words of the venerable Benjamin Franklin, whose views on the qualifications of voters are particularly appropriate in view of the horrible and desperate war we are now waging. "It is of great consequence that we should not depress the virtue and public spirit of our common people; of which they displayed a great zeal during the war, and which contributed principally to the favorable issue of it. He related the honorable refusal of the American seamen, who were carried in great numbers into the British prisons during the war to redeem themselves from misery or to seek their fortunes, by entering on board the ships of the enemies to their country; contrasting their patriotism with a contemporary instance, in which the British seamen made prisoners by the Americans readily entered on the ships of the latter on being promised a share of the prizes that might be made out of their own country. This proceeded, he said, from the different manner in which the common people were treated in America and Great Britain. He did not think that the elected had any right, in any case, to narrow the privileges of the electors." (Madison's Notes on the Debates on the Federal Constitution. Debate of August 7).

Mr. MORSE. Mr. President, the question of the constitutionality of an anti-poll-tax bill has been considered by a great many lawyers in the United States, particularly by lawyers who have been representing the various minority groups vitally interested in and conversant with the need for anti-poll-tax legislation. The National Association for the Advancement of Colored People had, as of counsel on the subject, three outstanding colored attorneys, William H. Hastie, Leon A. Ransom, and George W. Crockett, Jr., assisted by Leslie Perry. They prepared what I considered to be an exhaustive and very able and sound brief on the subject of the constitutionality of anti-poll-tax legislation. Section 4 of the brief deals with the subject The Poll-Tax Requirement Is Not a Qualification Within the Meaning of Section 2, Article I, of the Constitution, and section 3 deals with the subject H. R. 7 Is Authorized by the Fifteenth Amendment to the Constitution.

In view of the fact, Mr. President, that I have stressed throughout my argument in support of the constitutionality of the anti-poll-tax bill many of the points raised in this brief, I ask permission to have sections 3 and 4 of the brief printed as part of my remarks, because I agree with the contents of the brief, particularly sections 3 and 4. I repeat that the brief was prepared by counsel for the National Association for the Advancement of Colored People.

There being no objection, the sections 3 and 4 of the brief were ordered to be printed in the RECORD, as follows:

III. H. R. 7 IS AUTHORIZED BY THE FIFTEENTH AMENDMENT TO THE CONSTITUTION

In addition to the constitutional provisions already discussed, it is evident, too, that at least insofar as the Negro citizens of the Nation are involved, the enactment of H. R. 7 is authorized by the fifteenth amendment to the Constitution. This amendment provides that:

Section 1: The right of citizens of the United States to vote shall not be denied or abridged by any State on account of race, color, or previous condition of servitude.

Section 2: The Congress shall have power to enforce this article by appropriate legislation.

Ratification of this amendment was completed in 1870, and it is no mere coincidence that shortly after this date the poll-tax-payment requirement as a qualification for voting mushroomed into prominence and became indigenous to those States having the bulk of the country's Negro population.[1] The requirement was first adopted in Tennessee in 1870; then Virginia followed in 1875; Florida, 1885; Mississippi, 1890; Arkansas, 1892; South Carolina, 1895; Louisiana, 1898; North Carolina, 1900; Alabama, 1901; and Texas, 1903. (See the statement of Henry H. Collins, "The poll tax in the South after 1865," subcommittee's hearings on S. 1280, at p. 253.) Only 7 of the 11 original poll-tax States now have a poll-tax requirement; North Carolina, Florida, Georgia, and Louisiana have abolished their requirement. But these 7 remaining poll-tax States not only have substantial Negro populations,[2] but their combined Negro population totals 6,534,113, or more than half of the Nation's Negro citizens.[3]

We are not, however, relegated to the use of statistics to demonstrate that the primary purpose of the poll-tax requirement in these States was, and is, the disfranchisement of

[1] The Georgia constitutions of 1865 and 1877 made the payment of all taxes a prerequisite to voting in general elections; but in 1908 the constitution was amended so as to make payment of the poll tax a requirement for voting in the primary election also.

[2] Alabama's total population is 2,832,961 of which 983,290 are Negroes; Arkansas' total is 1,949,384 of which 482,578 are Negroes; Mississippi's population totals 2,183,796 which includes 1,074,578 Negroes; South Carolina's population of 1,899,804 includes 814,664 Negroes; while Tennessee's 2,915,841 includes 508,736 Negroes; 924,391 Negroes are included in Texas' population of 6,414,824; while Virginia's total of 2,677,773 includes 661,449 Negroes. (All figures taken from the United States Census, 1940.)

[3] The term "potential voters" might well be used instead of citizens since, according to the 1940 census, "The highest proportion [of native born persons above 21 years], 99.8, was found in four Southern States—North Carolina, South Carolina, Georgia, and Mississippi." In Alabama and Tennessee, 99.7 percent of the population, 21 years and over, was native born; Virginia, 99.5; and Texas, 96.1 (Series P–10. No. 5, Sixteenth Census of the United States, 1940.)

the Negro population. The great mass of testimony presented at the subcommittee's hearings on S. 1280 verifies this conclusion. Indeed, the Judiciary Committee's report to the Senate, recommending the passage of that bill, expressly so found. Its findings on this point are so strong and so well stated that extended quotation therefrom seems justified:

"We desire to call attention to the Virginia constitutional convention which submitted an amendment which was afterward adopted to the constitution of Virginia by which it was intended to disfranchise a very large number of Virginia citizens. We think this convention can be regarded as a fair sample of other conventions in other poll-tax States Hon. Carter Glass was a member of that convention. Near the beginning of the convention Senator Glass made a speech in which he outlined in very forceful language what the object was, after all, of the convention. * * * Near the beginning of the convention he made a speech in which he said: 'The chief purpose of this convention is to amend the suffrage clause of the existing constitution. It does not require much prescience to foretell that the alterations which we shall make will not apply to all persons and classes without distinction. We were sent here to make distinctions. We expect to make distinctions. We will make distinctions.'

"Near the conclusion of the convention, Senator Glass delivered another address in which he referred to the work already performed by the convention. He said 'I declared then (referring to the beginning of the convention and the debate on the oath) that no body of Virginia gentlemen could frame a constitution so obnoxious to my sense of right and morality that I would be willing to submit its fate to 146,000 ignorant Negro voters [great applause] whose capacity for self-government we have been challenging for 30 years past.'

"There is no doubt that what Senator Glass stated is the real object the convention had in view. The fact that his remarks were received with great applause indicates that his fellow members of that convention agreed with him and that the real object they had in view, and which they believed they could accomplish, was disfranchising '146,000 ignorant Negro voters.'

* * * * *

"It ought to be borne in mind also that many, if not all, of these constitutional amendments in the poll-tax States are in direct conflict with the statutes under which these States were readmitted to the Union under the act of Congress of June 26, 1870 (16 Stat., p. 62). The provision which refers to Virginia reads as follows: 'The constitution of Virginia shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote, who are entitled to vote by the constitution herein recognized, except as punishment for such crimes as are now felonies at common law, whereof they have been duly convicted under laws, equally applicable to al' the inhabitants of said State: *Provided*, That any alteration of said constitution, prospective in its effect may be made in regard to the time and place of residence of voters.'

* * * * *

"It seems perfectly plain that the object of this poll-tax provision in the State constitutions was not to prevent discrimination among the citizens but to definitely provide for a discrimination by which hundreds of thousands of citizens were taxed for the privilege of voting and that, therefore, under section 2 of article I of the Constitution, it seems plain that such a provision in the State constitution, or State law, was simply a subterfuge to accomplish other aims by resorting to the so-called qualification clause in section 2 of article I of the Constitution. It is likewise equally plain that at the end of the War Between the States when these States were readmitted to the Union, they were readmitted under a statute of Congress which provided explicitly that the constitutions of the States 'shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote.'

"It is therefore plain, under all the circumstances, that the so-called poll-tax laws of the State bringing about such a disqualification to its citizens in the exercising of suffrage is in clear violation of the laws of Congress in addition to being a violation of the Constitution of the United States."

If then, the primary purpose of these State poll-tax requirements is, as the committee stated, the disfranchisement of a substantial portion of the Nation's colored population; and since, as the hearings on S. 1280 have indisputably demonstrated, this purpose has been and continues to be effectively achieved; it is readily apparent that these State enactments constitute an intentional denial or abridgment of "the right of [Negro] citizens of the United States to vote * * * on account of race, color, or previous condition of servitude." Hence, they are violative of the express prohibition contained in the fifteenth amendment and the Congress is specifically authorized by section 2 of that amendment to strike down all such State abridgments by the adoption of such corrective and counteracting legislation as H. R. 7. (See *James* v. *Bowman* (190 U. S. 127, 137); *United States* v. *Reese* (92 U. S. 214); and *Guinn* v. *United States* (238 U. S. 347).)

IV. The Poll-Tax Requirement Is Not a Qualification Within the Meaning of Section 2, Article I, of the Constitution

Those who challenge the constitutionality of H. R. 7 rely upon the last clause in section 2 of article I of the Constitution. This section provides:

"The House of Representatives shall be composed of Members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature."[4]

These opponents of the bill contend that the language of the above article confers upon the States the power to determine who shall participate in Federal as well as State elections; that this power is uncontrollable, except as it has been modified by the fourteenth and nineteenth amendments; and that any further encroachment upon this power of the States must be amendments to the Constitution. In support of their position they rely upon the Supreme Court's decision in *Breedlove* v. *Suttle* (302 U. S. 277) and the later refusal by that Court to grant a writ of certiorari to review the decision of the Circuit Court of Appeals for the Sixth Circuit in *Pirtle* v. *Brown* (118 F. (2d) 218). A close examination of these decisions, however, fails to indicate any support for such a broad proposition.

The Breedlove case concerned the validity, under the fourteenth and nineteenth amendments to the Constitution, of the Georgia poll-tax requirement. Petitioner, a white man, applied to the registrar to register "for voting for Federal and State officers at primary and general elections." The statutes of Georgia required that any person proposing to vote, should first subscribe to an oath that he had paid his State's poll tax. Petitioner, who had not paid the tax, demanded that the registrar administer the oath to him and omit all reference to the poll tax. Upon the registrar's refusal, petitioner requested the trial court to issue a writ of mandamus compelling the registrar to comply with his request. The trial court's refusal of the writ was affirmed by the Georgia appellate court and later by the United States Supreme Court.

The rationale of the Supreme Court's decision is, we submit, readily discernible from the above underlined quotation taken from its opinion. The petitioner in challenging the validity of the Georgia poll-tax requirement did so, not as a Federal elector, but as a State and Federal elector; he sought to register for both State and Federal elections. As we have seen (supra), it is not a privilege automatically inhering in United States citizenship that one be allowed to vote in Federal elections; and, certainly, there is no such privilege as to State elections. Also we have seen that nothing in the fourteenth amendment prohibits a State from imposing a poll tax, as a taxing measure, so long as it appears on its face to be a reasonable taxing measure. And there likewise is nothing in either the fourteenth amendment or in the nineteenth amendment that prohibits a State from making the payment of reasonable taxes a prerequisite to registering or voting in a State election. Since then, petitioner, insofar as the State election was concerned, was challenging a State statute of undoubted constitutionality as applied to him, the Supreme Court concluded that his claim should be denied.

The difficulty opponents of H. R. 7 seem unable to overcome in properly interpreting the Breedlove and Pirtle decisions stems from the Supreme Court's failure to restrict its opinion on this point. The particular language in the Breedlove opinion which has occasioned this misconception is the following:

"To make payment of poll taxes a prerequisite of voting is not to deny any privilege or immunity protected by the fourteenth amendment (or the nineteenth amendment). Privilege of voting is not derived from the United States, but is conferred by the State and, save as restrained by the fifteenth and nineteenth amendments and other provisions of the Federal Constitution, the State may condition suffrage as it deems appropriate" (302 U. S. 277, 283).

Those who rely upon this language as supporting power in the States to condition the exercise of the Federal franchise upon the payment of State poll taxes, point out that the Court's opinion does not qualify the word "voting"; it does not say that payment may be made "a prerequisite of voting" in State elections only. And, of course, the Court's subsequent denial of certiorari in the Pirtle case lends color to this interpretation.

But did the Court intend to decide that the fifteenth and nineteenth amendments constituted the only restrictions upon the States' power to set forth the qualifications or the conditions precedent which should determine those privileged to vote in Federal elections? The answer, we submit, must be in the negative; both reason and authority militate against any such holding. Some significance must be attached to the Court's reference in the above quotation to "other provisions of the Federal Constitution." These "other provisions," together with their significance were quite forcefully pointed out by the Court's later opinion and decision in *United States* v. *Classic* (313 U. S. 299), quoted supra, page 9.

[4] A similar provision is found in the seventeenth amendment providing for the popular election of Senators. The evident purpose of thus defining the Federal electorate in the several States in terms of the State electorate in those States was to insure the broadest and most democratic base administratively possible for the election of Federal officers—a policy with which the present State poll-tax requirements is at direct variance. This point is fully developed in the statement of Irving Brant before the Subcommittee on S. 1280 (Hearings, pp. 209–211) and the brief of the National Lawyers' Guild (Hearings 241, 246–247), and will not be enlarged on here.

Admittedly, however, this explanation of the Breedlove decision in terms of its application to State elections only does not reconcile the denial of the certiorari in the Pirtle case, where a Federal election only was involved. Also, it does not take into account the fact that certiorari was denied in the Pirtle case after the decision in the Classic case. All of which, we think, serves to emphasize what we have said before, namely, that the only logical explanation for this seeming conflict in the Supreme Court's actions in these cases is the fact that poll-tax statutes appear on their face to be bona fide tax measures, and the requirement that they be paid as a condition to voting also appears on its face to be a reasonable method of collecting the tax. It is only when the purposes or motives of the States in adopting this means of collection is presented—which were not considered in the Breedlove case—that the viciousness and illegality of the scheme is demonstrated. The Supreme Court, however, seems committed to the view that purposes or motives are "beyond the scope of judicial inquiry (*Magnano Co. v. Hamilton* (292 U. S. 40, 44)); but cf. *Child Labor Tax Case* (259 U. S. 20, 38, cited supra, p. 14)). Any petition seeking to eliminate these requirements as qualifications for Federal electors by showing their true purpose and effect must, therefore, be presented to the Congress as the only branch of the Federal Government capable to consider and deal adequately with the whole issue.

We have stated above that reason supported our conclusion that the power exercised by the States in setting forth the qualifications of electors for the most numerous branch of their legislatures and, by virtue of section 2 of article I of the Constitution, for Members of the Congress also, was limited by other constitutional provisions besides the fifteenth and nineteenth amendments. The reason inheres in the nature of our dual system of government. To hold that the States alone, and subject only to the constitutional mandate that no qualification be based upon sex, color, race, or previous condition of servitude, may determine who shall vote for Federal officers would, when carried to its logical extreme, be tantamount to denying to the National Government the only means by which its continued existence and the orderly conduct of its constitutional functions might be assured. For obviously, if the States alone are to have the final word on who shall be Federal electors, they may, by the imposition of qualifications stringent, unreasonable, and having no relation whatever to one's character or fitness to vote, exclude so many voters that the Federal electorate will be reduced to nil. Indeed, that is precisely the condition the poll-tax qualifications have produced. For example, the State of Rhode Island with 424,876 citizens 21 years of age and over, cast 319,649 votes for Presidential electors, or 75 percent of the potential vote in 1940. While Georgia, on the other hand, with a potential voting population of 1,768,969 citizens 21 years of age and over, only cast 312,539 votes, or 18 percent of its potential vote. (See chart on pp. 289–290 of subcommittee's hearings on S. 1280.) Nor is it any answer to this argument to urge that since the States can reduce the Federal electorate only by reducing the State electorate for the most numerous branch of the State legislature, reduction of the latter to a point where it ceases to be a means of insuring a republican form of government within the State would bring into operation section 4 of article IV of the Constitution, which provides that:

"The United States shall guarantee to every State in this Union a republican form of government."

The short reply to any such contention is that the above comparison between the size of the electorate in a poll-tax and in a non-poll-tax State, being typical, demonstrates conclusively that a republican form of government as contemplated by the Constitution does not now exist in the poll-tax States; and accordingly the Congress, pursuant to the general constitutional mandate to "make all laws which shall be necessary and proper for carrying into execution the * * * powers vested by this Constitution in the Government of the United States," is authorized to restore a republican form of government to the people of these poll-tax States by enacting H. R. 7. For the simple, evident, and indisputable truth is that the poll-tax requirement is not and never was intended by its sponsors to be a qualification or a gage of the citizen's fitness to participate in representative government. Therefore it should be abolished.

CONCLUSION

For the foregoing reasons we urge that this committee recommend to the Senate passage of H. R. 7.

Respectfully submitted.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE.
NEW YORK, N. Y.
Of counsel:
WILLIAM H. HASTIE.
LEON A. RANSOM.
GEORGE W. CROCKETT, Jr.
OCTOBER 1943.

Mr. MORSE. With that, Mr. President, I am about to conclude my remarks on the subject by saying to the gentlemen of the opposition that I consider it has been a great privilege to join issue with them on the subject. I am sure that they will share my opinion that we have fought it out on highly professional grounds, as lawyers should, and, as lawyers, I am sure they also agree with my point of view that in due course of time, if we are allowed to pass an anti-poll-tax bill in the Senate, our argument will be settled once and for all, by that repository of constitutional decisions, the United States Supreme Court.

Mr. President, I close with the prayer and the plea that the Senators on the other side of the aisle, after completing their case on the merits of this issue in accordance with what I think, in the clear contemplation of the people of the country, should be the practice of the United States Senate, will agree to allow a vote to be taken on the bill, so that we may start the issue on its way to final constitutional determination by the men who, under our three-branch check-and-balance system of government, have the solemn obligation of passing finally on constitutional questions.

With that statement, that prayer, and plea, I close my remarks on this subject.

Mr. President, I should like now to say a few words regarding another matter.

The PRESIDING OFFICER. The Senator from Oregon may proceed.

AMENDMENT OF SERVICEMEN'S READJUSTMENT ACT OF 1944

Mr. MORSE. Mr. President, I ask unanimous consent to introduce for appropriate reference a bill to amend the Servicemen's Readjustment Act of 1944 by providing a secondary market for GI loans, so to speak, in respect to the purchase of houses by veterans. I shall not take the time to read the remarks which I intended to make at the time of introducing the bill but shall simply ask permission to have the bill printed in full in the body of the RECORD, to be followed by the statement which I intended to deliver on the floor of the Senate when I introduced the bill, including reasons for the enactment of a bill to amend the Servicemen's Readjustment Act of 1944, as amended, and for other purposes.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred, and the bill, together with the statements presented by the Senator from Oregon, will be printed in the RECORD.

The bill (S. 2927) to amend the Servicemen's Readjustment Act of 1944, as amended, and for other purposes, introduced by Mr. MORSE, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That the Servicemen's Readjustment Act of 1944 is hereby further amended as follows:

(1) Change the number of section "511" thereof to read "512"; and

(2) Immediately after section 510 thereof insert the following new section:

"SECONDARY MARKET

"SEC. 511. (a) The Administrator is authorized, empowered, and directed, under such terms and conditions as he may prescribe, consistent with this act, to purchase, at a price equal to the unpaid principal plus accrued interest, hereinafter referred to as 'par,' any residential real-estate loan guaranteed under sections 501, 502, or 505 (a) of this title: *Provided*, That, (1) such loan is offered to the Administrator for purchase within 5 years of the date of its origin by the lender to whom the evidence of guaranty was originally issued, (2) the amount of unpaid principal, plus accrued interest, of any loan guaranteed before September 1, 1948, shall not exceed $12,000, (3) the original amount of any such loan guaranteed on or after September 1, 1948, shall not exceed $7,500, (4) the loan shall not be in default at the time of purchase, (5) the seller shall enter into an agreement with the Administrator that at the option of the Administrator the seller will service the loan in return for a service charge at such rate, not in excess of 1 percent per annum of the unpaid balance, as may be provided in such agreement, (6) no mortgage, if insured after September 1, 1948, shall be purchased by the Administrator unless the mortgagee certifies that the housing with respect to which the mortgage was made meets the construction standards prescribed for insurance of mortgages on the same class of housing under the National Housing Act, as amended: *Provided further*, That the Administrator may sell any loan purchased under this section at a price not less than par, with the primary right of repurchase reserved to the original mortgagee: *And provided further*, That no mortgage shall be purchased by the Administrator from any one mortgagee (1) unless such mortage is secured by property used, or designed to be used, for residential purposes and (2) if the unpaid principal balance thereof, when added to the aggregate amount paid for all mortgages purchased and held by the Administrator from such mortgagee pursuant to authority contained herein, exceeds 66⅔ percent of the original principal amount of all mortgages made by such mortgagee which are guaranteed under sections 501, 502, or 505 (a) of the Servicemen's Readjustment Act of 1944, as amended.

"(b) For the purpose of this section the Secretary of the Treasury is hereby authorized and directed to make available to the Administrator such sums as he may request from time to time between the effective date of this section and the expiration of the period of time in which loans may be offered for purchase pursuant to the terms of this

section. Such sums, together with all moneys received by the Administrator under this section, shall be deposited with the Treasurer of the United States in a special deposit account, to be disbursed through the Division of Disbursement of the Treasury Department. On sums so advanced by the Secretary of the Treasury, less those amounts deposited in miscellaneous receipts under subsection (d) hereof the Administrator shall pay semiannually to the Treasurer of the United States interest at the rate or rates determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the deposit.

"(c) In order to make such sums available to the Administrator the Secretary of the Treasury is hereby authorized to use, as a public-debt transaction, the proceeds of the sale of any security hereafter issued under the Second Liberty Bond Act as now in force or as hereafter amended, and the purposes for which securities may be issued under the Second Liberty Bond Act as now in force or as hereafter amended are hereby extended to include such purposes.

"(d) The Administrator shall from time to time cause to be deposited into the Treasury of the United States, to the credit of miscellaneous receipts, such of the funds in the special deposit account referred to in subsection (b) hereof, as in his judgment are not needed for the purposes hereof, and after the last day on which the Administrator may purchase loans under this section, he shall, with due allowance for outstanding commitments, cause to be so deposited all sums in said account, and all moneys received thereafter, representing the repayment or recovery of the principal of obligations purchased pursuant to this section. Interest collected by the Administrator in excess of the amount payable by the Administrator to the Treasurer pursuant to subsection (b) of this section, together with any miscellaneous receipts or credits the disposition of which is not otherwise provided for herein, shall constitute a reserve for payment of losses, if any, and expenses incurred in the liquidation of said loans. Without regard to any other provisions or limitations of law or otherwise (except the provisions of this title) the Administrator shall have authority in carrying out the functions hereby or hereunder vested in him to exercise any and all rights of the United States, including without limitation, the right to take or cause to be taken such action as in his judgment may be necessary or appropriate for or in connection with the custody, management, protection, realization, and liquidation of assets, to determine the necessary expenses and expenditures and the manner in which the same shall be incurred, allowed, paid, and accounted for and audited, to invest available funds in obligations of the United States, to make such rules, regulations, requirements, and orders as he may deem necessary and appropriate, and to employ, utilize, compensate, and delegate any of the functions hereunder to such persons and such corporate or other agencies, including agencies of the United States, as he may designate."

SEC. 2. Title III of the National Housing Act, as amended, is hereby amended as follows:

(1) In section 301 (a) (1) strike out the following: "or guaranteed under section 501, 502, or 505 (a) of the Servicemen's Readjustment Act of 1944, as amended"; and

(2) Strike out the period at the end of section 302 thereof, and insert in lieu thereof the following: "*Provided*, That after September 1, 1948, the Association shall not be authorized further to purchase loans guaranteed under sections 501, 502, and 505 (a) of the Servicemen's Readjustment Act of 1944, as amended."

The statement presented by Mr. MORSE was ordered to be printed in the RECORD, as follows:

Mr. President, I have introduced today a bill designed to allow veterans to take advantage once again, easily and in numbers, of the home-loan provisions of the GI bill of rights.

It is necessary legislation; it is simple, single-purpose legislation; it will actually put money into the Treasury of the United States, rather than drain out funds in the form of subsidies. I shall explain briefly what this bill (S. 2927) proposes and why it is needed. I trust this great body will pass this bill with a minimum delay.

In what were literally the closing minutes of the last session of this Congress, some 6 weeks ago now, we passed legislation designed to reestablish secondary markets for GI home-loan mortgages. This was necessary because, after the Government's secondary market for these mortgages had been allowed to lapse in 1947, there was a marked and alarming decrease in the number of GI home loans. The veterans simply could not find lenders when the lenders could not find a secondary market.

The action of 6 weeks ago established a secondary market in the Reconstruction Finance Corporation, where it had existed prior to midsummer of 1947. Actual working experience with the legislation has shown, however, that it is unnecessarily restrictive and that the Reconstruction Finance Corporation is tending to handle the problem in a way which underlines the restrictions.

The present bill (S. 2927) establishes a secondary market for GI home-loan mortgages in the Veterans' Administration, where we originally had intended it should be, where the veterans want it and where the operating personnel is primarily concerned with veterans' needs and rights and not with banking technicalities.

S. 2927 would authorize the Veterans' Administrator to purchase GI home-loan mortgages at par within 5 years of the date of issuance. Where such a loan had been guaranteed by the Veterans' Administration prior to September 1, 1948, the amount of unpaid principal, plus accrued interest, could not exceed $12,000. The original amount of any loan guaranteed on or after September 1, 1948, could not exceed $7,500. The service fee established under the bill would not be more than 1 percent. S. 2927 provides that the Secretary of the Treasury shall provide the Administrator with the funds necessary to carry out the purposes of the bill; that these shall be kept in a special deposit account with the Treasurer of the United States; and that the Administrator shall pay interest to the Treasurer at a rate to be established by the Secretary of the Treasury. This is a type of operation with which we are all familiar.

Nothing is wrong with the GI bill of rights, as such, but the veterans' home-loan program has declined alarmingly because of the lack of a proper secondary market. S. 2927 has the single purpose of again making the GI bill of rights effective. It is the kind of housing legislation which this extraordinary session can, and should, pass because it is not involved in the great disputes which rage around other suggested housing legislation. The market operation which it proposes will not cost the Government a cent; the record shows that the Government actually has made money on all such mortgage operations in the past.

This proposal has the backing of veterans' groups. Its benefits to the veterans are obvious. It should be noted that the building industry, building labor, and the community as a whole also would benefit since increased GI home-loan activity obviously will mean increased veterans' home building all over the United States. This bill provides a simple key to opening up a great volume of housing for a great number of veterans. This bill should be passed.

The following reasons may be cited for the enactment of the bill:

1. Public Law 864, Eightieth Congress, second session, (S. 2790 introduced by Senator JENNER) established a secondary market in the Federal National Mortgage Association for loans guaranteed under the Servicemen's Readjustment Act. As the bill was passed by the Committee on Labor and Public Welfare this authority would have been placed in the Veterans' Administration. However, by an amendment submitted by Chairman WOLCOTT in the House the authority was placed in the Federal National Mortgage Association. In this bill it is proposed to end the authority of FNMA to purchase GI loans and place the authority in the Veterans' Administration. The VA guarantees the loans and should be authorized to purchase them when offered by the original lender. Such loans should not be tied up with big banking operations of the type handled by the RFC and its subsidiaries.

2. As passed by the Senate, Public Law 864 would have allowed the purchase of 66⅔ percent of all GI mortgages offered by any one mortgagee. As changed by the House and subsequently confirmed by the Senate this authority was reduced to 25 percent and as now interpreted by the FNMA that 25 percent is based on those mortgages made after April 30, 1948. This bill would allow the purchase of 66⅔ percent of all GI loans made by any one mortgagee regardless of the date on which they were guaranteed. The restricted authority of FNMA as contained in Public Law 864 is no more than a drop in the bucket and would not even approach a solution of the problem of providing an adequate secondary market for GI loans. The institutions now holding a great volume of these loans need liquidity such as is afforded by an adequate secondary market in the Federal Government.

3. Public Law 864 as interpreted by FNMA does not allow for the purchase of any mortgages made before April 30, 1948. This bill would provide for the purchase of a percentage of any GI loans guaranteed prior to September 1, 1948 provided the outstanding obligation does not exceed $12,000. Under Public Law 864 loans made after April 30, 1948, could be purchased provided they did not exceed $10,000. Under this bill we would limit the amount of such mortgages to $7,500 guaranteed in the future. The reason for these provisions is that we cannot unreasonably restrict the purchases of mortgages heretofore made because the veterans already have them. The institutions already have them in their portfolio and they need a market for them in order to make new loans to veterans for lower priced houses in the future. We are definitely limiting future loans to lower priced houses for the veterans.

4. Under Public Law 864 the lending institution from which the FNMA purchased GI loans could be allowed not more than one-half of 1 percent for servicing the loans for the FNMA. In this bill we would leave it to the Veterans' Administration to determine the amount of the service fee provided it did not exceed 1 percent of the unpaid principal.

5. Under Public Law 864 the FNMA was authorized to purchase loans of both the FHA type and the GI type up to $300,000,000. Under this bill we authorize the Veterans' Administration to procure necessary sums from the Treasury and directs that he shall in turn deposit in the Treasury in a special deposit account any funds received by the Veterans' Administration. According to past history of such home-guaranty actions of the Federal Government, it is indicated that this provision of the secondary market in the VA will not cost the Federal Government any money but rather that the Government will make money.

ORDER OF BUSINESS—ADJOURNMENT

Mr. WHERRY. Mr. President, this morning I made the statement that there would not be a night session and that a statement with reference to recessing or adjourning the Senate would be made at the appropriate time.

I want to state at this time for the RECORD that it has become crystal clear that until the Senate's rules on cloture are amended it is impossible to take action on House bill 29, the anti-poll-tax bill. Therefore, the holding of a night session in which to attempt to do the impossible is hypocrisy in its rankest form. I think we should be honest and truthful not only to ourselves but to the American people in making our decision. It was determined this morning by the majority conference that a vote on cloture is out of the question, apparently, until the rules of the Senate are amended so as to provide that a cloture petition may be filed not only on a bill or measure, but on motions, so that all barriers, including dilatory motions, which prevent the Senate's proceeding to the consideration of important legislation, may be outlawed, so to speak.

I was a member of the subcommittee of the Committee on Rules and Administration when it reported the so-called Knowland resolution to change the cloture rule so as to eliminate dilatory motions in connection with a bill. It is my understanding that it is the intention to appoint a committee to study remedial amendments to the rule, and it is our feeling that at the beginning of another session, the session next January, if possible, we should proceed in good faith to change the rule, and should make that subject the first order of business, so that we may be able to apply cloture in connection with a motion as well as the subject matter of a bill.

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

Mr. WHERRY. Just a moment. I make this statement only for the reason that I made the announcement this morning that there would not be night sessions, because it is thought that continued night sessions would accomplish nothing, that they would be futile. We therefore decided that the proper course is to adjourn so that we may have a morning hour tomorrow for the consideration of legislation which may be reported under the unanimous-consent order which has been entered today, and which otherwise might have to lie over. I hope we may be able to consider such important legislation as I hope will come from the Committee on Banking and Currency dealing with anti-inflation and other matters which are now before the committee.

Mr. BARKLEY. Mr. President——

Mr. WHERRY. Just one other matter. I shall yield to the minority leader, because I think it is a courtesy which should always be extended. I regret to state to the distinguished Senator from Pennsylvania [Mr. MYERS] that I have told many Senators that there would be an immediate adjournment, and asked them to delay offering routine matters or inserting articles in the RECORD until tomorrow morning, if they would agree to that, and all to whom I spoke did agree. Therefore I yield to the minority leader, and I beg other Senators not to ask me to yield to them.

Mr. BARKLEY. I desired to have the Senator yield to me to suggest the absence of a quorum.

Mr. WHERRY. I yield to the Senator.

Mr. MAYBANK. Mr. President, I merely wish to state that the distinguished Senator from Nebraska is correct in what he says; he did request that I not ask him to yield. I thought he might appreciate confirmation of his statement.

Mr. WHERRY. I do; I thank the Senator from South Carolina.

Mr. BARKLEY. My reason for suggesting the absence of a quorum, which I do without taking the Senator from the floor, although under the rules it would deprive him of the floor, is that I may want to ask him a question or two or make a statement with regard to what he has said. I suggest the absence of a quorum.

Mr. WHERRY. I yield for that purpose. I say to the distinguished Senator from Kentucky, and also to the other Members of the Senate, that I would rather the Senator would ask me his questions now, because I intend to make a motion that the Senate adjourn.

Mr. BARKLEY. I would rather have a larger attendance.

Mr. WHERRY. Very well. I merely wanted the Senate to know that I intended to make a motion to adjourn.

Mr. BARKLEY. I understand that, and it was in connection with that that I suggested the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the clerk will call the roll.

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

Aiken	Hawkes	Myers
Baldwin	Hayden	O'Conor
Ball	Hickenlooper	O'Mahoney
Barkley	Hill	Pepper
Brewster	Hoey	Revercomb
Bricker	Holland	Robertson, Va.
Bridges	Ives	Robertson, Wyo
Brooks	Jenner	Russell
Buck	Johnson, Colo.	Saltonstall
Butler	Johnston, S. C.	Smith
Byrd	Kem	Sparkman
Cain	Kilgore	Stennis
Capper	Knowland	Stewart
Connally	Langer	Taft
Cooper	Lodge	Taylor
Cordon	Lucas	Thomas, Okla.
Donnell	McCarthy	Thomas, Utah
Downey	McClellan	Thye
Dworshak	McFarland	Tobey
Eastland	McGrath	Tydings
Ecton	McKellar	Umstead
Ellender	McMahon	Vandenberg
Feazel	Magnuson	Watkins
Ferguson	Martin	Wherry
Flanders	Maybank	Wiley
Fulbright	Millikin	Williams
Green	Moore	Young
Gurney	Morse	
Hatch	Murray	

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

Mr. BARKLEY. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield to the minority leader for an observation.

Mr. BARKLEY. Mr. President, I ask unanimous consent that without taking the Senator from Nebraska from the floor I may not only ask him a question, but make a brief observation.

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

Mr. BARKLEY. Mr. President, I appreciate what the Senator from Nebraska, the acting majority leader, has said in regard to the present status of the rules of the Senate. There is no need to reiterate what has happened here in the past. When I was confronted with the same situation which confronts him I repeatedly stated that I favored an amendment to the rules of the Senate so that it would not be impotent when a well-organized group of a few Senators, or many, as the case might be, could, if they wished, tie up legislation indefinitely.

The other day when the Chair ruled against the cloture petition filed by the Senator from Nebraska, I then took the position, which I felt was justified, that when the Senate adopted rule XXII it really thought it was bringing about the termination of debate on any matter which was pending before it, which was the subject of extended debate, which has come to be known as a filibuster. I still entertain that viewpoint. But the Chair ruled otherwise, and there is now an appeal from that decision pending.

I do not know how long it will take to amend the rules of the Senate. There has been a resolution on the calendar for 17 months to amend the rules of the Senate. So far as I recall, no effort has been made to bring that resolution before the Senate for consideration, and no motion has been made to take it up. I realize that on such a motion the same course could be pursued as on the motion now pending. But sooner or later the Senate, it seems to me, must determine that it must lift from itself the pall of impotence in which it finds itself now, and in which it may find itself even when a motion is made to take up a resolution to amend the rules.

Surely, the Senate of the United States, which is regarded here and throughout the world as the greatest, and sometimes I have said, the most deliberative body in the world, which has come to be the last remnant of real democratic action in a legislative sense, cannot forever go on and admit that it is impossible for it to adopt rules under which it may proceed. Therefore I not only am now, but have been in the past, and shall continue in the future, so long as I am a Member of this body, to be earnestly in favor of an amendment of the Senate rules that will make it possible for the Senate to function under any conditions which may arise in the deliberations of this body and in the consideration of legislation. It is a situation and a condition which does not prevail in any other legislative body in the world. No State legislature is handicapped by any such impotence as that which now afflicts us.

I recognize the sincerity and the good faith of those who have precipitated this situation by exercising the right given to them under the rules of the Senate. Yet in spite of the sincerity which we accord to them, I think they themselves must admit that we cannot forever go along as a deliberative body without some halter upon unlimited debate or unlimited delay in the consideration of legislation.

So I wanted to say to the Senator from Nebraska, that, notwithstanding the fact that for 17 months there has been on the calendar a resolution to amend the rules—and no effort has heretofore been made to bring it up—and I presume no effort is to be made to bring it up at this session—whenever it comes up, at this session or at the next session, I am in favor of such an amendment of the rules as will make it possible for the Senate of the United States to function as an ordinary legislative body. So much for that.

Now the Senator from Nebraska is proposing to move to adjourn this day's session. I wanted to make this observation before he moved to adjourn, because it would be impossible to make it after such a motion. We have been here now several days debating the motion to proceed to the consideration of House bill 29. The cloture petition was filed, or an attempt was made to file a cloture petition on Monday. The Chair held it could not be filed under the rule because it was not a "measure" within the meaning of the rule. From that the Senator from Ohio [Mr. TAFT] appealed. That appeal is debatable no less than the motion itself is debatable, and theoretically we are now debating the appeal from the decision of the Chair. If the motion to adjourn prevails, the motion to take up the bill lapses, and the appeal of the Senator from Ohio from the decision of the Chair also lapses, and what we have been doing here for now nearly a week will end in futility, because the whole thing lapses and goes down in defeat, since the motion itself to consider the anti-poll-tax bill will lapse on a motion to adjourn, if it is adopted. For that reason I felt the Senate ought to know the effect of its vote to adjourn today.

So far as I can see, the situation is just the same as it was when the Senator from Nebraska made his motion last week. There is no business now on the calendar which was not on it then. The Senator, I think, hopes that there will be something on the calendar, maybe tomorrow. But it is not on it now. We have heard rumors that a joint committee has been appointed—not a bipartisan committee, but a joint committee of the Committees on Banking and Currency of the two Houses, a joint Republican committee of those two committees—to survey the situation to see whether some kind of legislation might be brought forth. It is probably not within my mouth to question the propriety of calling a partisan subcommittee, instead of a bipartisan subcommittee, as frequently and usually is done. But be that as it may, we do not know what will come out of that joint Republican committee.

I understand the Committee on Banking and Currency of the Senate has proceeded today to hold further hearings on the question of inflation and the cost of living. We do not know how long the committee will consider that subject, nor what they will bring here tomorrow or any other day. So that today, so far as the calendar is concerned, the situation is precisely what it was when the Senator from Nebraska made his motion last week. I wanted the Senate to understand that if we vote to adjourn today, we vote to nullify all we have done up to now on H. R. 29, and we go right back to where we were when we started. There will be a morning hour tomorrow, and it will be in order, for any Senator who feels it his duty to do so, to question the approval of the Journal, and that is debatable. Whenever it is brought in question, no other business can be performed by the Senate until the Journal is approved. So we find ourselves again tied into a bowknot in respect to the procedure of the Senate; all of which, in my judgment, without regard to politics or predilections, the American people will regard as a travesty upon free enterprise in the way of legislation before the Senate of the United States.

I do not believe any Senator can gainsay the suggestion that the American people do not understand all the maneuvers and all the parliamentary devices the Senate may resort to in order not to transact its business. Regardless of who may be responsible for it, I think the whole Senate of the United States will lose in the esteem of the American people if we do not find a way by which to legislate in any circumstances that may arise in the Senate of the United States. Therefore I wish to say that when the Senator makes his motion to adjourn, in view of the effect of an adjournment I shall ask for a yea-and-nay vote upon the motion.

I thank the Senator for yielding to me.

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

Mr. WHERRY. I yielded with the firm commitment that I would yield only to the minority leader. Fifteen or twenty Senators have asked me for time to make insertions in the RECORD, and they very graciously have consented to wait until tomorrow. For that reason I am foreclosed from yielding to any other Senator at this time. I regret it; but in view of the fact that that announcement has been made, I must stand by that agreement, because I want to be absolutely fair so long as I am the acting majority leader.

Mr. TOBEY. I was merely going to help the Senator.

Mr. WHERRY. I certainly want help, I will say to the Senator.

Mr. TOBEY. I think the Senator needs it.

Mr. WHERRY. Perhaps I do. I am not through yet.

Mr. President, I was one member of the subcommittee of the Committee on Rules and Administration which reported the resolution to which the minority leader has referred. I am in total agreement with what he said about the rule. He emphatically has brought to the attention of the American people the fact that when 15 or 20 or 30 Senators unite in an effort to prevent a vote by endless debate, we cannot do a thing; and that the present rules of the Senate relative to cloture do not apply to a motion.

At least we have done one thing this week. We have demonstrated to the American people that until the rules of the Senate are changed there can be endless debate if a sufficient number of Senators band themselves together to thwart a vote by the use of the rules. I think the American people know that. I hope they do, because I think they should know the truth about the situation which confronts us in this special session. I think they should know that we knew when we started that in a special session of 12 or 15 days it would be an absolute physical impossibility to break endless debate on a question so controversial as is the poll tax.

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

Mr. WHERRY. Just a moment, until I finish my remarks.

I agree with the distinguished majority leader that in times gone by, while I have been a Member of this body, he has done the very thing which we are attempting to do now. We are telling the people of the country that we are not going to hold night sessions. To my way of thinking, to do so would simply be hypocrisy.

I am going back to my State, and to the city of Omaha, and tell those who are interested in the anti-poll-tax legislation that I did my level best to bring it to a vote, and that we could not obtain a vote because of the rules of the Senate. I want to be honest about it. I do not want to say that I instituted night sessions for 2 or 3 nights when I knew when I did so that we would have to abandon the effort because we could not accomplish our purpose. Let us be honest. Let us tell the American people the truth. I am not going to be the one who moves for night sessions. This question arose because of requests that there should be no night session tonight. I will not subscribe to a policy which deceives the American people. We are going to tell them the truth, and that is the truth.

With respect to adjournment, I agree with the minority leader that when the motion to adjourn is agreed to we shall get back to the unfinished business. In the morning hour motions may be made. Senators may do as they please about adjournment. Senators who wish to offer amendments to any legislation, including the poll-tax amendment, may offer such amendments to any legislation which is considered by the Senate.

Mr. President, my firm belief is that the majority in their conference this morning took the right course. I subscribed to it. In fact, I advised it. So I am ready now to make the motion to adjourn.

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

Mr. WHERRY. I agreed not to yield to any Senator other than the minority leader. He was on his feet a moment ago. If he wishes me to yield again, I shall be glad to do so.

Mr. BARKLEY. It is too late now.

Mr. WHERRY. Mr. President, I move that the Senate adjourn until tomorrow at noon.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska.

Mr. BARKLEY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. WHERRY. I announce that the Senator from South Dakota [Mr. BUSHFIELD] and the Senator from Kansas [Mr. REED] are necessarily absent.

The Senator from Indiana [Mr. CAPEHART], the Senator from Nevada [Mr. MALONE], and the Senator from Iowa [Mr. WILSON] are detained on official business.

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. CHAVEZ] is unavoidably detained.

The Senator from Georgia [Mr. GEORGE], who is unavoidably detained, would vote "yea" if present.

The Senator from Nevada [Mr. MCCARRAN] and the Senator from Texas [Mr. O'DANIEL] are necessarily absent.

The Senator from New York [Mr. WAGNER], who is necessarily absent, would vote "nay" if present.

The result was announced—yeas 69, nays 16, as follows:

YEAS—69

Aiken	Fulbright	Morse
Baldwin	Gurney	O'Conor
Ball	Hawkes	O'Mahoney
Brewster	Hayden	Revercomb
Bricker	Hickenlooper	Robertson, Va.
Bridges	Hill	Robertson, Wyo
Brooks	Hoey	Russell
Buck	Holland	Saltonstall
Butler	Ives	Smith
Byrd	Jenner	Sparkman
Cain	Johnston S. C.	Stennis
Capper	Kem	Stewart
Connally	Knowland	Taft
Cooper	Langer	Thye
Cordon	Lodge	Tobey
Donnell	McCarthy	Tydings
Dworshak	McClellan	Umstead
Eastland	McFarland	Vandenberg
Ecton	McKellar	Watkins
Ellender	Martin	Wherry
Feazel	Maybank	Wiley
Ferguson	Millikin	Williams
Flanders	Moore	Young

NAYS—16

Barkley	Lucas	Pepper
Downey	McGrath	Taylor
Green	McMahon	Thomas, Ok'a.
Hatch	Magnuson	Thomas, Utah
Johnson, Colo.	Murray	
Kilgore	Myers	

NOT VOTING—11

Bushfield	McCarran	Wagner
Capehart	Malone	White
Chavez	O'Daniel	Wilson
George	Reed	

So Mr. WHERRY's motion was agreed to; and (at 4 o'clock and 34 minutes p. m.) the Senate adjourned until tomorrow, Thursday, August 5, 1948, at 12 o'clock noon.

HOUSE OF REPRESENTATIVES

WEDNESDAY, AUGUST 4, 1948

The House met at 12 o'clock noon.

Rev. C. Howard Lambdin, pastor of St. Luke's Methodist Church, Washington, D. C., offered the following prayer:

Let us pray.

Eternal and everlasting Father, we invoke Thy divine guidance upon us as we begin the official duties of this day. Enable us, we pray Thee, in a world of many voices, to hear now and always the "still small voice within"; not only may we hear it, but may we heed it as well.

The demands made upon our lives are many and our responsibilities are great. Help us, dear Father, to remember that we are Thy children and also that we are Thy workmen. Thou art depending on us to be "laborers together with Thee" for the building of Thy kingdom on earth.

Save us from selfishness, which would keep us from such sacred service, and increase our devotion to the highest good that we may become the servants of righteousness.

We pray Thy blessing on our land and our Nation, on the President of these United States, and on the Members of the Congress, and on all others who help to carry the responsibilities of leadership. May a great integrity of character be with all of our leaders, and may they be men and women after Thine own heart.

Hasten the day, O Lord, when a just, honorable, and desirable peace shall come to all nations on our earth, when "nation shall not lift up sword against nation, neither shall they learn war any more."

Bless us this day and every day; and when, good Father, our days of labor are over, grant to each of us safekeeping with Thee. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Monday, August 2, 1948, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Nash, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the President pro tempore has appointed Mr. LANGER and Mr. MCKELLAR members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Departments of the Army and the Air Force.
3. Department of Justice.
4. Department of the Navy.
5. Post Office Department.
6. Housing and Home Finance Agency.
7. Office of Selective Service Records.
8. Veterans' Administration.

SPECIAL ORDER GRANTED

Mr. POTTS. Mr. Speaker, I ask unanimous consent that on tomorrow, after any special orders heretofore entered, the gentleman from New York [Mr. JAVITS] may be permitted to address the House for 10 minutes.

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

There was no objection.

DEPARTMENT OF COMMERCE

Mr. POTTS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. POTTS. Mr. Speaker, in June 1947, the Committee on Merchant Marine and Fisheries was much disturbed about the shipment of oil to Russia from this country because we knew there was a shortage of oil to take care of the needs of the Army and Navy and the civilian needs of last year's very cold winter. Consequently, the committee held hearings at that time to inquire into the situation.

There were then loading on the Pacific coast three tankers flying the Russian flag. These were American-owned tankers loaned to Russia under lend-lease and which she refused to return to us. Yet here they were in our waters, and we were filling them with our own much-needed oil for shipment to the same country which refused to return these ships to us.

One of the witnesses called at the hearings was Mr. William C. Foster, Under Secretary of Commerce. The amazing part of his testimony was the utter disregard which he displayed of a request of the chairman of the committee made to him by telephone that the ships be not licensed to sail. The Commerce Department seemingly expedited the licenses because they were issued the same morning that the chairman requested they be held up. The testimony on the point is as follows:

Mr. BRADLEY. In relation to the ships we have loading out in my district, Long Beach, San Pedro, and so on, for Russia, did I understand you to say that it is the intention of the Department to grant the export licenses so that those ships can load and get away?

Mr. FOSTER. Yes, sir; there are three ships out there at the moment, and we have actually issued the licenses on those three.

Mr. BRADLEY. I was interested because I have had a great many inquiries along that line, and there is nothing confidential in that information.

Mr. FOSTER. Nothing. No, sir.

Mr. BRADLEY. Thank you.

Mr. FOSTER. That was licensed this morning.

The CHAIRMAN. That was licensed this morning; after I made a request on behalf of this committee that they not be licensed to go you licensed them to go this morning.

Mr. FOSTER. That's right, sir. I still have no official request from the committee.

The CHAIRMAN. You have a telegram, don't you?

Mr. FOSTER. No, sir.

The CHAIRMAN. Didn't you get that?

Mr. FOSTER. I have not had any telegram from the committee.

The CHAIRMAN. What?

Mr. FOSTER. I have had no telegram from the committee.

The CHAIRMAN. You received one signed by the chairman, didn't you?

Mr. FOSTER. No, sir.

The CHAIRMAN. I called you about it.

Mr. FOSTER. You called me and told me over the phone that you were sending one.

The CHAIRMAN. And I told you I was making a request then.

Mr. FOSTER. And I said I would be very glad to take it into consideration, as we do all such requests.

The CHAIRMAN. The consideration you gave was that after the request was made you licensed it.

Mr. FOSTER. That is correct, sir.

This morning's news clarifies the picture. William W. Remington, accused of giving Government information and material to Elizabeth T. Bentley, erstwhile Russian spy and Communist, is the director of the Commerce Department's export-programs staff. Now the reason for the haste in licensing these oil-bearing ships is apparent. We have a

tie-up between the Commerce Department and Russia and a cabal to sell America down the river to Russia and to use our own ships to do it.

I respectfully suggest to the House Committee on Un-American Activities that it undertake an investigation of the licensing of those ships by the Commerce Department in the light of what has come to view in the last few days.

Last winter the veterans in my district living in Quonset huts were very cold from lack of fuel oil. Now they can understand the reason.

DALLAS COUNTY'S FIRST 1948 BALE

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. HOBBS. Mr. Speaker, it should be of interest that the first bale of the 1948 cotton crop was the best ever produced and prepared for market in Dallas County, Ala., and was sold at auction July 28, at $1.14 per pound, or $525.54 for the bale.

Of course, the sale of the first bale of each new crop is quite an event, and the price bid is no criterion of the regular market, but when the market history records millions of bales that have been sold in the routine way on the regular market for 5 cents a pound, or $20 a bale, or less, the record price paid for this first bale must have thrilled the hearts of the grower and ginner because of the tribute to their skill and diligence. It is also strong incentive for emulation.

May I read you the gist of the first-page article from the Selma Times-Journal:

Dallas County's first bale of 1948 cotton was auctioned at 10 a. m. Wednesday at the Cotton Exchange at a record-breaking price of $1.14 per pound, paid by Anderson Clayton Cotton Co.'s representative, Ned Culverhouse. The bale was classed as strict middling with a 1.31-inch staple and weighed 460 pounds. It was consigned to the Dallas Compress.

Bidding opened at 73 cents by I. J. Hix, representing the Selma Retail Merchants Association, the compresses, cotton buyers, and other friends of the farmer who stated that a premium price had been assured by these groups. The bid leaped to 75 cents on Culverhouse's nod and R. B. Woodfin of the R. B. Woodfin Cotton Co. entered the bidding, continuing neck and neck with Culverhouse until the bale finally touched the $1.14 mark, unprecedented in local cotton history. Other bids were recorded as the cotton buyers pushed the bale upward.

W. P. Welch, auctioneer, called attention to the fact that it was produced on the J. A. Minter place, 12 miles east of Selma, by Andrew Harrison, Negro tenant, who received $525.54 for the bale. It was ginned on one of the latest and finest gins in the State, and the only gin in Alabama having a lint cleaner through which cotton passes after being ginned, to remove all trash.

BEST NEW BALE

Cotton men said that the bale was the best new bale ever brought to Selma as to grade and staple.

EXTENSION OF REMARKS

Mr. BROWN of Ohio asked and was given permission to extend his remarks in the RECORD and include an article entitled "Ralph H. Cameron, a Biographical Sketch," by James M. Barney, Arizona historian.

Mr. SANBORN asked and was given permission to extend his remarks in the RECORD.

Mr. ARNOLD asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. O'HARA asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. STEFAN asked and was given permission to extend his remarks in the RECORD and include a statement.

ALLOCATION OF FEDERAL-AID HIGHWAY FUNDS

Mr. WELCH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. WELCH. Mr. Speaker, on April 8, 1948, when the Federal Aid Highway Act of 1948 was before the House for consideration, I asked the following question of Hon. PAUL CUNNINGHAM, chairman of the Subcommittee on Highways of the Committee on Public Works, who was in charge of the bill on the floor:

Mr. WELCH. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from California.

Mr. WELCH. The bill authorizes an appropriation of $500,000,000 as Federal aid to the several States for fiscal years 1950, 1951, and 1952.

Mr. CUNNINGHAM. That is right.

Mr. WELCH. Is there anything in this bill that would preclude a State highway commission from allocating any part of the funds allocated to a State to be used within an incorporated city and county?

Mr. CUNNINGHAM. Not at all (there is) the portion allocated for the counties and the portion allocated to the urban areas.

Mr. WELCH. I desire to congratulate the Committee on Public Works, its splendid chairman, and committee for bringing this constructive measure to the floor.

Mr. Speaker, regardless of this clear and concise answer on the part of the Committee on Public Works which reported this bill to the House, the State Highway Commission of the State of California has interpreted the law so as to prevent the city and county of San Francisco from receiving benefits under this act.

San Francisco is a city and county. The city and county embrace identically the same territory and are one. That San Francisco is a county in every sense of the word has been so decided by the Supreme Court of the State of California.

In this bill Congress authorized a total of $1,500,000,000 to be allocated to the several States over a period of 3 years. The State of California is receiving its proportionate share annually. Therefore the city and county of San Francisco is entitled to its proportionate allocation of the sums allocated to the State of California.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was given permission to extend his remarks in the RECORD and to include extraneous matter.

PERMISSION TO ADDRESS THE HOUSE

Mr. SMITH of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. SMITH of Ohio. Mr. Speaker, can it be possible that this Congress will yield to the importunate pressure that is being exerted upon it to divert a huge amount of building material and labor from the home-building industry to be used for the construction of a palace for UN to house Stalin's agents, and thus deprive the families of our veterans of many thousands of vitally needed homes, and to still further fan the flames of inflation?

It is now beyond dispute that Stalin has a horde of agents in the UN, and all the other international organizations, but particularly the UN, directing American Communists to overthrow the United States Government. Read the testimony of Robert C. Alexander, Assistant Chief, Visa Division, Department of State, before the Revercomb committee. There is much other evidence.

Do you suppose that Stalin would have nominated, through his representative, Trygve Lie for Secretary General of UN if Stalin had not been sure that Trygve Lie is a dyed-in-the-wool Communist and supporter of his?

Mr. Marriner Eccles, for many years Chairman of the Board of Governors of the Federal Reserve System, and one of the best informed men in the United States on our national finances, disapproved before the Banking and Currency Committee yesterday the spending of any money for housing the UN at the present time. He further stated that this matter should be delayed until we see what develops in the international situation.

In talking with the Members about this proposal, I am convinced that the vast majority of them are opposed to it. Many of them, however, have indicated they intend to vote for it merely for political reasons.

America will rue the day that this bill passes, if it should pass.

Who is bidding for the radical vote now?

EXTENSION OF REMARKS

Mr. LEFEVRE asked and was given permission to extend his remarks in the RECORD and include an article by Mark Sullivan.

Mr. McGARVEY asked and was given permission to extend his remarks in the RECORD and include a brief letter and statement.

Mr. HILL asked and was given permission to extend his remarks in the RECORD and to include an editorial from the New York Times.

Mr. CROW asked and was given permission to extend his remarks in the RECORD and include an editorial.

VETERANS' HOUSING

Mr. CROW. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. CROW. Mr. Speaker, under the GI bill the Congress gave the veterans of World War II credit to the amount of $120,000,000,000 by the provision granting each veteran a $4,000 loan guaranty. Of this huge sum only $7,000,000,000 has been used.

I charged President Truman with failure to use the powers vested in him to see that this bill worked and I charge the Veterans' Administration with deliberately side-stepping and ignoring their duty to aid the veteran in securing housing or homes. The Veterans' Administration has made it practically impossible to secure loans from local banks because of their unnecessary red tape.

The President says that the T-E-W bill is the answer to the veterans' housing problem. This bill will only supply low-cost-rental housing for the low-income group and, therefore, will not supply any houses for the public to purchase.

Mr. Speaker, I extend my own remarks in the RECORD entitled "Truman's Misrepresentations to Veterans," and I hope that all of the Members of this House will read these remarks because they do show up the failure of this administration and the truth about the T-E-W bill.

TRUMAN'S MISREPRESENTATION TO VETERANS

I have with due respect restrained myself from more than passing comment on President Truman's previous messages to the combined Houses of Congress, but this I can no longer do and keep my self-respect in the eyes of my folks back in Pennsylvania.

Patiently I listened Tuesday, July 27, for some words of wisdom upon which I could rally, with my colleagues, to the Chief Executive's suggestions to solve some of the Nation's ills. All I heard was the same buck-passing charges aimed at Congress in an anemic effort to cover his own shortcomings and failures as President of the United States.

What sheer demagoguery was the President's words in a continued effort to fool the veteran about housing. Listen to what he said:

A good housing bill, Senate bill 866, known as the Taft-Ellender-Wagner bill, passed the Senate on April 22. This bill would provide aid to the cities in clearing slums and in building low-rent housing projects. It would give extensive aid to the private home-building industry. It includes provision for farm housing and research to bring down building costs. It contains many other provisions, all aimed at getting more housing at lower prices and at lower rents.

He continued:

This is the bill we need. We need it now, not a year from now.

If this legislation is passed this summer, it will be possible to start immediately the production of more houses of the kind our families need, at prices they can afford to pay. If it is not passed now, the Eighty-first Congress will have to start all over again with a new housing bill. In that case, we might lose a full year in meeting our national housing need.

Those words constitute a despicable misrepresentation of fact to the veterans of this Nation.

The Servicemen's Readjustment Act, better known as the GI bill, was passed by the Congress in 1944. It provides $120,000,000,000 credit for housing of veterans and the Veterans' Administration says to date only $7,000,000,000 has been contracted for, leaving a balance of $113,000,000,000 still there for the use of veterans.

Oh, I know, charges will be made that the bill has not worked. That prices are too high. That the banks will not lend the money without substantial down payments.

All of these charges may be true and contribute to an existing condition, but for more than 2 years President Truman has had it within his power to make the bill work and he has not done one thing about it.

Under the War Powers Acts and under the Constitution, the President is charged as Chief Executive to see to it that our legislation does work, or do something about it.

I charge that the Veterans' Administration is and has deliberately sidestepped and ignored the veterans' housing problems and furthermore that the President of the United States has failed to see to it that the multi-billion-dollar housing provision of the GI bill has functioned properly.

Have you ever heard of the West Virginia housing plan? The President has. The Veterans' Administration has. I admit it is only one of many good plans now being employed to give the veteran housing, but it is working today in West Virginia and several other States where enterprising corporations have taken an aggressive step. This plan calls for corporations to construct housing for their veteran employees to whom it is sold without profit through facilities of local financing institutions, using GI guaranties. The housing is constructed by private enterprise.

I have tried vainly to get the Veterans' Administration to seek the help of corporations in solving their veteran employees' housing problems. I have been told that the VA is solely an administrative office and that it cannot promote any one part of the GI bill. But every day on the radio I hear a tremendous propaganda program promoting the retention of war insurance by vets.

I am advised that there are more than 4,000,000 veterans employed by corporations. The West Virginia plan is not suggested as a cure-all, but it is working successfully in several States. In the 3,000-word rehash of New Deal tripe that I endured Tuesday I did not hear one practical suggestion to solve the housing problem.

The T-E-W bill, last session known as the wet bill and currently referred to as the T-E-W–WET bill, was declared to be the bill to do the job. Let us look at the record. On page 159 of the T-E-W bill hearings before the Senate Banking and Currency Committee one of the sponsors of the bill, Senator TAFT, in reply to a question said, and I quote:

May I say this T-E-W bill has nothing to do with the shortage of houses. The public housing has nothing to do with the emergency or the present shortage of houses. It is solely a social-welfare program like the long-term educational program.

Thus Senator TAFT, one of the authors of the bill, repudiates the President's contention that the T-E-W bill will alleviate the housing shortage.

You will remember the President said this bill will start immediate production of the kind of houses our families need. Yet Senator TAFT during the debate on the T-E-W bill in the Senate said, and I quote:

It takes a long time to buy land and decide where houses are to be built and to get together all the parties concerned, both local and Federal. I should guess that it would take nearly 10 years to complete this program.

Is that immediate housing for veterans?

At another point in the debate Senator TAFT said, and I quote:

In public housing there must be a metropolitan housing authority, contracts must be worked out, and plans must be drafted and shown to the Federal authority before a contract can be made. So I should say it would require a full year to get started on any public housing project.

Thus on Senator TAFT's own statement low-rent housing under the T-E-W bill could not be started until late in 1949 or early in 1950. Is that immediate housing for veterans?

Then, during the debate on the Senate floor we find in the RECORD admission that the extension of title VI of the FHA, the private enterprise section of the bill, was tacked onto this omnibus monstrosity to insure passage of the federally subsidized public housing section of the bill.

Members of Congress who have been closest to this legislation recently issued a report of the Joint Committee on the Economic Report. Senator TAFT was chairman of that committee, and my esteemed colleague the gentleman from Michigan, Representative JESSE P. WOLCOTT, able chairman of the House Banking and Currency Committee, was vice chairman. On page 34 of the report I find, and quote:

So far as stabilization is concerned, it would be better to concentrate publicly promoted housing construction in periods of low employment.

Senator TAFT said on May 17 during debate on the public-works bill, and I quote from the CONGRESSIONAL RECORD:

We cannot add $7,000,000,000 worth of houses in a year to all the other programs and still hope that finally we shall be able to prevent inflation.

He continued to say that if we do follow a plan of public spending during a period of high employment and maximum use of materials it would result in a general increase in all costs, a general increase in the price of every kind of material for which industry competes, and a competition of labor and materials which would seriously embarrass the country.

In his very opening statement President Truman said that he had called this special session to curb inflation and to do something about housing. We all know that materials and workers are

being employed to the maximum. We know that we are starting new houses at the rate of about 1,000,000 a year right now. If we accede to the President's demands we defeat the very purpose for which he says he has called this special session. I am confident the learned gentlemen who comprised the Joint Committee on the Economic Report weighed much more carefully their conclusions than did the President his contentions.

I recently saw a documented statement showing that 6,000,000 persons have been housed with new construction since the end of the war. This figure was arrived at by multiplying the number of new permanent housing units constructed since the end of the war—2,000,000—by the average family of three.

Last year 840,000 new housing units were completed. In the first 6 months of this year, 449,700 have been started. This figure is 23 percent more than the first 6 months of 1947. That is pretty potent proof that housing is being constructed in the good old American way, by private industry.

I find that the FHA reports that the average cost of a house insured by that agency is $7,900. With a $1,000 down payment that would cost about $50 a month to finance, including all carrying charges, interest, and amortization. If the average cost was $7,900 then considerable of this housing must have been at a cost less than $7,900.

I find in the joint committee's report, on page 34, this statement:

> The report contains an unsupportable statement that "most of the housing is being built for families in the higher income brackets." The Bureau of Labor Statistics has just released information concerning new nonfarm one-family homes for which construction was started during the second quarter of 1947. Half of these homes cost less than $6,700 to build and 20 percent of them cost less than $3,250. Only 10 percent cost $9,250 or over. While these are building costs, not selling prices, it is clear that the situation they depict does not even remotely resemble that suggested by the report.

The President said that most of the housing now being built for sale or rent is priced far out of reach of the moderate-income family. This does not seem to be borne out by facts.

Now, what about this T-E-W bill that the President has recommended? My study has revealed:

First. It will increase the cost of government and the tax burden in conflict with the announced policy of the Congress to reduce Government costs and taxes—involves expenditures and commitments totaling $9,602,500,000, $6,400,000,000 of which is direct subsidy for Government-owned housing. It will cost each man, woman, and child in the United States $68.

Second. It bypasses the Appropriations Committee of the Congress. The Administrator of the Housing and Home Finance Agency is authorized to draw in excess of $9,000,000,000 from the Federal Treasury without prior appropriation by Congress. Of this, $6,950,000,000 could be drawn without prior appropriation by Congress under terms which commit the Congress to subsequent approval. Two billion six hundred and ten million dollars would be made available without any appropriation procedure whatsoever. This is a wholly unprecedented and unthinkable departure from the principle of congressional control of public purse strings.

Third. It makes the Administrator of HHFA virtual dictator over the home-construction industry, and gives him dictatorial powers with respect to housing over the lives of millions of American families.

Under the powers conferred on him in title III and with money made available ostensibly for housing research under that title, he will have the power to develop a great political propaganda machine to control completely the housing industry and home ownership in this country. It opens the door wide for perpetuation and enlargement of this bureaucratic control. Scientific research should be placed in the hands of scientifically trained and scientifically minded men and should never be trusted to the domination of a political agency.

Through his power as supervisor of the Home Loan Bank Board and as president and sole repository of all the powers of the National Home Mortgage Corporation, created by the bill to support the secondary market, he has unlimited power to expand or contract home-mortgage credit. He can strangle the industry at any time it suits his fancy. He can deny the privileges of home ownership by arbitrarily restricting mortgage credit.

His power to allocate 500,000 units of public housing to the various States would give him great political power and patronage.

Fourth. Socialized Government-owned housing does not clear slums. Although the original United States Housing Act required that an equivalent number of slum houses be removed for every public housing unit constructed, less than one-third of the 155,000 units of public housing built to date were constructed in slum areas.

Areas of our metropolitan cities which have become blighted with slums which can be rehabilitated by enforcement of local sanitary and building laws should be improved in this fashion. The city of Baltimore has, in a short time, improved more than 8,000 units in this fashion, at a cost to the city of less than $50,000, and made them available at monthly rentals substantially lower than public housing rents and with no subsidy by the Federal Government.

If there are other areas in which the process of physical deterioration is so advanced as to render it impractical to rehabilitate them, local government has the power to condemn such areas, promulgate a plan for their redevelopment, and resell to private individuals or corporations for redevelopment in accordance with the building restrictions established. It is not necessary to substitute a paternalistic government-ownership ideology for the American way of life in order to clear slums.

Fifth. Contrary to the claims of its proponents, the bill does not in fact serve the housing needs of the lowest income group. Senator TAFT said on the floor of the Senate that families in need of welfare relief assistance would not be eligible to live in public housing. Only those who have steady employment will be eligible to occupy the public housing units contemplated by the bill.

Sixth. It is highly inconsistent for the Congress, which has appropriated $5,300,000,000 for European relief program in order to fight the "isms" abroad, to consider seriously spending $6,400,000,000 or more for the introduction of a socialistic idea imported from Europe.

I have given considerable thought and study to veterans' housing and I am firmly convinced that the laxity of the President to use existing legislation and powers already granted him has worked to the disadvantage of the veteran. His message is pretty good evidence that he plans to continue these deplorable tactics in the coming campaign.

If the President really means business about getting housing for veterans let him instruct the Veterans' Administration to vitalize their home-loan-guaranty section and make workable such plans as the West Virginia plan. Vets want houses, not buck-passing excuses.

Proof has been offered here to show that the President apparently hasn't the slightest idea what is in the T-E-W bill. Every evidence indicates it will not and cannot build houses until late 1949 or 1950. That kind of legislation has no place in a special session of Congress.

Further evidence substantiates the charge that the T-E-W bill is inflationary and if passed by this special session would be diametrically opposed to the reasons advanced by the President for calling this session.

Construction materials and manpower are being used now to the utmost. Public construction must be deferred until periods of low employment and abundance of materials.

I would be derelict in my duty as a member of the House Veterans' Affairs Committee if I did not expose the political chicanery of the President's speech in his obvious attempt to woo the veteran vote.

EXTENSION OF REMARKS

Mr. MILLER of Maryland asked and was given permission to extend his remarks in the RECORD and include an editorial.

PENSIONS FOR THE AGED

Mr. GAVIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. GAVIN. Mr. Speaker, the subject of pensions for the aged is, in my opinion, one of the most important matters which this session of the Congress might give its attention.

I found, on my recent visit to my district, that a great number of people, both old and young, are interested in this matter. In fact, Mr. Speaker, it is one of the subjects that was called to my attention, and I might say that there seems hardly anybody but who would be most happy to see this Congress provide a respectable old-age pension.

The American people are interested in this very vital problem because they have many who are near to them, friends, neighbors, and relatives, who are aged and who are sorely in need of help because of their inability to carry on with the amount now being granted. They know of our generosity in appropriating and scattering our billions all over the world for the relief and support of others. And the American people are asking why is it that we do not take care of our own distressed aged people.

Mr. Speaker, in my opinion the American people are unanimously in favor of a respectable and decent pension being provided for those who, in the declining years of their life, need our help, and this thinking represents the high character standard of our American citizenship, and, thank God, most Americans are of such high standard.

So today I am calling upon the Congress to bring out legislation at this special session to grant an increase in old-age pension. I do insist that the dire situation existing among many of our old people constitutes one of the important matters that could be considered at this extraordinary session.

I, for one, am pleading with the leadership and the membership generally to enact now a generous old-age pension. There has been too much conversation about it already, and certainly if we can attempt to iron out the problems of all the world, we surely can spend some time on the problem of our aged people. Our performance in providing funds for other causes is abundant proof that it can be done. The need for such a program is known to all of us.

Our duty, therefore, in this crucial matter is inescapable. The time for action is now. And I know the American people will applaud any action taken by this Congress to provide aid to those who need our help, and are trying to exist on the pitiful amounts that are now granted. This is one piece of legislation that I feel certain will meet with the hearty approval of all of our people.

EXTENSION OF REMARKS

Mr. TWYMAN asked and was granted permission to extend his remarks in the Appendix of the RECORD and include an editorial which appeared in the Chicago Daily News.

Mr. TIBBOTT asked and was granted permission to extend his remarks in the RECORD and include an editorial from the Johnstown Tribune.

Mr. GWYNNE of Iowa asked and was granted permission to extend his remarks in the RECORD.

Mr. MILLER of Nebraska asked and was granted permission to extend his remarks in the RECORD in two separate instances.

Mr. BENNETT of Missouri asked and was granted permission to extend his remarks in the RECORD.

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two instances; in the first to include a radio address delivered by the Speaker of the House over the American Broadcasting Co. on Friday, July 30; and in the second to include a statement by Hon. Clare Boothe Luce, former Member of the House, before the Republican Convention in Philadelphia.

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

Mr. RANKIN. Mr. Speaker, reserving the right to object, is that the speech in which Clare Boothe Luce attacked me at the Republican Convention?

Mr. ARENDS. I would not know.

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

There was no objection.

Mr. HOPE asked and was granted permission to extend his remarks in the RECORD in two instances; in one to include a radio speech by Senator CAPPER, and in the other an editorial.

PRICE OF DAIRY FEEDS

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. EDWIN ARTHUR HALL]?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, recently I noticed a vivid and graphic picture, a news photo, which showed the granaries of the country are so filled with wheat that it is flowing all over the streets, and they are piling it in the fields out in Nebraska and Kansas.

Also, has come the announcement that there is to be a record corn crop which will overshadow everything that has ever been heard of before in American farm production.

In view of these facts, there can be no excuse from this time on for high prices of dairy feeds in the northeastern section of the United States. Our farmers have to pay outrageous prices for grain in order to produce milk and dairy products for the big cities of the country.

The Northeast must be allowed to participate in some of the benefits that should be expected to come as the result of all this surplus wheat and corn.

The big grain manipulators of the country have made millions from the exorbitant rates our dairy farmers are paying for grain they have not time to raise themselves. The farmers I represent are at the mercy of these wheat and corn barons and that is why we are having so many forced sales of farms in my section.

The wire pullers on the grain market may think New York State dairymen can afford high feed prices but they cannot. Unfortunately the farmer has to meet the terrific cost of production. While his milk check is better than it used to be, he still has not surplus money enough to pay tribute to the boys who dictate the high grain prices out in the Middle West.

I have said this before and I am saying it again that the cost of dairy feeds is too high. Bring that down and the farmer will benefit by a decent margin of profit, the consumer will benefit by a reasonable price for bottled milk and the profiteers will scurry for cover.

Lower grain prices will bring down the cost of meat, too. In fact the entire cost of living will be favorably affected by the action, if it is taken, of those who have thus far succeeded in keeping grain away out of reach of the pocketbooks of all our farmers who so desperately need it.

The SPEAKER. The time of the gentleman from New York [Mr. EDWIN ARTHUR HALL] has expired.

VETERANS' LEGISLATION

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it is most encouraging and gratifying to see the splendid progress which is being made in some sections of the country in providing special housing for wheel-chair veterans. I wish to include at this point a dispatch I have from Needham, Mass., telling of the fine work which is being done in providing a community of houses for wheel-chair veterans in this suburb of Boston. As you well know, the Congress passed Public Law 702 this year, which provides for a grant up to $10,000 toward the purchase of a house specially constructed to meet the needs of these cases. The cost above that figure may be financed under the regular provisions of the Servicemen's Readjustment Act. I am happy to know that this work, which is so important to these handicapped men, is going forward so promptly.

I wish, Mr. Speaker, that I could say the same for housing for our able-bodied veterans. There has been pending on the Union Calendar for some months the so-called veterans' housing bill, H. R. 4488, which was reported unanimously from the Committee on Veterans' Affairs, and which has the sponsorship of the American Legion.

This bill will provide housing for veterans at prices they can afford to pay, and at the same time will involve a minimum cost to the Federal Treasury. If we solve the housing problems for veterans, we will have solved 90 percent of the general housing problem. I would like to summarize the provisions of this bill and urge once more that Members give most careful consideration to it:

First. Relies on initiative and individual effort of the veteran.

Second. Will provide housing at prices veterans can afford to pay; limits average cost per dwelling unit to $10,000.

Third. Rental and multiunit housing as well as construction of individual homes is provided.

Fourth. Applies to all veterans of World War II, urban or rural.

Fifth. Makes provisions for community facilities where not otherwise furnished.

Sixth. All expenditures except those for community facilities are on a reimbursable basis.

Seventh. Interest rates at 4 percent or less, with amortization periods as long as 40 years.

Eighth. Channels funds to lending institutions which need money to make GI housing loans.

Ninth. Gives special attention to needs of veterans on the farm.

Tenth. Includes the incontestability clauses to encourage participation of lenders.

Mr. Speaker, we talk about passing housing legislation for veterans. Let us pass this—the only bill that gives veterans houses.

[From the New York Times of August 1, 1948]

"WHEEL-CHAIR TOWN" RISES NEAR BOSTON

NEEDHAM, MASS., July 31.—A community of houses built around a wheel chair is springing up in this suburb of Boston.

The houses are designed so the veterans can maneuver about unhampered by the usual architectural restrictions. Doors are a foot and a half wider to permit free passage of wheel chairs, and there are no thresholds.

A concrete ramp leads into the house instead of steps, and another ramp connects the kitchen and garage. The garage attached to the house, is about 5 feet wider and longer than the usual one-car stall. That enables the veteran to wheel right up to his specially equipped automobile.

The bathroom wash bowl and mirrors are set low so the occupant can shave while seated in his chair. The shower stall is extra wide.

The idea for the community project originated after Charles A. Cimino, a builder, sold a house, constructed for normal use, to Joseph Villa, a crippled veteran, then noted it was impossible for him to get around without assistance.

"I saw if the house ever caught fire while he was home alone he would never get out," Mr. Cimino said. "So we got together with an architect and planned a house best suited for paralyzed veterans."

Two houses are occupied and five others are under construction. Lots are staked for about 23 more houses.

Mr. Cimino said that cost of the houses ranged from $15,000 to $20,000, adding:

"We're trying to keep it a community just for these boys. I'm going to give them an acre of land on the project where they can build a gymnasium."

SPECIAL ORDER GRANTED

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that today, after any other special orders that may have been entered, I may address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

PUBLICITY AND PROPAGANDA IN THE EXECUTIVE DEPARTMENTS

Mr. HARNESS of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. HARNESS of Indiana. Mr. Speaker, your Subcommittee on Publicity and Propaganda in the Executive Departments, of which I am chairman, has recently completed an exhaustive investigation of the Bureau of Reclamation, Department of the Interior. Investigators for the committee have gone carefully into the records of the Bureau's activities, and your committee has conducted extensive hearings, in the course of which a considerable volume of evidence has been adduced.

I shall insert in the RECORD a copy of the report which a majority of the committee is returning, for I consider it urgently important that every Member of this body be immediately informed of the amazing facts which our inquiries have disclosed.

The evidence clearly reveals shocking bureaucratic intrigue, willful violation of Federal law, withholding of vital information from committees of Congress, and deliberate intimidation of private citizens where sheer propaganda alone has been insufficient to direct public opinion. As an incident to the main purpose of the inquiries I believe it has been shown that high Federal officials who have no practical qualifications, but who were apparently appointed for their socialistic leanings and ability as political propagandists, have proved grossly incompetent in their assignments.

The reclamation service since its inception has played an indispensable part in the development of the vast arid and semiarid areas of our Western States. Until the advent of the present clique in power which undertook to make the service a tool for the further entrenchment of bureaucracy that agency enjoyed the highest reputation for competence and integrity. In recent years, however, experienced engineers, qualified to administer the service efficiently, have been supplanted by propagandists who have prostituted the agency for their own selfish bureaucratic ends.

I know every Member of this body will insist that the Reclamation Bureau direct its energies and the public funds which Congress entrusts to it not for the expansion and entrenchment of a power-hungry bureaucracy, but for the development of our great western empire. I urge, therefore, that every Member study this report thoughtfully with a view to undertaking immediately the complete house cleaning in the agency which is indicated.

Mr. Speaker, I ask unanimous consent that the majority report of this committee may be published in the CONGRESSIONAL RECORD for the information of the Members of the House.

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

There was no objection.

(The report referred to follows:)

REPORT OF THE SUBCOMMITTEE OF THE COMMITTEE ON EXPENDITURES IN THE EXECUTIVE DEPARTMENTS AUTHORIZED TO INVESTIGATE PUBLICITY AND PROPAGANDA AS IT RELATES TO THE DEPARTMENT OF THE INTERIOR AND THE BUREAU OF RECLAMATION OF THAT DEPARTMENT

Based upon extensive field investigations your committee has been conducting hearings since April 27, 1948. Upon the evidence adduced the most shocking and amazing story of bureaucratic intrigue has been unfolded. Incompetency, evasion of the intent of the Congress, disregard for the truth, deliberate withholding of material information from the committees of Congress, willful violation of Federal law, are a part of the sordid story thus far presented to your committee. Many charges and countercharges had been made in relation to the Bureau of Reclamation and high officials within the Bureau. Your committee gave careful study to these charges before embarking upon the investigation which is the subject of this interim report. We were concerned lest such an investigation might be injurious to the great reclamation projects of the West. Your committee at that time and now recognizes the contribution that has been made by the West to the economy of the Nation, and also it recognizes the contribution of reclamation to the advancement of the welfare of that segment of our Nation.

Also, the committee recognizes the need that reclamation projects be expeditiously completed as they have been authorized and planned by the Congress and that further planning and construction are necessary in the immediate future if the resources and productive potentialities of the West are to be fully realized and contribute further to the welfare of our people; not only for those who live within the 17 reclamation States, but the Nation as a whole.

However, if the vision of those who have planned the development of the resources of our Western States is to become a reality, then drastic changes in personnel, planning, and ideologies must be effected in the Bureau of Reclamation and the Department of the Interior. Let it suffice to say that many of the career employees and engineers within the Bureau of Reclamation have contributed much to the reputation in the past of this department of Government as an outstanding and successful construction and operating unit. These same men today fight against heavy odds to maintain that reputation and many have left, or are now threatening to leave, the Department unless changes are made to restore the original concept of reclamation. We shall not burden this report with the conception or history of reclamation. Conceived in 1902 during the administration of Theodore Roosevelt, its history until recent years has been one of great accomplishments.

Recognizing the need for the development and completion of projects in the 17 reclamation States, the Eightieth Congress appropriated the largest sums ever made available to the Bureau of Reclamation (see exhibit No. 1 attached).

FALSIFICATION OF CARRY-OVER

Deliberate falsification by a high Government official, Michael W. Straus, Commissioner of the Bureau of Reclamation, is apparent from the records of official hearings before committees of Congress. The testimony had to do with carry-overs in the Central Valley project for the fiscal year ended June 30, 1947. So that the testimony may be understood, the term "carry-over" should be defined.

"Carry-overs," as referred to herein, means those funds appropriated in one fiscal year for reclamation projects and unspent at the end of the fiscal year and available as free money to carry on and pay for actual work to be performed in the next fiscal year. (See letter, Michael W. Straus, Senate hearings, pt. 2, H. R. 3123, p. 29, 1948.)

The Secretary of the Interior and the Commissioner of Reclamation had admonished the employees of the Bureau of Reclamation on frequent occasions against large carry-overs. We cite but a few of the admonitions.

At the Salt Lake City conference held in July–August of 1947 Secretary Krug made the following statement:

"However, we are going through a period now when we will have to take that risk. We will never get them to understand that very large carry-overs are a necessary part of our program because when they look at that ten, fifteen or twenty million dollars whatever it is, they will have their mouths watering and they can't help but say, 'Well, you birds have got that in the kitty; you go out and use that this year and then come in and ask for more.'

"Mike and the rest worked hard and the boys are sitting back there on the fence now, waiting and saying, 'I told you so.' And they will be after us when we go in there again.

"That means that every regional director is going to be responsible for laying out his program for spending the money he has and the carry-overs and if he has money he has not spent he is going to have to have one hell of a good excuse. Just any excuse in the world is not going to be any good, or even a good one."

At the same Salt Lake City conference Commissioner Michael W. Straus made the following statement (p. 33):

"So the watchword and the policy upon which we will embark today will be to drive forward on all of the multiple phases of our program and without compromise of standards, go ahead and build until we go broke."

Upon request of the Bureau of the Budget in its preparation of the President's Budget for the fiscal year 1948, region 2 of the Bureau of Reclamation advised that the estimated carry-over for the Central Valley for the fiscal year 1947 would be $10,722,162. The figure of $10,722,162 was adopted by the Bureau of the Budget and was contained in the President's budget.

It should be borne in mind that these were the figures furnished by the Bureau of Reclamation.

The President's budget asked for $20,000,000 new money which, together with the free money in the estimated carry-over, would have provided $30,722,162, for performance of additional work during the fiscal year 1948. Under the date of April 9, 1947, the Commissioner's office requested by teletype from Sacramento an estimate of the unobligated balance available for the Central Valley project as of July 1, 1947. We quote from the teletype:

"The following items are requested for each project for which construction is programed in 1948, whether or not appropriation for 1948 was requested:

* * * * *

"(4) Your estimate of unobligated balance available July 1, 1947."

The Sacramento office replied that the amount of the unobligated carry-over for Central Valley would be $25,000,000.

The amount of $10,722,162 had been testified to by the Bureau of Reclamation officials before the Appropriations Subcommittee of the House prior to the receipt of the adjusted figure of $25,000,000. However, the revised figure was received by Commissioner Straus prior to the report of the Interior bill by the House subcommittee. It is the opinion of your committee that proper administrative practice, if not common honesty, should have impelled Commissioner Straus to have communicated the new figure to the House committee. Such steps, however, were not taken.

The action thus far related raises grave doubts as to the administrative integrity of the Commissioner. However, the most glaring example of deliberate distortion of the truth in an apparent attempt to mislead the Congress is that which appears in the records of the Senate hearings regarding the same item.

Commissioner Straus testified before the Senate Appropriations Subcommittee on May 19, 1947, after having received the teletype advising him that the estimated carry-over would be $25,000,000. But again, with utter disregard of the information furnished him by the only source from which it was obtainable, Mr. Straus testified the estimated carry-over would be $10,722,162. We quote from the record in the Senate proceedings (pp. 1062 and 1063).

"Senator KNOWLAND. As I get the picture, on page 51 of the hearings, they show estimated unobligated balance June 30, 1947, $10,722,162.

"Mr. STRAUS. That is right."

Page 1063:

"Senator KNOWLAND. All right, Mr. Straus, we will start and continue only for a very short time because I am interested in the other members of the committee getting the story.

"I would like to pursue this for the record: Is the figure which we had previously quoted of $10,722,162 the unobligated balance as of June 30, 1947?

"Mr. STRAUS. Yes, sir."

Your committee, without reservation, condemns this act of Commissioner Straus in withholding full information from the Congress. It should be noted this testimony was followed by corroborative statements by other Bureau officials.

If the Congress is to function as the controller of the purse strings of Government it must, and should, be able to rely upon representatives of the executive branch to present full, true, and complete facts to its committees. Disregard of the Congress, such as is here exposed, reveals the tendency to supplant the legislative branch of Government with a dominating bureaucracy.

That officials, the subject of investigation by your committee, hold the Congress in contempt can best be evidenced by their own statements.

At the same Salt Lake City conference, Secretary Krug made the following statements:

Page 555:

"This program is probably closer to my heart than any other in the Department of the Interior, and as Mike pointed out to you, for some strange reason people up in Congress don't trust us like they used to, so both of us took quite a beating on the Bureau of Reclamation program this year.

"We put days and days and days in of explanation as to why there should be carry-overs on these projects and how much they were and why we didn't spend the money and why we were asking for money and would we be able to spend what we were asking for plus the carry-over, and we looked at them with a bland face and said, 'Sure, we will be able to spend our carry-over and we are asking for more.'"

Page 556:

"Of course, going along with those limitations will be a loss in personnel we can never replace. Those are the sort of obstacles they throw in your face when they expect you to do a job.

"It occurs to me it is like the days of the war in Washington, when perhaps a businessman would come to town to find out something or try and get something done. He had a job to do and he would say this is the damnedest place he had ever been in.

"They get a target for you to shoot at and then they proceed to throw a lot of obstacles in your path so you can't hit it and then to top it off, they tie a hundredweight on your foot and tell you to get over there the shortest possible way you can find."

Page 558:

"When you try to explain these matters to some 'jassack' from across the river who has never had anything to do with such a construction program in his life, why you really got to have an excuse, and then I doubt it will do any good."

Commissioner Straus made the following statement at the Salt Lake City Conference:

Pages 38 and 39:

"Also, I know that we've got some restriction on force account and other unsought handcuffs from the Congress, and we will be talking a lot about them this week."

Page 682:

"Mr. STRAUS. I mind such an occasion before the Appropriations Committee, when there was a lot of questions asked and no matter what the question was we said we could do it. There were some asinine questions."

Statements such as quoted above, made by high executive officials including a member of the President's Cabinet, are most reprehensible.

There can be but one conclusion as to the purpose and the effect of such conduct. We believe their objective was to instill in the minds of the employees and supervisors of the Bureau of Reclamation a contemptuous disregard of the Congress.

They endeavored through Bureau propaganda to place responsibility of the failure of the Bureau of Reclamation upon the Congress. Here truly is Federal thought control in operation with sinister motives.

CENTRAL VALLEY SHUT-DOWN

The Congress has authorized the development and construction of the great Central Valley project in California. Two hundred million dollars appropriated by the Congress have been spent in the development of the project. It is estimated that at least $200,000,000 additional will be spent before it is completed. The completion of the project at the earliest possible date has been the will and intent of the Congress, based upon estimates of progress anticipated during fiscal years.

On the basis of the best estimates obtainable, the Congress appropriated funds to carry the projects through the fiscal year 1948. The total made available to the project was approximately that requested by the President's budget, based upon estimates from the Bureau of Reclamation. In spite of this, in sheer defiance of Congress and the Budget Bureau, the Bureau of Reclamation shut down five important contracts as of November 30, 1947, because of alleged exhaustion of funds, and with only 4 days' prior warning that the projects were in any difficulty. Chairman KENNETH WHERRY, of the Senate Appropriations Subcommittee, was formally advised on December 1 by Commissioner Straus that no funds were available for the contracts.

All previous reports from the Bureau of Reclamation regarding the finances of the project had been optimistic in nature.

That these projects were shut down as a result either of gross mismanagement or in a deliberate attempt to embarrass the Congress, or both, is shown in Commissioner Straus' own testimony. Under questioning before the Senate Appropriations Committee, Commissioner Straus admitted that although the five contracts were closed down on November 30, 1947, on the pretext that no further funds were available, no one outside the Bureau was advised prior to November 26, 1947, that the alleged exhaustion of funds was impending. (See hearings, Senate Appropriations Committee, 80th Cong., 2d sess., Bureau of Reclamation, p. 193.)

Further evidence that the shut-down was a deliberate and premeditated attempt on the part of Bureau officials to embarrass the Congress, rather than being a matter of real necessity, is shown by the testimony of the committee's chief auditor that at the time of the shut-down there was some $7,000,000 in unexpended balance available for the contracts (see Watson's exhibits A and B), and that Bureau books had been juggled, either intentionally or otherwise, so that the funds would appear to be exhausted, when in fact they were not. The $7,000,000 which had been juggled away from the projects would have been sufficient to carry them to February 1, 1948, or beyond.

Furthermore, in bringing about this exhaustion of funds, the Bureau violated the apportionment of the Bureau of the Budget, and stands accused by that agency of having given it insufficient data on which to base its apportionment. This is borne out in testimony of James E. Scott, Bureau of the Budget, in joint hearings before the subcommittees of the Committees on Appropriations, Eightieth Congress, first session, on the Bureau of Reclamation appropriations, pages 29 and 30, which read as follows:

"Senator CORDON. Now let us carry that thing on. Is it your reasoning that the Bureau of the Budget in the case of continuing contracts, such as exist in substantially all public works, has no obligation whatever to apportion those funds either monthly or quarterly inasmuch as the funds are to be

expended on account of a contract authorized by law?

"Mr. SCOTT. We hold that it is the duty of the Bureau of the Budget to apportion these funds.

"Senator CORDON. Under what law?

"Mr. SCOTT. Under that law.

"Senator CORDON. You just said it did not apply, it was an exception.

"Mr. SCOTT. No; I did not say that. I think Senator O'MAHONEY said that.

"Senator WHERRY. What do you say, Mr. Scott?

"Mr. SCOTT. I say this law applies to the funds of the Bureau of Reclamation and accordingly we apportioned them as promptly as we could secure from the Bureau of Reclamation sufficient information to enable us to do at least a half-baked job of apportioning them.

"Senator WHERRY. This was a half-baked job.

"Mr. SCOTT. It certainly was, because we did not have the supporting data upon which we could do an intelligent job.

"Mr. JENSEN. From where do those data come?

"Mr. SCOTT. The Bureau of Reclamation, Department of the Interior.

* * * * *

"Senator CORDON. And that being a mandate, then it is up to the Department, if I understand you, to so arrange the work and to so control the contracts as to make no greater expenditure of money within any quarter or other allotment than the amount allotted by the Bureau of the Budget; is that correct?

"Mr. SCOTT. That is right.

"Senator CORDON. In your opinion has the Bureau of Reclamation followed your allotment and apportionment?

"Mr. SCOTT. That is not a matter of opinion, that is a matter of fact; they have not."

Upon the shutting down of the projects the Bureau of Reclamation propaganda machine went into action. The Congress was vilified, and charged with failure to provide sufficient funds for construction, in a studied attempt to divert blame from themselves. These attacks were made in spite of the fact that in excess of $7,000,000 was available for construction (see Watson's exhibits A and B); in spite of the fact that the Congress had made available substantially the amount of funds requested by the President; in spite of the fact that Richard L. Boke, regional director in charge of the Central Valley projects himself had on November 1, 1947, stated sufficient moneys were on hand to operate until February 1, 1948.

Representatives of the Bureau of Reclamation disagree with your committee auditors in regard to the freezing of funds in the amount of $4,000,000 for salaries of employees.

It is the claim of the Bureau of Reclamation that such was a proper action under the Antideficiency Act.

Testimony of competent witnesses before the Subcommittee of the Senate Committee on Appropriations is in conflict with that of the officials of the Bureau of Reclamation and in agreement with your committee auditors. We quote from the Senate hearings.

Floyd D. Peterson, budget examiner, Bureau of the Budget, testified, as is shown on page 852, as follows:

"Senator DOWNEY. As a matter of moral obligation, would you not think it would be highly absurd to freeze $4,000,000 to pay employees up to July 1 while you were closing down all your contracts?

"Mr. PETERSON. It would appear so.

"Senator DOWNEY. And you do not know anything in the antideficiency law that would require that in any event, do you?

"Mr. PETERSON. No, sir. As long as they complete the service of the fiscal year as intended by Congress in making the appropriation.

"Senator DOWNEY. And as long as they did not violate any limitation imposed by the Congress, and as long as they kept within the moneys appropriated by whatever methods would be necessary if the contracts were put on a custodial basis, and also as long as they took care of the item that would be due each of these employees if they were discharged to cover their vacation allowance; is that right?

"Mr. PETERSON. That is right."

Arthur B. Focke, attorney for the Bureau of the Budget, testified as is shown on page 870, as follows:

"Mr. FOCKE. My name is Arthur B. Focke.

"Senator DOWNEY. Will you please state your official position in the Bureau of the Budget?

"Mr. FOCKE. I am chief attorney in the Estimates Division of the Bureau of the Budget.

"Senator DOWNEY. Do I understand you are one of the only two attorneys who carry the legal burden in the Bureau of the Budget?

"Mr. FOCKE. That is correct.

"Senator DOWNEY. Mr. Focke, I assume you are entirely familiar with the history and data making up this transaction that we have been discussing here this morning?

"Mr. FOCKE. In general, Senator; yes.

"Senator DOWNEY. Do you agree with Mr. Peterson that under the apportionment that was made by the Bureau of the Budget on those funds—referring to the apportionment of $2,000,000 for each of the last three quarters—that was only a general appropriation or a general apportionment and did not apply to any particular funds?

"Mr. FOCKE. Yes, sir, Senator, if enough money was reserved to take care of the obligations, such as terminal leave and such employees as might have been necessary to operate the project in whatever condition it was to be maintained.

"Senator DOWNEY. Do I understand from your opinion to us that there was no obligation under the antideficiency statute to retain any particular sum for pay roll for the last 7 months, so long as sufficient amounts were retained to pay vacation leaves and to provide for the payment of such employees as would be required if the project was shut down?

"Mr. FOCKE. I know of nothing in the Antideficiency Act which would require maintaining any more funds than that in reserve."

Stephen E. Rice, legislative counsel, United States Senate, testified as follows, as shown on page 872:

"Senator WHERRY. Will you give your full name to the reporter, please.

"Mr. RICE. My name is Stephen E. Rice, legislative counsel to the Senate.

"Mr. Chairman, Senator DOWNEY asked me to express my opinion, as legislative counsel, as to whether there would have been a violation of the Antideficiency Act if they had not set aside this $4,000,000 for pay roll.

"In view of the fact that $2,000,000 was set aside for the last two quarters without being earmarked for salaries, or any other particular thing, I know of nothing in the Antideficiency Act that requires the Bureau of Reclamation to set aside this $4,000,000 for salaries.

"It seems to me that a more common-sense interpretation of the Antideficiency Act would be that they would set aside a sufficient amount for salaries for custodial employees only if they were going to shut down the project, and the rest of the money that was available would be available generally for whatever the appropriation was given for.

"In other words, I agree with Senator DOWNEY's construction and Mr. Focke's construction.

"Senator DOWNEY. Are there any questions?

"Mr. O'BRIEN. I will agree too, if we were going to shut down the project. That would have been the proper procedure, but the Bureau of Reclamation certainly was not getting ready to shut down the Central Valley project.

"Mr. RICE. I was not talking about the procedure. I am talking about the technical and legal interpretation of the Antideficiency Act.

"Mr. O'BRIEN. I will subscribe to that.

"Mr. RICE. The statement has been made that it would have been considered a violation of the Antideficiency Act if this money had not been set aside for these salaries I disagree with that statement. I do not think that is correct."

It is interesting to note that Mr. O'Brien, who agreed with the testimony of Mr. Rice, is Thomas J. O'Brien, one of the legal staff of the Bureau of Reclamation.

The record is replete with the facts and details of the accomplishment of this costly fiasco.

As stated above, on November 1, 1947, Mr. Boke, regional director, according to his own testimony, estimated that sufficient funds were on hand to carry the Central Valley project until February 1, 1948. However, about the middle of November 1947 conferences were held relating to the exhaustion of funds for construction. On November 20, 1947, with apparent knowledge of the alleged critical condition of funds for project construction, Richard Boke, regional director of region 2, with utter disregard of his responsibilities to the Bureau of Reclamation, the Government, and the people of the valley, left Sacramento for a vacation. We are hard-pressed to comprehend how long a manager of a $400,000,000 industry would retain his position if under a similar alleged precarious situation he would walk out from the business for the purpose of vacationing at Carmel-by-the-Sea. However that may be, the responsibility of this debacle lies largely with Mr. Boke.

Much has been said in relation to delays in completion of the Central Valley project. Let us examine the record. In 1947 the shutdown by the Bureau of Reclamation on five major contracts on the baseless theory that funds were exhausted, has occasioned a delay of months in providing water to the thirsty lands of the Central Valley, with perhaps a loss to water recipients of millions of dollars. Claims by contractors resulting from the shut-down amounting to $1,900,000 have been filed against the Government. In 1946, by reason of a Presidential freeze, these projects were shut down between August and November. Regarding the shut-down by the President, Commissioner Michael W. Straus said at that famous Salt Lake City conference (p. 37, Salt Lake City conference):

"Mr. STRAUS. I know perfectly well that there was a Presidential freeze order imposed on reclamation that lasted from August 2 into November, through the best part of the construction season in many reclamation areas last summer. And the Bureau and I also denounced it and cried out against it until it was lifted. But, nevertheless, I know it set us back."

The shut-down of the projects in 1947 climaxed what in the opinion of this committee is a most dangerous practice and the precedent is condemned in the hope that in the future the administrative heads will heed the condemnation.

On June 10, 1947, Regional Director Boke sent a memorandum to R. S. Calland, his Assistant Regional Director, which read in part as follows:

"This morning I spoke to you concerning Secretary Krug's last-minute instructions to me on the construction program. He stated very clearly that he would like to see us spend our available funds by January 1. He also stated that he wanted a personal report from me in the immediate future. I shall leave it up to you as to what date you feel we can give the Secretary a construction personal report. However, I imagine we might count on doing so about July 1."

Thereafter Mr. Calland on June 17 sent a memorandum to all concerned which read in part as follows:

"JUNE 17, 1947.

"Memorandum for all concerned (R. S. Calland).

"Subject: Means of effectuating the regional director's responsibilities for construction on programing and execution, region 2.

"1. For reasons valid or otherwise, the construction program in the region has fallen far behind schedule. Because of failure to meet estimated progress large amounts of appropriated funds have remained unspent at fiscal year ends. This fact has brought severe criticism upon us from the Secretary of the Interior, the Commissioner, from members of congressional appropriations committees, and from others.

"2. The heavy carry-over from the current fiscal year (1947) plus an appropriation in the order of amounts recently passed by the Senate and House of Representatives will give us a total of funds available for fiscal year 1948, which is far above that required to meet our current rate of spending. The Secretary and the Commissioner are insistent that 1948 funds be spent early in the year—by January 1, if possible. We are concerned here lest we end the fiscal year with another carry-over. The situation represents a challenge to our construction ability. The Bureau's reputation as a construction agency is literally at stake. As local custodians of this reputation all means at our command must be employed to meet this challenge."

It should be noted from the above "the Secretary and the Commissioner are insistent that the 1948 funds be spent early in the year—by January 1, if possible."

Here are instructions to dissipate the funds 6 months prior to the end of the fiscal year; a direct violation, in the opinion of your committee, of the spirit and the letter of the Antideficiency Act. Also, this is a willful disregard of the admonition of the Appropriations Committee which was well known by the Bureau of Reclamation, as is found in the records of the Salt Lake City conference of 1947. Commissioner Straus made the following statement at that conference:

Page 69, Salt Lake City conference record:

"Mr. STRAUS. The House committee did say, as an expression of opinion and as a piece of legislative history, but did not write down into law, that they did not want to entertain deficiencies and could not entertain deficiencies."

We are of the opinion that the action taken was in utter defiance of the Congress as evidenced by the testimony of Richard Boke before your committee (appearing in testimony of June 9, 1948):

"Mr. WADSWORTH. One other thing. Do you think that the sending out of this appeal to the effect that the money should be spent, all of it, the new appropriation and the carry-over, by January 1, do you think that in doing that you were carrying out the intent of Congress?

"Mr. BOKE. No, sir, I do not."

The record shows that on August 31, 1945, Mr. Straus, then Assistant Secretary of the Interior, prepared for Secretary Harold L. Ickes a statement of Mr. Boke's education and experience. This statement was intended to persuade Mr. Ickes as to Boke's fitness for the job of director of region 2. Mr. Straus' ultimate purpose in this is also clear, namely, to place the vast Central Valley project in the hands of a propagandist for the Bureau's socialistic policies. Despite this recommendation of Mr. Straus to Secretary Ickes, as contained in the following letter, your committee has reached the conclusions, based on incontrovertible evidence, Mr. Boke does not possess the qualifications necessary to administer the gigantic Central Valley project.

The following is a copy of the letter referred to:

OFFICE OF THE FIRST ASSISTANT
SECRETARY, UNITED STATES
DEPARTMENT OF THE INTERIOR,
Washington, August 31, 1945.

Memorandum for the Secretary.

For your convenience in appraising and interviewing Richard L. Boke, who has been mentioned in connection with our Central Valley problem, I provide this biographical sketch.

Richard Lathrop Boke, a native-born Californian, is 36 years old. He specialized in economics, biology, and literature (at Antioch College, 1927 to 1931). He is of good family with some independent means.

He engaged in forestry work for the Ohio State forestry department and engineering construction work for G. A. Fuller Construction Co. He did some publicity work prior to his first Federal employment which happened to be for you in the Office of Indian Affairs, laying out of a Mexican Springs erosion-control station on the Navajo Reservation. Subsequently his Federal employment went forward with the Soil Conservation Service until he became its regional director, with headquarters at Albuquerque. When the war came, he joined the Nelson Rockefeller Inter-American Affairs Committee and worked through South America on procurement and land resource and food work, later going to the Foreign Economic Administration as chief program director for the purchase of food supplies for import into the United States, and as administrator in budget work. He returned to the Department of the Interior at the end of last year, through my efforts, when Director Charles Carey, of California, stated that he could find no man in the Bureau of Reclamation qualified to head up the regional operation and maintenance and land-use planning work in the Central Valley.

He has devoted over 10 years primarily to resource and land-use planning (virtually our biggest Central Valley problem), and, as a section chief in Sacramento, has intimate knowledge of over a year's standing on our current problems. He is definitely a strong personal believer in acreage restriction, for I have examined him on that score. I know that he is a public-power advocate, but I have never examined him on that policy, as his position gave him no administrative responsibility for power policy.

His outstanding accomplishment, as one of the new school of thought that we are injecting into the Bureau of Reclamation, is that he succeeded where others either failed or were unwilling to make an attempt, in coming to an agreement with at least some districts in the San Joaquin Valley for selling water with acreage restrictions. Until on his own initiative, under Carey's guidance, he made this attempt, the Bureau and the Department had accepted the frequently proclaimed thesis that Central Valley water could not be sold with acreage restriction. After 5 months of personal contact with some irrigation districts, he negotiated the southern San Joaquin municipal utility district proposed contract, which will be a pattern under which a half dozen similar contracts may be entered. This effectively shatters the California solid front against acreage restrictions and, in my opinion, is the only positive progress in recent years, policywise, in the Central Valley.

Boke is distinctly not one of our regulation reliable, noncrusading reclamation engineers, and his original arrival in the Bureau of Reclamation was accomplished with considerable difficulty in one of the better jobs (present salary $6,750). He has demonstrated determination, as well as tact, in his position to date. He has had wide Federal administrative experience and has never held a position of comparable responsibility to that now being discussed. We have no other regional director in the Bureau of Reclamation as young or with as short a background in the Bureau; or, to my knowledge, no other person in the Bureau qualified for the position now being discussed.

MICHAEL W. STRAUS,
Assistant Secretary.

It is the conclusion of this committee after full hearings and careful study of the record that:

1. There was a clear design to exhaust the funds of the project in the first 6 months of the fiscal year 1948;

2. Such a design—spelled out and promulgated by high officials of the Department of the Interior and the Bureau of Reclamation, at the Salt Lake City conference—to spend until we go broke, is a direct, deliberate, and premeditated violation of the Antideficiency Act;

3. There was serious mismanagement of the Bureau's accounts and gross errors in the statement of accounts payable;

4. From the record we cannot escape the conclusion that the shut-down was a deliberate conspiracy to discredit the Congress of the United States without regard to the consequences;

5. Such acts by Bureau officials were a deliberate attempt to put pressure on the Congress for deficiency appropriations although not needed at the time;

6. The shut-down has cost the residents of the valley and the Government of the United States millions of dollars, and materially delayed the vital project;

7. The shut-down was unnecessary and sufficient funds were available to carry the projects forward until February 1, 1948.

PUBLICITY AND PROPAGANDA

In consideration of the dissemination of propaganda by the Bureau of Reclamation it is well to consider section 201, of title 18, United States Code, passed July 11, 1919, which reads in part as follows:

"No part of the money appropriated by any act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, either before or after the introduction of any bill or resolution proposing such legislation or appropriation."

It is the opinion of your committee that the Bureau has deliberately and willfully gone beyond its proper and lawful public information function. It has expended undetermined sums in propaganda designed to generate public approval of official policies. It has disseminated material craftily planned to smear and discredit its critics and to undermine the influence of Members of Congress who, in the performance of their duty, would expose questionable practices of the Bureau. The evidence strongly indicates that the Bureau's entire public relations policy has been designed to influence and coerce Congress on pending legislation dealing with the powers, objectives, and ideology of the Bureau.

Your committee has assembled a voluminous file of publications, releases, speeches, and other propaganda material prepared and distributed by the Bureau, or printed by its supporting groups and distributed through regular Bureau channnels. A large number of pamphlets on technical subjects have been carefully written in laymen's language with clever emphasis upon the complexity of the problems involved. The implication is clear that the Bureau should be given blanket

authority without inquiring too closely into what the Bureau does or how it affects the real interests of the Nation.

One of the many publications to come to the attention of your committee is entitled "They Subdued the Desert." The publication was prepared by Barrow Lyons while serving as Chief Information Officer of the Bureau of Reclamation. Mr. Lyons toured the 17 reclamation States during October and November of 1946, writing this story as told to him "by the men who apply water, till the land, and feed their flocks and herds."

A close examination of the publication leads your committee to the conclusion that it was sheer propaganda and not even of the subtle variety generally encountered under similar situations.

Articles were written in a manner that would influence class against class, liberal against conservative, and inject into the minds of readers ideologies sponsored by some of the planners within the Bureau.

All this was done at Government expense.

Commissioner Straus testified as follows regarding the volume:

"Mr. WADSWORTH. Is it the function of the Government of the United States to furnish information to the public about a man's reputation? A private citizen?

"Mr. STRAUS. The effort in that publication—well, wait. I don't want to appear to dodge that question.

"Mr. HARNESS. Why don't you answer that question?

"Mr. STRAUS. I think I am trying to now.

"Mr. WADSWORTH. What have we come to?

"Mr. STRAUS. No; I do not think it is a prime function. I do not think it is a function; let me just state that. I do not think it is a function.

"Mr. WADSWORTH. Why did you do it?

"Mr. STRAUS. That was done—I do not know whether it was a criticism of him, but it was done in an effort to get a cross-section view of the thinking of the water users in 17 States. That was the endeavor, the target.

"Mr. WADSWORTH. I would criticize it just as much if it had praised this man to the skies. What have we come to when the Government of the United States publishes far and wide estimates of individual citizens and does it at public expense? What have we come to?

"Mr. STRAUS. I have had some experience with that end result, Mr. WADSWORTH.

"Mr. WADSWORTH. Well, have you any observation to make about the soundness of such a governmental activity?

"Mr. STRAUS. I have been criticized at great length as an individual by the Government of the United States.

"Mr. WADSWORTH. Certainly; we all have. I have been criticized at great length, but, to my knowledge, I have never been criticized at the expense of the taxpayer.

"Mr. STRAUS. I have.

"Mr. WADSWORTH. What have you got to say about this? Do you think that is a proper function of Government?

"Mr. STRAUS. I think the effort, the overall effort, of that publication is a proper function of Government. I regret that there is any criticism of any individual in it.

"Mr. WADSWORTH. I am glad to hear you admit that much. Would you regret some of these observations about citizens had they been in the tone of glorious praise?

"Mr. STRAUS. Well, my primary control point would be whether it was factual or not.

"Mr. WADSWORTH. That is not the point. You may believe that the thing may be a fact, but should the Government publish it?

"Mr. STRAUS. I think the Government should know the thoughts of——

"Mr. WADSWORTH. Itself?

"Mr. STRAUS. Of itself, yes; and of the people it is serving, too—the water users in my case.

"Mr. WADSWORTH. Well, that opens up a remarkable vista. If that policy may be pursued without criticism by the Government of the United States, then every citizen of the United States may be subject to analysis as to his character and reputation in governmental publications. Isn't that right?

"Mr. STRAUS. That has been my experience.

"Mr. WADSWORTH. Not at public expense.

"Mr. STRAUS. I think at public expense. My qualifications have been examined rather thoroughly—broadcasted——

"Mr. WILSON. You mean before you became a public servant?

"Mr. STRAUS. And since.

"Mr. WILSON. Not since, before. You are subject to public talk when you get to be a public servant.

"Mr. STRAUS. I was thinking of 'since,' Mr. Wilson.

"Mr. WILSON. Well, did your Government ever spend any money advertising you around, before you got into public office?

"Mr. STRAUS. Not that I recall; no.

"Mr. WILSON. Good or bad?

"Mr. WADSWORTH. Remember. These people are private citizens.

"Mr. STRAUS. Yes, sir.

"Mr. WADSWORTH. They do not hold public office. We all admit—you admit, I admit—that we are subject to criticism——

"Mr. STRAUS. Yes, sir.

"Mr. WADSWORTH. By anybody.

"Mr. MANASCO. Everybody.

"Mr. WADSWORTH. But here we have the Government of the United States, at the expense of the taxpayers, publishing estimates of the characters of people who are private citizens.

"Mr. STRAUS. Don't you think, Mr. WADSWORTH, that the fact that my understanding was that clearly it was agreed to and accepted and corrected by those individuals has a bearing on this?"

Page 2237:

"Mr. WADSWORTH. We have reached a pretty turn when the Government of the United States, in official Government publications, presumes to estimate or analyze the character and reputation of a private citizen, whether with his consent or not.

"I could not suspect such a case, but some bureau of the Government might say that 'WADSWORTH is a pretty good fellow,' and would ask me had I any objection to that being published in a governmental publication. I might be tempted to say, 'No, I have no objection,' but would it be right?

"Mr. STRAUS. Under those circumstances——

"Mr. WADSWORTH. It would not."

We find that Government employees on Government salary and at Government expense have prepared highly controversial material for private organizations. One such document (American River Development) contains the statement: "If you want a multiple-purpose dam at Folsom, with canals, power plant, and related works to insure maximum benefits, write your Congressman and Senators."

The Bureau denies its employees attached this statement to the pamphlet which otherwise was fully written by Bureau employees. Nevertheless, the pamphlet in great numbers has been distributed by the Bureau of Reclamation in direct violation of the Criminal Code above cited. Commissioner Straus in several addresses in California by clear implication urged that pressure be put upon the Congress to bring about legislation favorable to the Bureau of Reclamation.

The Governor of the State of California criticized the Bureau of Reclamation for issuing propaganda in an attempt to confuse the people of that State about Folsom Dam.

In expressing himself regarding the controversy between the Bureau of Reclamation and the Corps of Engineers, United States Army, over the construction of the reservoir, Governor Warren declared:

"The Army has authority to build the dam. And we are coming right up to the time in a couple of months when we will go before Congress to ask for appropriations and the Bureau is telling the people we will be robbed of our birthright.

"This gets the people confused until they don't know what is best for them. It is outrageous. We don't care who builds the dam as long as it is built."

The conflict between the Army engineers and the Bureau of Reclamation in regard to Folsom Dam is not consistent with proper administrative practice. The Congress has acted and has authorized construction by the Army engineers. Any change in that program should be suggested directly to committees of the Congress. It is highly improper to inflame the citizens of the American River District against the Army engineers in the hope that they should by bitter protest prevail upon the Congress to transfer that Department's function to the Bureau of Reclamation. Sound government and legislation cannot be predicated on such a basis.

Throughout the Bureau of Reclamation in key administrative posts, not only in Washington but in the regions, are men whose backgrounds are in the field of publicity and public relations. "Selling" the public on social theories and ideologies rather than construction of great engineering projects is apparently high on the agenda of this agency of Government.

Such a fact is revealed in the testimony of Leon Hostetter, a former employee of the Bureau.

Mr. Hostetter, a competent and highly trained engineer, resigned his position to enter into employment with private enterprise. He had been disillusioned by activities within the Bureau. He testified that when he attempted to discuss his engineering problems with the Fresno office, he would find Bureau personnel "out making speeches." This fact, he said, delayed the projects.

In discussing his resignation with one official of the Bureau in California, Mr. Hostetter testified as follows:

"Mr. HOSTETTER. Mr. Nordholm expressed amazement that I would resign from the Bureau of Reclamation.

"Mr. Bow. Will you tell us just what the conversation was?

"Mr. HOSTETTER. I said I didn't know why anyone would be surprised, especially in view of the fact that I was accepting a position which was much more to my advantage than staying with the Bureau. He said that he thought that it was peculiar to him, and he could not do it because he wanted to be a member of the organization which would preside over the social changes in Central Valley. I told him, Mr. Nordholm, that I had no interest under heaven in such business; that I am an engineer, and that I expected to continue to be an engineer, and if I could not be that in the Bureau, I would have to go elsewhere. The unfortunate thing is that I have no witness for that, but you just have my statement.

"Mr. HARNESS. Did this man elaborate on what social changes he had in mind?

"Mr. HOSTETTER. No, sir; I didn't give him any opportunity to state it. I am an engineer, and, as I told him, I am not interested in social changes of any kind.

"Mr. HARNESS. He wanted to belong to the organization when the social changes took place?

"Mr. HOSTETTER. As I remember his words, the organization which would preside over the social changes in the Central Valley.

"Mr. HARNESS. Do you have any idea what he had in mind?

"Mr. HOSTETTER. No, sir; I don't, other than the fact that on a previous trip he expressed great admiration for the progress made in Russia."

Your committee further reports its concern regarding the employment of Robert Burns Read. Mr. Read, describing his qualifications

in his application for employment, stated: "I developed a style of newswriting which contrived to present fairly subtle ideas in simple language."

Mr. Read also submitted the fact that he had for 5 years, on a voluntary basis, prepared publicity material for the Joint Anti-Fascist Refugee Committee at 68 Post Street in San Francisco, Calif.

This group, with which Mr. Read stated he was officially associated, has been certified by the Attorney General of the United States as subversive, in his report in the loyalty investigation.

The House Un-American Activities Committee reports on the organization in part as follows:

"The Joint Anti-Fascist Refugee Committee was cited as a Communist front organization by the Special Committee on Un-American Activities in Report No. 1311, dated March 29, 1944. Attorney General Clark included the group on his list of 'subversive' organizations furnished for use of the Loyalty Review Board. The executive secretary and members of the executive board of the Joint Anti-Fascist Refugee Committee were cited April 16, 1948, for contempt of Congress; they were indicted April 1, 1947, and convicted June 27, 1947."

Mr. Read is still on the Bureau pay roll and Mr. Boke testified that he, Mr. Boke, was undisturbed.

It is interesting to note that Mr. Read as well as Sam Woods, another information man, served in an executive position with an organization which openly supports all Bureau activities.

There is a strong implication from the record before us that the Bureau of Reclamation has been active in the organization and operation of propaganda-front conferences. The committee staff has been directed to further investigate the subject.

Commissioner Straus openly admitted that statements for outside witnesses have been prepared by the Bureau of Reclamation staff. These witnesses appeared to influence legislation.

From the records of the Salt Lake City conference we find that the Bureau not only has prepared statements but has stimulated outside witnesses (p. 314, Salt Lake City conference):

"Mr. MARKWELL. We not only made it clear and made as strong an indication and appearance as we could, but we also stimulated outside witnesses to do that."

Even though the Appropriations Committee of the Congress sought to eliminate much of these improper activities, the Bureau has regarded the limitations of the committee as a "name plate" function and has carried on, evading the intent of Congress and distorting the law to meet their own ends, by shifting the information personnel over to other portions of the pay roll. Just how this was accomplished, was explained by Commissioner Straus at the Salt Lake City meeting, as follows (p. 89 of the Salt Lake City conference):

"The Senate put in a limitation that applies to a function under the label of 'Information,' by reducing the language in the previous last year's bill that put a limitation of $150,000 and cut that to $50,000, making a national limitation on information work, so announced and so labeled and so set up administratively, of $50,000.

"Pursuant to that limitation that prevailed when the bill was passed there was a radical reduction in the size of the Office of the Director of Information and parallel reductions in the field.

"The reductions were not spread to the over-all money, the salaries and expense money in the bill, but the limitation was put specifically on that name-plate function.

"There were two regional officers of information who were preserved on salary and expense accounts. Regions 1 and 2, and the other regions were informed of the legislation, the appropriation action, and were instructed to make what disposition they saw fit of their regional information agents that heretofore had been charged to salaries and expense, it being pointed out to them that it would not be enough to merely put the same information on a centralized project roll, that they would have to change the description and carry it in some other way that came within the limitation."

Further evidence of the manner in which the Bureau willfully evaded the evident intent of Congress to curtail the agency's publicity activities is seen in the statements of Acting Chief Information Officer Leonard Mosby, at the same meeting. This is illustrated by the following extract (pp. 447 and 448 of the Salt Lake City conference):

"Mr. VERNON. Were there any limitations, such as paralleled the Personnel Act?

"Mr. MOSBY. We have been unable to find them. So far as I can see; I have not had an opportunity to examine the entire bill. I believe the restriction is in the first section on salaries or administrative expense and it says that no more than $50,000 shall be spent in connection with information out of this appropriation.

"Related to that is the appropriation of $3,500,000 for administrative expense.

"Mr. VERNON. Can we consider we are free to expend whatever funds are necessary for information out of project funds?

"Mr. MOSBY. Yes, sir; I think so.

"Mr. VERNON. I have in mind particularly in the opening preamble to the reclamation section which says what these funds are being used for, which goes for information and making recordings and so on and so forth and yet with that limitation further on down.

"Mr. MOSBY. It turns on the word, what this appropriation means, and that means $3,500,000."

The extent to which officials of this agency of Government have gone to legislate for themselves is best found in the statement of one of the high officials (Chief Engineer) in the Salt Lake City conference, and we quote:

"Mr. YOUNG. There was a legal procedure involved there and we even went so far as to perjure ourselves to get ourselves out of the woods. It didn't amount to anything in money, but the principle is there."

Your committee expresses amazement that in an open conference of Bureau officials attended by the Commissioner and his staff and by a member of the President's Cabinet, the Secretary of the Interior, there should be an admission of perjury. In spite of this admission your committee staff found no action either to prosecute or discipline.

Your committee has directed the committee staff to vigorously continue investigation of the propaganda activities within the Bureau. Violations of the Criminal Code to date will be called to the attention of the Attorney General. All future violations will also be reported to the proper authorities in an effort by the committee to put an end to these practices.

The committee deplores, but will not be deterred by, attempts of Commissioner Straus to obstruct its investigatory efforts, through intimidation of Bureau employees. Examples of such attempts by the Commissioner are seen in the following teletypes which Commissioner Straus sent to the Denver office when it was learned that committee investigators were active in that region. The teletypes follow:

Washington to the following:

MAY 3, 1948.

To Chief Engineer; attention, Young, regional director; attention, Batson.
W-DN 411.
W-DN 217.
Subject: Interviews with Harness committee investigators.

Please air mail attention 400 two copies of a brief report of each interview with Bureau employees by HARNESS or other congressional committee investigators. These reports should have attached copies of any tabulations or other material furnished investigators.

The Chief Engineer will please advise all other office heads in Denver of this request.

STRAUS, *Commissioner.*

Washington to the following:

MAY 4, 1948.

W-DN7 220.
W-DN 414.
To Chief Engineer; regional director, Denver.
Subject: Interviews with Harness committee investigators.

Re W-DN 411 and W-DN 7: Supplementing my teletype of yesterday, all employees of the Bureau of Reclamation are expected to make full disclosure of factual information to authenticated investigators of the Harness committee or other congressional committees.

The reports of interviews requested are to be brief and factual and to high light the information requested so as to enable us to coordinate properly all information and data given the investigators.

STRAUS, *Commissioner.*

Similar instructions were sent to the Sacramento office when it was learned investigators were active in the California region. Investigators who had worked in both areas testified that Bureau employees who had been cooperating in the investigation were frightened by the teletypes, with the result that the investigators' efforts were seriously hampered, and their work of obtaining evidence made much more difficult.

This is considered but another example of bureaucratic intrigue to hamper and frustrate the Congress in its attempt to perform its constitutional function.

CONCLUSION

In this interim report your committee has outlined but a few of the matters of which it feels it must take cognizance.

Full opportunity was given to Bureau officials to answer charges made against them. Some attempts to answer have been made and appear in the records. However, the findings in this report are based on incontrovertible facts.

Witnesses appeared before the committee who are presently employed or who are retiring from the Bureau. Some were critical of the operations of the Bureau and its officials. The committee wishes to commend those persons who, through pride of their organization and through patriotic motives, risked personal retribution in presenting these facts.

Other witnesses employed by the Bureau engaged in evasion, double talk, and distortion in an apparent effort to conceal facts from your committee. Such conduct by Government employees cannot be tolerated.

In the hope that this committee may through its efforts and subsequent reports to the Congress assure the proper use of appropriated funds and bring about the efficient and economical management of the Bureau of Reclamation we shall, as indicated, continue our investigation.

Approved:

FOREST A. HARNESS (Indiana), *Chairman.*
JAMES W. WADSWORTH (New York).
HENRY J. LATHAM (New York).

NOTE.—Exhibits referred to in this report will be a part of the printed hearings.

MINORITY VIEWS OF REPRESENTATIVE MANASCO

In my opinion, the charges that have been made against the officials of the Department of the Interior and the Bureau of Reclamation are not sustained by the evidence. On the contrary, the record discloses that many obstacles were placed in the way of the Bureau carrying out the laws as prescribed by the Congress. It is clear that there is intense opposition to the 160-acre limitation

and public-power provision of the reclamation laws that have stood unrepealed for more than 45 years. The propaganda that has been spread by that opposition throughout the Central Valley of California has, unfortunately, necessitated the Bureau to spend considerable time and effort in combating erroneous and misleading statements concerning the applicability of the laws. Gov. Earl Warren, the Republican Vice Presidential nominee, pointed out an example of such propaganda to the Senate Subcommittee on Interior Department Appropriations. At page 1014 of the transcript of the hearings on H. R. 6705, before that subcommittee, Eightieth Congress, he testified as follows:

"It was recognized in 1933 by the proponents of the Central Valley project in California that the sale of electric power from the project to only one possible customer would not result in the best financial return; and, in the long run, this is bound to be true. Although, at the present time, the private company is desirous of obtaining project power and is no doubt willing to pay a fair price for it, this has not always been the case and may not be so in the future. For example, the Pacific Gas & Electric Co. circulated a letter, dated December 12, 1933, to stockholders and bondholders of the company, which stated in part as follows: 'At present there is a surplus of power in all California. This company has 10 powerhouses shut down, and its engineers report enough power available to take care of all growth until 1945. This means that there is no market for additional power and that the revenue which the proponents so freely predict cannot possibly be earned.'

"Contradictory to the foregoing claim of the company, it should be pointed out that nearly 500,000 kilowatts of additional capacity were installed by 1945 and that over 600,000 kilowatts of additional generating capacity have been installed since December 1933 and are presently in operation to meet still growing power demands in its service area.

"It should also be pointed out that the Pacific Gas & Electric Co., in appearing recently before the Federal Power Commission for a license to construct additional hydroelectric facilities, put in evidence its construction program of new generating capacity for the ensuing 3 years, amounting to 1,439,700 kilowatts. In view of this large addition of generating capacity, it is quite evident a corresponding increase of main transmission facilities will be required.

"The Pacific Gas & Electric Co. has consistently opposed Federal appropriations for transmission lines claiming, among other things, that it has ample facilities to transmit the power generated at Shasta and Keswick power plants to points of utilization. Studies by the engineering staff of the State engineer show that the Pacific Gas & Electric Co. does not now have sufficient primary transmission-line capacity to dependably transmit south from Shasta substation the power output from the Shasta and Keswick plants of the Central Valley project and the output of the Pitt River plants of the company. Additional primary transmission facilities are required for such purposes."

Many assertions are made throughout the record that the Bureau officials engaged in dishonest and false propaganda. The substantive proof, however, is totally lacking in that respect. No specific instances have been shown where any false or misleading statements were issued by the Bureau of Reclamation or its officials. In fact, an adverse witness, testifying with respect to an article written by a Bureau information official, stated that the article was factually correct. This same witness, when questioned by the chairman as to whether he ever heard any Bureau official urge people to support or object to any pending legislation said that he had not, and that the only thing he heard in that respect was a statement by Regional Director Boke to the effect that the 160-acre limitation was the law and that it would be enforced.

After listening for many weeks to testimony presented to the committee investigating the activities of the Bureau of Reclamation, it is most difficult to draw a line as to what is true and what is propaganda. Thousands of pages of testimony and documentary evidence were presented to the committee, voluminous reports were submitted by the committee staff, ample opportunity was afforded those who were opposed to the conduct of the Bureau of Reclamation in carrying out the obligations imposed upon it by the Congress to present their views.

Many charges were made against representatives of the Bureau that they were flagrantly violating the laws of the Congress. However, it is my opinion that the principal objection to the conduct of Bureau employees was based on the fact that they were carrying out the duties imposed upon them by acts of Congress to see that the 160-acre limitation and the public power provisions of the law were observed in the Central Valley of California.

Differences of opinion were expressed as to whether or not the acts of Congress restrict furnishing water to the family-sized farm unit. I gathered from the statements of some of the witnesses in the early part of the hearings that about the only hope they had of correcting the 160-acre limitation was to change the national administration from the office of Chief Executive down to the Bureau heads in the Department of the Interior. Since the hearings were concluded, with the exception of the testimony of the Secretary of the Interior, the great Republican Party held its convention in Philadelphia and in its platform instead of going on record as favoring repeal of the 160-acre limitation the platform endorses the principle of family-sized farm units, which in some instances could mean farms of 30 acres or less. When the selection for the position of President and Vice President was made, the hope of those who would like to see the public power policies of this administration and the 160-acre limitation removed must have been dashed upon the rocks of political oblivion.

Governor Warren, the candidate for Vice President, has been outspoken in public statements and in statements before congressional committees supporting the family-sized farm units to be furnished water by the Bureau of Reclamation and also in favor of the public power policies of the Bureau as directed by acts of Congress. Governor Dewey is also on record as approving the family-sized farm units as evidenced by his complete endorsement of the Republican platform. I point out these things because of the fact that the major part of this record is devoted to testimony concerning the carrying out of those laws, and the insistence of Bureau officials that they be enforced. I think anyone could draw the conclusion upon reading the hearings that the principles involved in this controversy are not personalities but policies laid down by the Congress. Any Bureau head or subordinate who faithfully carried out the provisions of law as laid down by the Congress would have met with the same difficulties and would have had the same opposition as the present Bureau representatives, whether he be engineer, lawyer, accountant, or what not. A large amount of testimony dealt with the question of whether or not the head of the Bureau of Reclamation and his principal assistants should have been engineers. To my mind these positions should be filled with capable administrators. Having a degree in engineering, law, or any of the arts does not necessarily qualify a person for an administrative position. The presidents of some of the greatest industrial corporations in our Nation today are lawyers, yet under the contention of many of the antagonists of the Bureau, if carried into effect in private industry, only engineers would be qualified to head manufacturing firms. The record also shows that administration of the reclamation laws is a tremendous task in itself, there being over 803 pages of laws which govern the operation of the Bureau and it might well be said that the head of the Bureau should be a lawyer. Since a lot of bookkeeping and accounting is involved it might well be said that the head of the Bureau should be a certified public accountant. In view of the fact that lands must be classified under the law and repayment to the Government is dependent, to some extent, on the value of the crops, it might be said that the head should be an agriculturist.

Due to the enormous cost of these reclamation projects some taxpayers might wonder if it would not be advisable to turn the project back to the States and let them complete construction and administer the program. The Central Valley project will eventually cost over $100,000,000 for the benefit of the owners of approximately 1,000,000 acres of land. I am wondering if the taxpayers of New York, Indiana, and Michigan are willing to continue to appropriate huge sums of interest-free money for the benefit of a few.

The opponents of the Central Valley project will not be satisfied by merely removing certain personnel in the Bureau of Reclamation. They will not be satisfied until the law under which the ideologies here involved have been repealed, or nullified by failure to carry them out by the heads of the Bureau. The ideologies are written in the law. The removal of these officials for enforcing the law may tend to intimidate future officials and if the precedent were carried into other bureaus of the Government those who do not like to pay taxes might, by intimidation and otherwise, get the collectors of internal revenue to nullify the acts of Congress.

Much ado has been made over the question of whether or not representatives of the Government falsified the carry-overs in the 1948 budget. After hearing all the testimony, I think a person who wanted to take either side could find testimony to back up his belief.

To my way of thinking, the principal difficulty encountered by members of this committee and other committees of the House and Senate arose from the question of whether or not carry-overs meant additional appropriations, or whether it meant completion of work previously authorized. Apparently, many people have been misled to believe that the carry-overs were hidden appropriations to be used any way the bureau heads could, or any way they so desired.

The truth is, the carry-overs represented appropriations for work previously authorized and which should have been completed, but due to material shortages, weather conditions, and manpower shortages, were not completed as scheduled and had to be carried in the next fiscal year. The cost of the work, however, remained the same. These carry-overs in no way affected the proposed completion dates of the projects, or the total amount of work involved. If the contractor could complete the work that is scheduled to be completed in 1952 by the latter part of this year without any additional cost to the taxpayers of the United States, it is difficult to see how anyone could oppose such rapid completions. The estimates made some 8 or 9 months before the end of the fiscal year as to the amount of work that will be unfinished at the end of the fiscal year, can only be a guess, and the evidence shows that when the Bureau officials were testifying before the Senate subcommittee, they knew that the money which constituted the carry-overs would be required to pay contract earnings, in addition to the moneys needed for new work that would be undertaken. The money was actually used

up in the next fiscal year, and I do not believe any falsification has been shown.

I realize that the Congress should be diligent in following the appropriations made for the executive branch of the Government, and oppose a government by bureaucracy as much as any member of the committee. However, I think we face a grave danger from the Congress itself if we fall into the philosophy of administration of laws by the Congress itself under our democratic system of government. Of necessity, the executive departments must execute the laws passed by Congress, and if they fail to execute these laws properly, Congress should take cognizance of that fact and try to bring them in line; but, if the Congress itself attempts to administer the laws we are headed down the highway of totalitarianism.

Much of the evidence presented by the committee's investigators was hearsay and highly opinionated, but even a considerable portion of this was successfully refuted by the Bureau's witnesses. A statement was offered for the record entitled "Fifty Statements and the Facts," and although it was not placed in the record, it was orally presented by Bureau witnesses and points out some of the erroneous statements that were put in the record.

It developed in the hearings on June 29, that there is an unfortunate fight, which up to now has been kept under cover, between the Bureau of Reclamation and the Army Engineers, which was very disturbing. It was most unfortunate that two agencies of the Government, charged with the obligation of preserving natural resources, should be fighting each other. Instead of fighting each other, I think they should both be working for the common good. It is somewhat refreshing to know that Congress is now trying to resolve those difficulties, and I sincerely trust that the Congress will be able to do so without undue pressure from each agency.

Considerable testimony was offered concerning the so-called shut-down of the Central Valley project on November 30, 1947. The earlier testimony in the RECORD left the impression that all work on the project had stopped and that the Bureau of Reclamation was maintaining its full pay roll while everything was at a standstill. As the testimony developed, however, it was conclusively established that the Bureau of Reclamation did not order any shut-down of work, but expected all work to continue on the project even though the funds were exhausted. In fact, it was on this basis that the principles of the antideficiency law were applied. Only four contractors did shut down, all the others continuing work in anticipation of supplemental appropriations, which the Congress very expeditiously provided. The charge was made that this shut-down was planned so as to embarrass the Congress and that work was speeded up by the Bureau to effect that result.

My impression from the testimony is that the work continued in its normal course, in the most economical and efficient rate of construction. The invalidity of those charges is evidenced by testimony elsewhere in the record that the Bureau instead of speeding up construction was slowing down construction in order to enforce the signing of repayment contracts. Evidence was offered by the Bureau, which to me seemed quite conclusive, to the effect that the Bureau had to continue its organization to supervise the work that had not stopped. That constituted a substantial amount of work, and I believe the Bureau would have been grossly derelict in its duty if it disbanded its organization and closed the project down. In fact, I do not believe it would have been authorized under the law to do so.

It seems to me that the facts are simply this: That the Bureau needed $20,000,000 of new money for the fiscal year 1948 to carry out its program. Its carry-over funds which remained from the previous fiscal year were needed to complete the work previously programed for that year. When Congress appropriated only $9,000,000 instead of the $20,000,000 needed, it was obvious that the work could not continue throughout the whole fiscal year. The record here also shows that the Congress was advised of that fact prior to the time it made its appropriations. It is interesting to note that Congress later not only made up the difference, but appropriated nearly $2,000,000 more than was originally requested.

Some testimony was presented to the effect that there was some $6,000,000 or $7,000,000 available on November 30, 1947, to pay contractor earnings on the Friant-Kern canal after that date. The Bureau's witnesses, however, point out that even if there were no statutory restrictions on the use of that money, which apparently there was, work elsewhere on the project would have had to be stopped. True, some misjudgments were made in the hurried efforts to get out the required notices as to the status of funds, but, even with the hindsight now available, it is evident that work could have continued only a few days longer.

As to the statements concerning claims against the Bureau by contractors arising out of the exhaustion of funds, the record does not show any such claims. It appears that the four contractors who stopped work sought to obtain relief legislation from the Congress, but as yet that has not been granted. The Bureau denies any legal liability.

The reclamation laws are so voluminous and complex that no fair appraisal of the activities of the Bureau can be made without a thorough understanding of those laws. The reclamation program, in accordance with authorized laws and the annual appropriations, provides aid in the development of western land and water resources for the primary purpose of increasing opportunities to develop family-sized irrigation farms, and for improved family livelihood to rural and urban population in the irrigated areas of the 17 Western States. Those policies of the Congress have been implicit throughout 46 years of legislative history. While the great dams, canals, power plants, and transmission lines which the Bureau of Reclamation has designed and constructed are monuments to engineering skill, they are but the instruments by which the Congress has made possible the administration of its policies for extending the human opportunities which are reflected in the rapidly expanding population of the West in both the rural and urban areas.

As reported to the committee of the Congress, more than $1,000,000,000 has been invested, to date, in the construction of Federal reclamation projects. Authorized projects require for their completion more than 3.3 billion dollars additional. On the 58 projects in operation, serving some 5 million acres with irrigation water, including 21 projects with power facilities having in excess of 2 million kilowatts of capacity, there are 95,000 farm families. The authorized program under construction will extend irrigation services to an additional 10 million acres, which will comprise 70,000 family-sized farms. Those projects will provide 4¾ million additional kilowatts of hydroelectric power capacity. In recent large appropriations for reclamation, the Congress has evidenced its desire that the Bureau drive this work rapidly to completion. Especially is this true of the Central Valley project.

Since 1902 the laws enacted by the Congress to regulate the Federal reclamation program properly and wisely have provided in such a manner that this great program will result in engineering works so designed and so operated as to effect the human purposes which are fundamental in our democratic way of life. The Bureau of Reclamation, by law, is made responsible for many aspects of the program, in addition to the strictly engineering construction activities, and the Bureau, by law, is authorized to employ personnel qualified to meet these nonengineering responsibilities. Among such nonengineering activities are the settlement of projects and, in cooperation with agricultural agencies, aid to project settlers in developing new irrigation farms. Another important nonengineering responsibility is securing the repayment of project costs in keeping with the water users repayment ability.

The laws of the Congress require that the Bureau of Reclamation so plan and administer the projects and the facilities constructed as to comply with our basic democratic objectives of encouraging family-sized farming and preference to public bodies in the marketing of electric energy.

Although the chairman, from time to time, advised the witnesses against the Bureau that the hearing was not concerned with the merits or demerits of the statutory provisions of the reclamation law, a very substantial portion of the record is devoted to discussions of the views of individuals in that respect. It was not until about June 4, 1948, more than a month after the hearings began, that the record was furnished with a factual description of the statutory functions of the Bureau of Reclamation. The so-called social activities against which some witnesses testified as propaganda turn out actually to be the administration of the declared policy of every Congress, Democratic and Republican alike, since Theodore Roosevelt first sponsored the reclamation law in 1902. Moreover, it was made plain that the information activities under criticism are conducted under substantive directives from the Congress and with public funds made available for the dissemination of information.

I am of the view, however, that one particular publication merits the censure of the committee and the Congress. This publication is a 162-page mimeographed document entitled "They Subdued the Desert," by Barrow Lyons, then the Chief Information Officer of the Bureau of Reclamation. The publication consists of reports of a series of interviews with irrigation farmers throughout the West, together with editorial comment by the author. The fact that the author has included reports from persons both favorable to and critical of the Bureau of Reclamation does not justify the expenditure of public funds for gratuitous reports and analyses of the social philosophies of private citizens.

Also, a large amount of testimony was devoted to speeches made by the Commissioner of Reclamation, particularly to certain speeches made at Richmond and Sacramento, Calif., concerning the American River development. While there is little or no evidence that these or other speeches were in violation of the Antilobbying Act, I am of the view that responsible public officials should maintain a higher degree of alertness with respect to the implications of their public appearances, in order that their vulnerability to possible censure be minimized.

It is quite apparent that most of the criticism of the Bureau of Reclamation has had its inspiration in two sources. One source is opposition to the steadfast insistence of Bureau officials in carrying into effect the excess-land and public-power provisions of existing law. The other source is a not unnatural professional prejudice on the part of some engineers against a reorganization which had had to be geared to a highly expanded program of water and power development and which quite properly has included some nonengineers in certain top positions of administrative supervision and direction.

The record of these committee hearings supports the view that officials of the Bureau of Reclamation generally have been doing their work as directed by the Congress. The publicity may, at times, have been indiscreet, but it was not unlawful. There is no evidence that Federal funds were wasted or misspent, that accounts were falsified,

that financial conditions were misrepresented, or the Bureau officials engaged in any unlawful acts.

It is important that the Congress view these charges and the evidence presented in the light of their political implications. If the Congress believes that the laws should be changed or repealed, such action should be taken in accordance with the constitutional methods prescribed. Ours is the greatest Government on the face of the earth, and we should keep it that way. We should not sacrifice its great principles to the wishes of any particular group. The Halls of Congress should not be used to avenge disappointed expectations, to forward schemes of personal ambition, to gratify private malice, to strengthen or destroy the power of a political party, or to punish the opposition or to repress its dissensions.

Over a period of many years there has been a growing tendency in our country for the people, the States, and local political subdivisions to come to the Federal Treasury to solve all problems and pay for all domestic improvements. Until recently a great number of our people thought that Federal money came free and not from the pockets of those who were to benefit by its use. Our people are now groaning under a heavy tax burden and unless they slow down on their requests for Federal assistance the tax burden will get higher. For a long time many of our citizens have labored under the delusion that Federal funds and air were the only free things on the earth. We now begin to realize that even the air is not free, for someone has to work to provide the food to furnish the body energy to inhale air. Thus nothing under the sun is free, and the sooner all our people learn this truth the better off we will be.

There has been a lot of complaint in the Central Valley area about the acreage limitation and the contracts that force excess landowners to dispose of their land if the land is to receive supplementary water. These people should know by now that if they are to water at the Federal trough, they must be governed by Federal control. Regardless of what we preach, wherever Federal funds go, Federal control is not far behind, and if our State governments are sincere about opposing Federal control they had better awaken to the true situation and start solving some of their own problems, or sooner or later the Federal Government will have taken over all their functions, and the taxpayers will insist in doing away with State government altogether in order to reduce the cost of government.

EXTENSION OF REMARKS

Mr. ELLIS asked and was given permission to extend his remarks in the Appendix of the RECORD in three separate instances and in each to include a newspaper article.

Mr. MASON asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. BRADLEY asked and was given permission to extend his remarks in the Appendix of the RECORD in two separate instances and in each to include an editorial.

Mr. RICH asked and was given permission to extend his remarks in the Appendix of the RECORD and include an article from the National Association of Chambers of Commerce entitled "Federal Spending Is the Greatest Single Cause of Inflation."

SHALL WE REENACT THE EXCESS-PROFITS TAX?

Mr. MASON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MASON. Mr. Speaker, President Truman today recommends the Congress reenact the wartime excess-profits tax, repealed in 1945 by a Democratic Congress and signed by President Truman. He says we made a mistake then and we should correct that mistake now in order to check inflation. Was the Congress right when it repealed the wartime excess-profits tax, or is the President right now? The answer to this question is to be found in the results obtained by repealing that tax. What were those results?

Mr. Speaker, when we repealed the wartime excess-profits tax we permitted American business corporations generally to retain $4,000,000,000 that the Government had been collecting each year from them, and to plow that amount back into business expansion. This proved a stimulating shot in the arm for American business and resulted in—

First. A tremendous business expansion, almost a boom, where a recession had been predicted by the President and his advisers.

Second. Five million three hundred thousand new jobs were created by this business expansion, boosting employment levels to an all-time high, reaching the 60,000,000 job goal that F. D. R. had set for 1950, almost 3 years ahead of the time set.

Third. Our national production index was boosted 15 points. This great increase in production should have resulted in decreased prices, but it did not, largely because we exported to Europe last year $14,000,000,000 worth of scarce goods—steel, farm machinery, tractors, food, coal—instead of our normal exports to Europe of $4,000,000,000 worth of goods.

Fourth. This business expansion also resulted in an actual increase in Treasury receipts, ending the fiscal year June 30, 1948, with the unprecedented Treasury surplus of eight and one-fourth billion dollars.

Now, Mr. Speaker, should we reverse the trend we started in 1945? Do we want to undo the good we accomplished then? Shall we now bring on the depression we anticipated but avoided in 1945, with its consequent unemployment, reduced production, lower wages, business failures, and so forth—all of which are part of a depression? I say this Congress can give but one answer to the President's request to reenact the wartime excess-profits tax, and that answer is "No."

THE RISING SPIRAL OF INFLATION

Mr. TOLLEFSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. TOLLEFSON. Mr. Speaker, it is my urgent hope that Congress will not adjourn this special session without first having done something to curb the rising spiral of inflation and to halt the soaring cost of living. The people of this country are watching to see what we will do. They are entitled to expect that we will do something. While they may be interested to know who or what is responsible for the present high cost of those things which they need, they are much more interested in finding a solution to the very vexing problem which confronts them. It is all very well for members of each political party to point the finger of blame at the other—and in that connection I do not contend that the factual background of the present condition should not be made known. Our people should be informed so that they may draw their own conclusions. But in the few remaining days of this special session the people want positive action which will afford them relief. If Congress does not act it will have been derelict in its duty. It is my understanding that legislation restricting the easy flow of money and credits will be introduced. If that is so, I trust that we shall have an opportunity to vote upon such legislation and I sincerely urge my colleagues to support it.

THE UNITED STATES COAST GUARD

Mr. HAND. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks and include an editorial from the New York Times.

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

There was no objection.

Mr. HAND. Mr. Speaker, I feel it my duty, as it is certainly my pleasure, to call to the attention of the Congress that today, August 4, has been formally designated as Coast Guard Day. Appropriate celebrations are being held throughout the country to mark the anniversary of this organization, which is almost as old as the Nation itself.

The Coast Guard, or rather its ancestor, was instituted by Alexander Hamilton in 1790. Through all the years since, it has served the Nation gloriously in war and faithfully in peace.

The United States is, and should be, the world's leading maritime nation. Its need for the various services of the Coast Guard continues to grow. Its dramatic character is frequently emphasized in the daily press; its day-by-day routine is sometimes overlooked. It is fitting, therefore, that a special day should be set to emphasize the importance to the welfare of our country of the loyal and patriotic service quietly and effectively given us by 20,000 of our finest citizens.

I am including by your permission a brief editorial appearing in the New York Times of August 3, 1948:

COAST GUARD ANNIVERSARY

The First Congress in 1790 approved the expenditure of $10,000 for the securing of 10 cutters which, manned by "respectable characters," would enforce the Tariff Act of 1789. This Revenue Marine or Revenue Service, as it was variously called, was merged in 1915 with the Life Saving Service to form the Coast Guard. Through the years it has

taken over other functions, including lighthouse work, and marine inspection and navigation.

This week, on the 158th anniversary, the 17,000 men and 2,500 officers who make up the Coast Guard complement, are still the "respectable characters" called for by Alexander Hamilton in his recommendation as Secretary of the Treasury. The Guard's wartime strength was nearly 180,000, and each one knew pride in the oldest of the Nation's armed services that has functioned continuously since its founding.

They knew pride in the service's heritage and they were in turn the object of the Nation's pride, for the Guard's combat war record was splendid. Then, as now in peace, the men of the service honor the pledge in their motto, Semper Paratus.

EXTENSION OF REMARKS

Mr. DONDERO asked and was given permission to extend his remarks in the Appendix of the RECORD and include an editorial.

THE SCHOOL-LUNCH PROGRAM

Mr. GROSS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. GROSS. Mr. Speaker, for a long time I have observed, as a member of the Agricultural Committee, the fact that the Department of Agriculture, as well as other agencies of the Government, are tremendously in favor of the school-lunch program in order to get rid of surpluses. I have consequently accused them for some time of using the children's stomachs as garbage cans to get rid of a lot of surpluses that the Government has on hand.

I now find that my charges are confirmed by the fact that a lot of schools are turning back their aid from the Federal Government for school-lunch programs for the very good reason the Government is supplying them with a lot of old stuff, with a lot of surplus commodities that they are purchasing on the open market in order to keep the prices up.

Let no one dispute the fact that this administration is doing everything humanly possible to keep prices high. The responsibility should be placed where it belongs—on the present administration. What we need down at the other end of Pennsylvania Avenue is just plain horse sense and common honesty.

[From the Philadelphia (Pa.) Sunday Bulletin]

SOME OF PENNSYLVANIA SCHOOLS COOL TO LUNCH SUBSIDIES—NOT SURE THEY WANT UNITED STATES FUNDS DOUBLED OVER LAST YEAR'S

Pennsylvania's public schools can get twice as much Federal money for school children's lunches this year as they spent last year—but school officials by no means are sure they want it.

This situation emerged yesterday following announcement from Harrisburg that the Federal lunch program in the coming term will pour $3,372,863 into Pennsylvania.

The amount made available last year was $2,000,000, but so many school districts failed to take part in the program that approximately $350,000 was returned to Washington.

WANTS RATE INCREASED

Announcement of the increased Federal funds for the State was made by Miss Frances L. Hoag, head of the lunch program for the State department of public instruction, who deplored the fact that the 9-cent rate for individual lunches has not been increased.

The money is used, she explained, to help defray the costs of nutritious meals for school children. For example, the average cost of a luncheon platter approved by the Federal Government for the lunch program is 23 cents. The Government will pay 9 cents toward the meal, leaving a balance of 14 cents to be paid by the individual child.

Even though the cost is lowered by Federal aid, including gifts of food in addition to the money, many school districts take no part in the program.

Other districts, including Philadelphia, participate 100 percent.

CITY SCHOOLS GET BULK

"Philadelphia schools probably get the bulk of the Federal funds coming to Pennsylvania," said Add B. Anderson, secretary of the board of education.

"All our schools that have cafeterias take part in the program," he said, "and all schools, even those without cafeterias, take part in the program whereby the Federal Govment pays 2 cents toward the cost of every half pint of milk bought by school children.

"We serve 29-cent lunch platters in our cafeterias at a cost to the pupils of 20 cents—the 9-cent difference being paid by the Government," Anderson said.

Asked about the possibility of higher meal costs, mentioned by Miss Hoag in suggesting that the 9-cent Federal payment be increased, Anderson replied:

"The school board would be extremely reluctant to raise cost of meals to children. We are studying methods by which we hope to be able to effect economies."

MANY PREFER OTHER FOOD

Where Federal lunch money aid has received a cold welcome, in some other school districts the reason frequently given is that pupils themselves pass up the wholesome meals prepared with Federal aid and prefer to spend their money on such items as hamburgers and soft drinks. Many children refuse to drink the plain milk provided with Federal aid, insisting on chocolate milk.

Most frequently heard of all is the complaint about the food that the schools must accept from the Federal Government if they sign up for the lunch-fund program. It is good and wholesome food, but sometimes not what children would order.

Much of the food is surplus. Some of it is bought by the Government to maintain farm prices. Huge shipments of walnuts, raisins, or potatoes arrive at the schools and must be used. Then there are powdered eggs, familiar to all veterans and still being disposed of as war surplus.

"Imagine our country schools trying to serve powdered eggs to farm children who can get all the fresh eggs they want right at home," one county school official said.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

FEDERAL JUDGE J. WATIES WARING

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. RIVERS. Mr. Speaker, the time has come for me to break my silence on the high-handed, unjudicial, ungentlemanly, outrageous, and deplorable conduct of a member of the Federal bench in South Carolina. His name is J. Waties Waring. I have had an almost irresistible impulse to make a statement long before but have feared that my motives might be misconstrued as favoring some particular candidate in the Senate race now being heatedly waged in South Carolina.

However, since this matter has now been brought into the open, I feel that I can safely discuss the man. He is as cold as a dead Eskimo in an abandoned igloo. Lemon juice flows in his frigid and calculating veins. By means of the FBI and the United States marshals, he has lampooned, lambasted, and vilified with unparalleled vituperation the comfort and ease of the outstanding members of the bar of South Carolina. At times he has literally banished some of them from his court by force. He should be removed by the force of a boot, if necessary, from office, because he is a disgrace to the Federal judiciary of the United States.

Every lawyer in South Carolina lives in mortal fear of this monster and everyone who reads this speech will thank God that I made it because I am speaking for the vast majority of the bar of South Carolina.

Vast numbers of lawyers have abandoned practice in the Federal court because of this individual.

I am not complaining about his decision permitting Negroes to vote. I think anybody, whether he is a lawyer or not, could see that the Federal courts were going to permit the Negroes to vote in South Carolina primaries. The Awkright case was the signal for this. And, personally, I have felt for many years that we have had thousands of qualified Negroes in South Carolina who should be permitted to vote in our primaries. However, I did not feel then and I do not feel now that illiterates, white or black, should be permitted to vote, and I have on many occasions advocated an educational requirement for the right to vote. I was the first person that I know in South Carolina pubic office to advocate a secret ballot in general elections, and as everybody knows, Negroes have always voted in general elections in South Carolina and everywhere else in the Nation.

However, in the interpretation of what a judge considers to be law, whether he is right or wrong, he does not have to go through a metamorphosis and become a monster. The law should be interpreted with dignity. The law should be interpreted so that people will have a respect for law. Judge Waring's miserable conduct in issuing orders has been nothing short of star-chamber procedure. But his clumsy handling of a delicate situation has hurt the case of the Negro in South Carolina. This is unfortunate and I trust will not long obtain. Unless he is removed, there will be bloodshed. I prophesy bloodshed because he is now in the process of exacting a pound of flesh from the white people of South Carolina because through his own actions he has been ostracized from their society.

I charge that Waring's decisions are so political, he is hopeful for a promotion to the circuit court of appeals if

by some curious twist Lightweight Harry Truman should slip into the White House for another term.

Mr. RICH. Mr. Speaker, will the gentleman yield? Who appointed this judge?

Mr. RIVERS. Do not ask me that. I will answer in this way, however: We have an organization now and we do not have to follow the screwballs who stole the Democratic Party.

SPECIAL ORDERS GRANTED

Mr. WINSTEAD. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, my colleague the gentleman from Mississippi [Mr. WILLIAMS] may be permitted to address the House for 40 minutes.

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

There was no objection.

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

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

There was no objection.

WANTED: SIGNATURES ON DOUGLAS T-E-W HOUSING DISCHARGE PETITION

Mr. SADOWSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. SADOWSKI. Mr. Speaker, I was one of the first to sign the Douglas petition to discharge the House Banking and Currency Committee and the Rules Committee and to force the consideration of the T-E-W long-range housing bill that is so badly needed at this time. The passage of this bill is point No. 2 on the President's "must" program.

There should be no doubt in any Member's mind that the only way that we can bring this bill up for consideration is by signing the discharge petition. The signatures on the discharge petition will reveal the true friends of low-cost housing in the Eightieth Congress.

It should be plain to every one of us that the people of the Nation will get relief on housing in no other way except by forcing the issue and obtaining the 218 signatures that are required to force a vote. Our veterans and the people in the low-income groups are disappointed and disillusioned over the shortage of houses and apartments for rent. The crisis in rental housing is here now—the people are tired of listening to the housing lobbyists: they will ask each one of us "What have you done about housing?" It will do no good for any Congressman to give these people a harangue based on real-estate-lobby propaganda. The real-estate interests complain that the T-E-W bill is socialistic, communistic, and subsidization of a small group of our citizenry, and therefore it is un-American and uneconomical.

To answer that argument I can simply state that for many years we have been subsidizing the farmers, and is it any less American to bail out industrial workers and city dwellers?

The T-E-W bill authorizes the construction of 50,000 low-cost housing units annually for 10 years, and has a provision for public assistance in large-scale building developments.

The Eightieth Congress was quick to give relief to big business and to the big profit makers by reducing income taxes. They were also quick to peddle out billions of dollars for relief for Europeans under the European recovery plan, but now when it comes to giving relief to our own American citizens who are in the low-wage earner group and must rent because they cannot afford to buy these high-priced and inflated houses, they are being shunted aside with the cry that "it is subsidization, socialistic and communistic, therefore un-American."

We have appropriated billions of dollars for the country's defense system and for security of our Nation. Is it not just as important and vital for our security internally to provide housing for our citizens?

If any Member of the House has any doubts as to the need of low-cost housing, then I invite him to come to the cities of Detroit, Hamtramck, Highland Park, and Dearborn, Mich., and see for himself the slums in which our people are forced to live. Let him see if he can find a house or an apartment for rent at a price that the low or middle income groups can afford. Let him see how three and four families are cramped together in an old dilapidated one-family shack, and then they will understand why we have so much juvenile delinquency, and why there is such an increase in crime, disease, and civil and labor unrest.

We who have signed the discharge petition are not dreamers, crackpots, or do-gooders. There is a crisis in the national housing situation. These are real conditions, inescapable conditions, which confront a substantial portion of our population. You cannot close your eyes to the facts.

America's housing situation has become a national emergency, and the time for debate, for knuckling under to private real-estate interests has long passed. We need only 60 more signatures to the discharge petition; we must not leave here without solving the housing problem.

The American Legion, by official mandates of the national conventions and national executive committee, has recommended this legislation. From the Legion's letter of July 27, 1948, I quote the paragraph on housing:

H. R. 4488, the American Legion bill to create the Veterans' Homestead Act of 1948, was reported to the House May 3, 1948, and is on House calendar. This bill would greatly relieve the chaotic housing conditions faced by veterans in their desperate efforts to secure by rental or purchase housing at prices they can afford to pay. At its meeting in May 1948 the national executive committee of the American Legion adopted a mandate supporting the so-called Taft-Ellender-Wagner housing bill provided the provisions of H. R. 4488 were included as an amendment to that bill. Any housing legislation enacted during this session of Congress should be amended to include the provisions of H. R. 4488, as presently on the House calendar.

The Veterans of Foreign Wars of the United States on July 28, 1948, wrote as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
NATIONAL LEGISLATIVE SERVICE,
Washington, D. C., July 28, 1948.

DEAR CONGRESSMAN: During the second session of the Eightieth Congress the Veterans of Foreign Wars of the United States, in accordance with resolutions adopted by national conventions in 1946 and 1947, strongly urged favorable action by the House of Representatives with respect to a housing bill, S. 866, or a companion bill, H. R. 2523. It was the belief of our officers and delegates in national convention that this legislation offered the greatest encouragement toward the development of a program that would help to solve the shortage of low-cost and low-rental housing.

In the absence of favorable committee action, the Veterans of Foreign Wars joined with other groups in attempting to bring this legislation out on the floor of the House through use of the discharge petition. Letter appeals were addressed to Members of the House of Representatives requesting their signatures on discharge petition No. 6, which would relieve the House Banking and Currency Committee from further consideration of the bills. Approximately 160 signatures were obtained before the second session adjourned June 19, 1948.

Congress has now been called back into special session to consider, among other things, housing legislation. In view of the housing situation, and the failure of Congress to reach a decision on housing legislation during the second session, the Veterans of Foreign Wars again solicits your cooperation with respect to S. 866 or H. R. 2523 by signing discharge petition No. 6, if you have not already done so.

We remain of the same opinion that this legislation is the best proposal yet advanced toward solving the shortage of low-cost and low-rental housing.

Respectfully yours,
OMAR B. KETCHUM,
Director.

The letter that I received last Friday from the city of Dearborn, Mich., and a statement made by the mayor of Detroit, the Honorable Eugene I. Van Antwerp, should be read and seriously considered by every Member of Congress. I herewith enclose the letter and the statement:

CITY OF DEARBORN,
HOUSING BUREAU
July 27, 1948.

Hon. GEORGE G. SADOWSKI, *Congressman,*
House Office Building,
Washington, D. C.

DEAR MR. SADOWSKI: One of the reasons for which the President of the United States has called a special session of Congress is to enact some sort of legislation affecting housing throughout the United States. The wisdom of calling a special session at this time has been questioned by many honest Americans, but no one in my opinion can honestly question the wisdom of working on the problem of alleviating the critical housing shortage which now exists and has existed for the past several years throughout the United States. The State of Michigan is no exception. In all of our industrial areas and most of our rural areas, there is and has been an unusual shortage of homes, especially for rental purposes. Many of our veterans of World War II who have returned home have found themselves without a proper place to live. Many

of these young men and women while fighting our shooting war had the hope of returning home and living the American way of life. Today these people are disappointed and disillusioned. Compelled by the shortage of homes they have doubled up with friends and relatives; they have sought refuge in basements, attics, temporary and inadequate housing of various kinds. Private industry has done a magnificent job in building, but in spite of its tremendous work it has not approached the solution of our shortage; and as we all know, the houses that have been built so far are price-tagged so high that the average veteran and, I daresay, the average wage earner finds it beyond his ability to purchase. Something must be done and done very quickly to restore the confidence of our people, particularly the veterans, in the integrity of the Government.

During the Eightieth Congress there were several bills introduced whose aim was to meet this crisis. The Veterans' Homestead Act of 1948 (H. R. 4488) and the Taft-Ellender-Wagner bill were two of the outstanding ones in the opinion of this writer, either of which would have at least made an honest effort to defeat the continuing shortage. As you gentlemen know, both of these bills failed to pass.

May I urge you now, as a citizen, a taxpayer, and a public official of the city of Dearborn, Mich., that you give your utmost consideration to the problem of housing, and for God's sake and for the sake of our returned war heroes and the families of our heroes who will never return, that some desirable housing will be passed during this special session.

Very truly yours,

PETER KARAPETIAN.

MAYOR VAN ANTWERP SUPPORTS TAFT-ELLENDER-WAGNER BILL

Mr. Chairman, I wish to thank the committee for this opportunity to testify in favor of the Taft-Ellender-Wagner bill.

I am here today because I consider the severe housing shortage Detroit's most serious unsolved problem.

The failure of this productive Nation to provide an ample supply of standard housing units for its returned war veterans and other homeless citizens is illogical and inexcusable.

The housing shortage in Detroit is worse today than at any time since VJ-day, 2½ years ago.

The Federal housing survey of Detroit a year ago showed a vacancy rate for rental units of one-tenth of 1 percent.

Although no survey has been taken since that time, all indications are that we have a zero vacancy factor today.

The Detroit Housing Commission, with more than 12,000 rental units under its control, is in a position to judge the severity of the shortage.

A special study of the turn-over rate in three temporary war housing projects shows clearly that the pressure for housing has been increasing steadily right up to the present moment.

The three projects selected consist of 1,568 units of poorly constructed, temporary apartments heated with coal stoves and equipped only with coal-fired cooking stoves and hot-water heaters.

There is a serious fire hazard at these projects. They are of flimsy construction, drab and uninviting in appearance, and stand on barren mud flats. Although constructed by the Federal Government as part of the war effort and now operated by the city, these units are pretty close to the level of slum housing.

They are the least desirable public housing units in Detroit and the first ones in which a vacancy factor would be noticed in the event that the housing shortage eased even slightly.

Total turn-over in these three projects were as follows:

1945	867
1946	332
1947	240

For the first 4 months of 1948 the rate has remained at the 1947 level.

Total turn-over for the 12,000 units of public housing in Detroit has been less than 100 units per month for the past year and a half.

In addition, there has been a sharp increase in applications for housing at the commission's tenant selection office, in spite of efforts by the department to discourage applications.

With a total of 3,651 qualified applicants for public housing now on file with the housing commission, the department could lock up the doors of its tenant selection office and still have a backlog of prospective tenants that would take three full years to accommodate.

The backlog of applications would top 5,000 except for the fact that 2,365 were canceled out 3 months ago because they had remained inactive in the files for periods of 2 to 4 years.

Applications for housing are only accepted from the very lowest income group and from veterans of World War II.

There has been a wide distribution of pamphlets designed to discourage applicants for public housing and the tenant selection office has been moved to a remote address near the edge of the city.

In spite of these steps, the flood of applications continues and seven out of every eight qualified applicants for public housing in Detroit at the present time are being turned down.

The department cannot even consider the plight of the average nonveteran factory worker in Detroit whose income makes him ineligible for public housing.

The tremendous cost of this housing shortage in terms of money and also in terms of human suffering is not easy to estimate.

The city is now looking for a large vacant store or factory for the establishment of its seventh emergency housing shelter to care for the homeless families that find themselves on the street with their furniture in a pile.

In spite of primitive sanitary facilities and communal living quarters, these emergency shelters have filled up rapidly and taken on the character of permanent housing projects.

May I cite the case of one typical Detroit factory worker to show how costly the present housing shortage is?

Andrew Adams is the head of a family of nine and is employed at the Chevrolet Motor Car Co. at a weekly wage of approximately $65.

Mr. Adams was a self-supporting citizen who had received no welfare assistance or charity until his eviction from a rented home on December 15, 1946. The family was evicted because the home was purchased by a veteran.

For the past year and 5 months the Detroit Welfare Department and several private social agencies have worked continuously trying to find a place for the Adams family to live. All these efforts have failed because there were no vacancies for a family of this size.

The situation of the family today is this: Mrs. Adams and four of the children are living with a sister at one address. Mr. Adams and the oldest son are living in a room at another address. Two of the daughters are being boarded out at two other addresses.

The complications due to breaking this family up into four segments because of their housing problem made welfare assistance by the city of Detroit necessary.

The taxpayers of Detroit are now paying a total of $134 a month in rent alone to keep this family going in four separate establishments.

Due to this unusual arrangement other costs were added to the family's budget and further supplementary financial aid was reqired from the welfare department.

Due entirely and exclusively to the Adams family's housing problem, the taxpayers of Detroit during the past 17 months have had to provide a total of $2,446.30 in welfare assistance.

The official report of Mrs. Viola Wickstrom, the welfare department case worker, has this to say:

"The separation of this family into four separate units has had serious consequences. Mrs. Adams talks of suicide and Mr. Adams visits his wife less and less as their visits result in constant quarreling over the lack of a home. The entire family have been growing farther and farther apart. Mrs. Adams, who is a motherly and very domestic person, has keenly felt the loss of her home and family."

I cite this case for the purpose of illustrating the double-barreled effect of the housing shortage—first, the cost to the public in dollars and cents, and second, the demoralizing effect on one of the city's productive factory workers.

Many instances come to mind of husbands who have been forced to ship their wives and children to distant parts of the country and take up residence in a hotel or rented room.

Every sort of shack, shed, and trailer has been pressed into service in Detroit by families who are struggling to maintain some semblance of a home.

Hundreds of applicants for public housing bring signed statements by competent medical authorities stating that the health of one or more members of the family is in serious jeopardy. Yet the city is powerless to help them.

A sizable portion of the absenteeism from the city's factories has been attributed to the long, fruitless efforts of families to find rental housing vacancies.

An instance was brought to my attention a few days ago of an unfortunate truck driver who lost his job because of the housing shortage. He had the temerity to permit his wife and three children to use his employer's truck as a place to sleep at night. They had no other home.

The official census figures show that 37,360 families in Detroit are living doubled up or in makeshift housing.

So much for the picture as it exists today.

What are the prospects that the problem will cure itself without any Federal assistance?

They are very dim.

In Detroit during the 14 months ending March 1, 1948, a total of 6,900 new dwelling units were completed as compared with a total of 25,175 new families created by marriage.

Thus we are moving toward a solution of the problem in reverse gear, leaving entirely untouched the job of unscrambling the 37,000 Detroit families that are living doubled up and providing standard housing for the 46,000 Detroit families living in slum conditions.

The sad postwar record of the private home building industry hardly needs amplification from me.

The industry as a whole is seriously sick, just as any industry is sick when it fails in its primary purpose, namely, the sale of an acceptable product in sufficient quantity and at a price within the reach of a majority of its potential customers.

In the face of the most serious housing shortage in the Nation's history, the home building industry is producing in small quantity for the higher income groups only. The complete facts about this unfortunate condition have been described in detail by

analysts of such publications as Fortune magazine and the Wall Street Journal.

Very few of the new home buyers in Detroit during the postwar period are happy about the transaction they have made.

The typical comment of the man in Detroit who has just purchased a new home goes like this:

"I shouldn't have bought the house because I cannot afford it. But what else could I do? I didn't have any place for my family to live."

Most of the new home buyers in Detroit have acted under pressure of serious personal housing problem.

A worker at the Dodge plant came to me about his housing problem last week. He was spending $45 a week out of a $65 weekly pay check to keep his family of five in two rooms of a second-class hotel.

He was in an extremely upset frame of mind and could easily have been led into making an unwise purchase of a home priced far beyond his means.

New homes being built in Detroit, therefore, represent only about a third of the current demand, and with prices at their present high level it appears likely that the needs of most of the potential customers will never be satisfied.

There are several other factors that will make our housing emergency particularly critical during the years immediately ahead.

The Housing Commission operates over 6,000 units of temporary war housing which is rapidly wearing out and under the law must be torn down starting July 25, 1949.

The impossibility of turning these families out in the street under present conditions should be obvious. Very few of these families have accumulated the funds to make a down payment on a new house.

Another problem that haunts us is the plight of the 7,220 families that will be made homeless in Detroit during the next 3 years by the construction of the Lodge and Ford Expressways and other public improvements that have been programed and money appropriated for.

It seems almost incredible, yet entirely within the bounds of possibility, that our great $60,000,000 expressway construction program might have to be called off or postponed because of the housing shortage.

A large percentage of the 7,220 families to be displaced by public improvements are low-income tenant families for whom public housing would appear to be the only answer.

Condemnation awards paid for slum properties in the path of the expressways go to the absentee landlords. The tenant families that are evicted are simply left standing on the sidewalk with no place to go and no funds with which to provide themselves with shelter.

In the face of a severe housing shortage any municipal government that ignored the plight of these evictee families would be morally bankrupt.

Bad as things are today, Detroit would appear to be heading into much more serious trouble if we allow the housing problem to drift and rely on the vague hope that the shortage will cure itself.

Private enterprise left entirely to itself is not doing the big job that needs to be done.

In what way will the Taft-Ellender-Wagner law hurt private enterprise?

The small speculative home building has plenty of work to do today and always will have.

The Taft-Ellender-Wagner law, attacking the problem from a half dozen different angles, will bring into the field the big insurance firms and encourage the growth of large housing corporations.

Also this carefully thought out, bipartisan housing measure will permit cities to continue the all-important slum-clearance job that was begun under the United States Housing Act of 1937.

Under its provisions, private enterprise will also be given an important share of the slum-clearance and urban-redevelopment task.

Sound community planning in Detroit and every other large city of the United States hinges to a large extent on the enactment of the Taft-Ellender-Wagner bill.

It would appear that the enactment of this law is being delayed largely because the small home builders and real-estate interests are obsessed with a phobia relating to public housing.

The only people who will be hurt by the Taft-Ellender-Wagner bill and by public housing are those real-estate interests who are reaping excessive profits due to the housing shortage.

The slum landlord and the speculative home builder will suffer only insofar as the Taft-Ellender-Wagner bill expands the construction of homes and increases the total supply of homes.

These interests will then no longer be able to charge for their product "all that the traffic will bear."

To that extent they will suffer.

The real opposition to the Taft-Ellender-Wagner bill comes from those real-estate interests that have a direct financial stake in prolonging indefinitely the present housing shortage.

Otherwise, private enterprise has nothing to fear from the law and, in fact, those builders who are really interested in serving the needs of their country will thrive under it.

They have said that public housing does not pay taxes and that it acts as a burden on the taxpayers who live in private housing.

This particular fairy story has been so widely circulated that I suppose there are some who actually believe it.

As far as Detroit is concerned, the facts are these:

During the current fiscal year the Detroit Housing Commission has paid a total of $370,456 in taxes to the city of Detroit, or $50.66 for every dwelling unit of public housing.

This makes the Detroit Housing Commission the tenth largest taxpayer in the city of Detroit.

A survey of 162 typical slum dwelling units in Detroit shows that the average local tax payment per unit was $24.68, or less than half the amount of taxes paid for each public housing unit.

Average rent for a Detroit housing project unit is $33.02 per month, including heat and utilities, as compared with an average $40 to $60 per month which the typical slum dweller pays to house his family in a single room.

Slums are an expensive luxury for any city. They fall far short of paying their own way in terms of tax revenue and they make it possible for landlords to extract extortionate rents from our citizens who are least able to pay.

Let's take a typical slum rooming house at 4264 Orleans Street, Detroit.

According to the records of the Detroit welfare department, the 35 single rooms in this ancient structure rent for an average of $11 per week per room. Most of the rooms are occupied by families with children.

Thus a rooming house with an assessed valuation of $12,490 brings in gross revenue to the landlord of $18,480 per year.

Is it any wonder that some real-estate interests are opposed to slum clearance?

There is nothing unusual or new about the exploitation of human misery for profit by slum landlords.

It simply bears repeating at a time when the objectives of the Federal low-rent public-housing program are under attack.

They have accused public housing of sloppy and inefficient management.

This is another myth promulgated by the real-estate interests and without any foundation in fact.

The financial balance sheet of the Detroit Housing Commission over a period of 10 years of operation should be sufficient answer.

For the current fiscal year the balance sheet shows an average shelter rent for public housing in Detroit of $24.98. Without any Federal subsidy payments at all, this would have been $25.60.

The Detroit Housing Commission's record on collections of $19,500,000 of rent has been 99.83 percent perfect.

That hardly sounds to me like sloppy administration

I see no reason for any public official, Federal or local, to make any apologies for the job done by public housing.

It was intelligently planned and carried out and now has behind it a proven record of 10 years of successful operation.

It has been said that public housing is the gateway to socialism or communism.

Let me ask you one question.

If an agent from Moscow was looking for recruits for the Communist Party where could he spend his time to the best advantage?

Would it be at a public-housing project where low-income families pay a reasonable rent for adequate, sanitary housing and are putting away a nest egg against the day when they will be able to buy their own home?

Or could he work to better advantage in the slums of our cities where large families live amid filth and disease and where an extortionate rent is collected for damp, dark, ramshackle dwellings?

Public housing does put slum families on the road to home ownership.

Even at present-day prices, more than 39 percent of all families that moved out of Parkside project in Detroit during the past year purchased their own homes.

Is it likely that an agent from Moscow would have found any Communist recruits among those families?

The answer is clear.

Communism could take over in America some day.

Communism feeds on misery and on the failure of governments to meet the needs of their people.

Our failure to meet and solve this critical housing shortage would help communism. Our failure to clear the slums and put our municipal finances on a sound basis would gladden the hearts of the Communists. Our failure to hold families together and provide a cheerful, healthy environment for our children would meet their approval.

We can stop the spread of communism in America easily—we can help do it by giving every American a decent home to live in and at a fair price that he can afford to pay.

I hope that you will report promptly and favorably on the Taft-Ellender-Wagner long-range housing bill.

Also I wish to enclose a letter that I received from G. Mennen Williams, Democratic candidate for Governor of Michigan.

JULY 29, 1948.

The Honorable GEORGE G. SADOWSKI,
House of Representatives, House Office Building, Washington, D. C.

DEAR CONGRESSMAN SADOWSKI: As you undoubtedly know, men, women, and children are sleeping in automobiles or other makeshift shelter. Husbands and wives are breaking up because they can't find a single roof to cover them. Children are sick and dying because of inadequate housing.

These things are happening right here in Michigan, United States of America, to people who can afford to pay the rent.

While the President has presented many important matters for your consideration, the matter of housing is as pressing as any, and immediate action can be taken. The House of Representatives has before it the Taft-Ellender-Wagner bill, which the Senate has already passed. There have been

full hearings on this bill, including testimony on the Michigan situation. Everything is ready to go.

As a veteran, as a citizen, and as a candidate for Governor, I urge that you do everything in your power to see that this bill is enacted into law during the present session.

Very truly yours,

G. MENNEN WILLIAMS.

EXTENSION OF REMARKS

Mr. SADOWSKI asked and was given permission to extend his remarks in the RECORD in five instances and include excerpts.

Mr. PRICE of Illinois asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. KARSTEN of Missouri asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. KIRWAN asked and was given permission to extend his remarks in the RECORD and include a letter from Gail Sullivan.

Mr. FOGARTY asked and was given permission to extend his remarks in the RECORD in two instances; to include in one a letter from a constituent, and in the other a newspaper article on housing.

Mr. JACKSON of Washington asked and was given permission to extend his remarks in the RECORD and include an article appearing in the Denver Post.

Mr. MORGAN asked and was given permission to extend his remarks in the RECORD and include an article from the St. Louis Post-Dispatch.

Mr. HOLIFIELD asked and was given permission to extend his remarks in two different instances and include extraneous material and a bill he has introduced.

Mr. MARCANTONIO asked and was given permission to extend his remarks in the RECORD and include a radio speech he made.

Mr. MADDEN asked and was given permission to extend his remarks in the RECORD in two instances and include in one an article from the Washington Daily News and in the other a speech by Peter Campbell Brown, executive assistant to the Attorney General of the United States.

Mr. LUDLOW (at the request of Mr. MADDEN) was given permission to extend his remarks in the RECORD.

Mr. MILLER of California asked and was given permission to extend his remarks in the RECORD.

Mrs. LUSK asked and was given permission to extend her remarks in the RECORD and include a newspaper clipping from the New York Democrat.

Mr. MULTER asked and was given permission to extend his remarks in the RECORD in three instances and include extraneous matter.

Mr. MURDOCK asked and was given permission to extend his remarks in the RECORD.

Mr. PHILBIN asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

FEDERAL BARGE LINES

Mr. MORRISON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MORRISON. Mr. Speaker, I am introducing today a companion bill to S. 2912, introduced by a group of bipartisan Senators; namely, Mr. WHERRY, Mr. BUTLER, Mr. EASTLAND, Mr. ELLENDER, Mr. FEAZEL, Mr. HICKENLOOPER, Mr. HILL, Mr. STENNIS, Mr. THYE, Mr. WILSON, and Mr. SPARKMAN.

This bill provides for adequate financial capitalization of the Federal Barge Lines and the Inland Waterways Corporation by increasing the capitalization in the amount of $18,000,000. This legislation is most vital since it affects the entire Mississippi River, its tributaries and subsidiaries for barge and river transportation service.

Unfortunately for thousands of businesses and millions of people, due to lack of funds, the Federal Barge Lines has had to curtail operations on the Mississippi River, has gone further by removing barge service on the Warrior River in Alabama, on the Missouri River from Kansas City to Omaha.

Along the same line, even greater damage has been done, by an embargo being placed by the Federal Barge Line on the city of Baton Rouge, one of the most important industrial centers in America; on Greenville, Miss.; and on Helena, Ark.

All of this adds up to but one thing—that through lack of funds the Federal Barge Line and the Inland Waterways are dying a slow but sure death. This will mean, Mr. Speaker, an increase in freight rates and that thousands of thousands of small businesses will go out of business because they will be unable to compete due to lack of water barge service, together with prohibitive freight rates.

Every Congressman and Senator in the entire Mississippi Valley, and even going to the East and to the West is affected by this, because his constituents are suffering today, and will suffer a great deal more as this slow but creeping paralysis kills one of the most vital and necessary transportation facilities of this Nation; namely, the Federal Barge Lines.

I call on the Congressmen on both sides of the aisle to get behind this urgent and immediate legislation in a bipartisan effort in order to overcome this calamity in our vital transportation system.

SPECIAL ORDERS GRANTED

Mr. LANE. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 10 minutes.

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

There was no objection.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

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

There was no objection.

Mr. REES. Mr. Speaker, I ask unanimous consent that tomorrow, following any special orders heretofore entered, I may be permitted to address the House for 30 minutes.

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

There was no objection.

COMMITTEE ON BANKING AND CURRENCY

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Currency may have until midnight tonight to file a report on Senate Joint Resolution 157.

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

There was no objection.

THE POLL TAX

Mr. LANDIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. LANDIS. Mr. Speaker, we can help end the filibuster which is going on in the Senate if the Judiciary Committee will report out House Joint Resolution 229, which has been in committee since July 7, 1947.

I introduced this resolution last year because it carried into effect a covenant made with the people of our Nation in the Republican national platform adopted at Chicago in 1944 which reads:

> The payment of any poll tax should not be a condition of voting in Federal elections, and we favor immediate submission of a constitutional amendment for its abolition.

If there is a sincere desire to abolish the poll tax as a condition of voting this is the most feasible way of doing it.

This question has been filibustered for 20 years and now is the time for us to pass an anti-poll-tax bill that the Senate will accept. I am certain 36 State legislatures will promptly make this law a part of the Constitution.

HIGH PRICES

The President wants price ceilings, rationing and limited wage controls. We have tried these controls before. Most of us remember the empty shelves and meat counters. Many could buy no meat and some could not even buy lard to fry potatoes. Many articles entered the black markets. Production fell off because producers would not produce at a loss. We had a difficult time making price controls and rationing work in wartime, let alone making them work in peacetime.

Who really wants price controls, and all they involve? Does the farmer want price controls? Does he want the Government to roll back his income to whatever level the bureaucrats deem sufficient? Does the worker want price controls? Does he want the Government to set a price on labor, freeze his wages and prevent collective bargaining? Does the businessman want price controls? Does he want to have a Federal official tell him that he must sell his products below cost or that he must stop producing or

go in the red, lay off workers, or cut their wages? This is what we had in 1945 and 1946. This is what the American people protested against in 1946 when they could not buy the things they needed and wanted because farmers and businessmen refused to produce at a loss.

Who wants price controls? The black marketeer is the only one who really wants to return to the days of easy profits from greedy people who were willing to break the law to get what they wanted.

Exports are booming and are one of the chief reasons for the shortage of goods. Money and materials going to aid Europe are basically responsible for today's inflation. The American people could have more autos and more housing if the steel and other building materials and manpower were not being used to supply Europe under the Marshall plan. Therefore we should stop exporting goods to foreign countries of which we have a short supply.

Congress gave the President powers to control exports. But he has not seen fit to use these powers.

HOUSING

Congress took the housing problem from the bungling New Dealers; freed the building industry of stifling rules and regulations; stimulated construction through Federal guaranties of building loans; assumed a large part of the responsibility for veterans' loans; and gave war veterans priority in home building and rental of new houses.

In 1946, under New Deal regimentation and confusion, we only completed 437,800 dwelling units. Mr. Wilson Wyatt was placed in charge of the housing problem. Congress armed Mr. Wyatt with broad powers and an abundance of money. However, he quickly learned a lot of things. He learned that it takes lumber, soil pipe, doors, flooring, and plaster to build houses and that they cannot be built by red tape and directives. He found that the OPA stood in the way of getting building materials. Three hundred brick plants shut down because they were unable to get manpower unless they raised wages. They had similar experiences with soil pipe and flooring. Well, Mr. Wyatt's home-building program died a natural death, and they only produced less than one-half of what private industry will build in 1948 and private industry placed no special burden upon the Public Treasury.

In 1947, under Republican free enterprise and sound Federal aid, 835,100 units were completed, and in 1948 a million dwelling units will be completed in the biggest building boom of all time. Under private industry, in the month of May, we had 2,064,000 building tradesmen at work, which exceeds the month of May 1947 by 200,000.

If we return to socialized housing with the Government controlling all of the building materials, prices will rise. Most of the building materials will go to the cities for slum clearance and there will be very little materials left for us who reside in small cities and towns. Our carpenters, bricklayers, and painters will have to go to the cities to get work.

The President asks for more housing legislation involving a 40-year commitment of the public credit which cannot produce any houses for a long time to come. The houses which private industry is building are real. They are not paper houses. They are not built of Federal red tape. They are substantial, and people live in them.

If by any mismove or mistaken course on our part we should bring the economic house tumbling down around our ears, do not forget that it will not only affect those who are seeking homes now but the millions who are home owners at the present time. If by mistaken action, hasty and emotional judgment on the part of Congress we should jeopardize the values of this country, it will affect not only the millions of home owners but the millions of owners of business properties and the millions of owners of farms as well, and could be a disaster that would shake the country to its very roots.

Yes, I am genuinely concerned about the present and future conditions in this country, and I shall do nothing that will jeopardize its fiscal integrity and loosen the rock that might bring on the avalanche.

The housing shortage cannot be overcome by increasing the competitive pressures on scarce supplies of materials and manpower. They are the limiting factors on the volume of construction. When more materials and manpower are available we will be able to build more houses and not until.

Emphasis has been placed upon construction of homes within the ability of veterans generally to pay. The average sized veteran home mortgage guaranteed by the GI bill is $5,756 and over 1,000,000 veterans have secured mortgage loans aggregating more than $7,000,000,000.

We are licking the housing shortage in the American way. If free enterprise system has a fair chance it will meet this housing need and raise its constructive level year after year until the job is done.

EXTENSION OF REMARKS

Mr. BEALL asked and was given permission to extend his remarks in the RECORD and include an editorial.

SOUTH DAKOTA'S NATIONAL FORESTS

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I rise today to do one little bit toward correcting a popular misconception. I suppose in the minds of many people South Dakota is thought of as the State without very many trees and without mountains.

In the Rocky Mountain area of the National Forest Service there are 17 national forests. Two of them are in the magic mountains of South Dakota, the Black Hills. In the report for the fiscal year ending June 30, the Harney National Forest in South Dakota ranked first of all forests in the Rocky Mountain region in receipts, turning into the Federal Treasury $168,434.72 for the sale of stumpage and grazing fees.

In second place was the San Juan Forest of Colorado, with $161,000. But in third place was South Dakota's other national forest, the Black Hills National Forest, with $145,548.99.

Thus, within the 17 national forests in the Rocky Mountain region the 2 forests of South Dakota ranked first and third in receipts of the entire 17.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. RICH. I congratulate the gentleman as a member of the Committee on Appropriations for knowing what is going on in these national forests and for seeing to it that they pay their way, or at least try to.

Too many people in this country are expecting everything for nothing.

I commend you and your associates out there for trying to see that South Dakota's national forests pay their way in this country, because if other States would do likewise we would not have the great national deficit that we now have.

Mr. CASE of South Dakota. I appreciate the gentleman's remarks. It will be noted that these two forests contributed $313,000 in receipts to the National Treasury for the fiscal year ending June 30, which is many times their cost of operation.

THE PAPER AND PULP INDUSTRY IS OF GREAT IMPORTANCE IN THE ECONOMY OF OUR COUNTRY

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MURRAY of Wisconsin. Mr. Speaker, the fact that on Thursday the minority leader the gentleman from Massachusetts, Hon. JOHN MCCORMACK, in a speech on profits being made by corporations took it upon himself to single out and criticize the paper and pulp industry as one of two industrial groups was wholly unwarranted.

Let us look at some of the facts in connection with the paper and pulp industry:

First. There is four times as much newsprint imported each year into the United States as is produced in the United States. This newsprint is imported free of duty. Then, just how is our Democratic minority leader going to lower the profits of the producers of paper in foreign lands?

Second. The profits of the paper and pulp companies were very small for many years and in some years losses were experienced.

Third. The profits of the paper and pulp companies have not been anywhere near as high as the profits of many other companies, so why single this industry out for criticism? Business reports show these profits and anyone interested can easily find out the facts. The paper and pulp industry is one of the important industries of our Nation.

Fourth. The paper and pulp industry is an industry that has had most excellent

labor-management relations in our district.

Fifth. The commercial use of paper and pulp has been greatly expanded. New uses in the line of cartons, wrappers, and paper boxes to replace wooden boxes have increased the volume of the paper and pulp business. The use of byproducts of the paper and pulp industry is constantly being expanded.

Sixth. The question then is, Do you think it is fair to be putting the economic strait-jacket on one industry like the paper and pulp industry, and not ask the rest of the corporations of our country to follow the same formula? Do you wish to lower the wages in the paper and pulp mills of our country?

Seventh. It appears rather ridiculous to see the minority leader complain about the price of a commodity where over 80 percent of it is being imported. We may not like the price of bananas that are all imported, but are we in a position to tax the banana grower?

Eighth. The paper and pulp people made a great contribution to the war effort and are entitled to the same legislative consideration given other industries. The industry is one of the large industries of our Nation.

All prices are high. This includes the cost of government. So long as over 80 percent of the newsprint is imported something besides talking about the American paper and pulp industry will have to be proposed.

I again repeat, the paper and pulp people and the thousands of people working in this industry should not be subjected to any legislative action that is not accorded to the employees of and to every and all other industries of our country. Newsprint is now only 5 percent of the total paper and paperboard produced in the United States.

In report No. 22 of the United States Tariff Commission we find the following table which shows that over 80 percent of the newsprint is imported:

TABLE 5.—*Newsprint paper: United States consumption, production, and imports for consumption, 1925 and 1927–46*

Year	Consumption	Production		Imports for consumption		
		Quantity	Percent of consumption	Quantity	Percent of—	
					Consumption	Production
	1,000 tons	*1,000 tons*		*1,000 tons*		
1925	3,031	1,563	51.6	1,448	47.8	92.7
1927	3,447	1,517	44.0	1,987	57.7	131.0
1928	3,565	1,415	39.7	2,157	60.5	152.4
1929	3,798	1,409	37.1	2,423	63.8	171.9
1930	3,505	1,226	35.0	2,280	65.0	185.9
1931	3,280	1,203	36.7	2,067	63.0	171.8
1932	2,881	1,047	36.3	1,792	62.2	171.2
1933	2,673	928	34.7	1,794	67.1	193.2
1934	3,094	990	32.0	2,210	71.4	223.3
1935	3,340	948	28.4	2,383	71.4	251.5
1936	3,658	938	25.7	2,752	75.2	293.3
1937	3,968	976	24.6	3,317	83.6	339.9
1938	3,396	832	24.5	2,275	67.0	273.3
1939	3,548	954	26.9	2,615	73.7	274.0
1940	3,746	1,056	28.2	2,763	73.7	261.5
1941	3,934	1,045	26.6	2,982	75.8	285.3
1942	3,751	967	25.8	2,921	77.9	302.0
1943	3,525	811	23.0	2,637	74.8	325.0
1944	3,190	721	22.6	2,491	78.1	345.7
1945	3,394	725	21.4	2,669	78.6	367.9
1946	4,190	771	18.4	3,492	81.6	452.8
1947	4,682	826	17.7	3,957	82.3	479.1

The following table is from report No. 22 of the United States Tariff Commission:

TABLE 3.—*Newsprint paper: Summary of United States supply and consumption, 1925–46*

Year	Population	Production	Imports for consumption	Exports	Total year-end inventory [1]	Apparent consumption	
						Total	Per capita
	Thousands	*1,000 tons*	*1,000 tons*	*1,000 tons*	*1,000 tons*	*1,000 tons*	*Lbs.*
1925	114,867	1,563	1,448	23	181	3,031	52.8
1926	116,532	1,687	1,851	19	241	3,459	59.4
1927	118,197	1,517	1,987	12	286	3,447	58.3
1928	119,862	1,415	2,157	11	282	3,565	59.5
1929	121,526	1,409	2,423	19	298	3,789	62.5
1930	123,091	1,226	2,280	10	289	3,505	56.9
1931	124,113	1,203	2,067	10	269	3,280	52.9
1932	124,974	1,047	1,792	8	218	2,881	46.1
1933	125,770	928	1,794	11	256	2,673	42.5
1934	126,626	90	2,210	23	336	3,094	48.9
1935	127,521	948	2,383	22	304	3,340	52.4
1936	128,429	938	2,752	15	321	3,658	57.0
1937	129,257	976	3,317	17	629	3,968	61.4
1938	130,215	832	2,275	6	334	3,396	52.2
1939	130,878	954	2,615	13	341	3,548	54.6
1940	131,948	1,056	2,763	44	370	3,746	56.8
1941	133,212	1,045	2,982	70	393	3,934	59.1
1942	134,928	967	2,921	42	489	3,751	55.6
1943	136,684	811	2,637	35	378	3,525	51.6
1944	138,101	721	2,491	31	350	3,209	46.5
1945 [2]	139,621	725	2,669	44	273	3,428	49.1
1946 [2]	141,229	771	3,490	31	312	4,190	59.3
1947 [2]	143,500	826	3,957	28	385	4,682	65.3

[1] As of Dec. 31. Published in U. S. Department of Commerce, Survey of Current Business. Includes stocks at mills, in publishers' warehouses, and in transit.
[2] Preliminary.

Source: All years except 1926 from official statistics of the U. S. Department of Commerce. 1926 production from News Print Service Bureau.

Another excerpt from the same report No. 22 reads as follows:

SUMMARY

Since the time when wood became the most important raw material for the manufacture of paper, the United States has been the world's largest producer and consumer of paper of all kinds taken together. Its output has far exceeded in volume the output of any other country, and for many years its consumption of paper has been greater than production, the deficit imported consisting almost entirely of newsprint.

In 1904 newsprint formed about 30 percent by weight of the total paper and paperboard produced in the United States, but by 1923 this proportion had dropped to 20 percent and by 1943 to less than 5 percent. The quantity of newsprint consumed in 1943 was nearly four times domestic output, approximately 77 percent having been imported; the proportion was 82 percent in 1946.

The following table on page 11 of report No. 22 of the United States Tariff Commission presents the facts as to the world sources of newsprint:

TABLE 1.—*Newsprint paper:* [1] *Production, by principal producing countries, 1927, 1929, and 1931–46*

[In thousands of short tons]

Year	Canada	United States	United Kingdom	Finland	Germany	Newfoundland	Sweden	All other	Total
1927	2,083	1,517	615	200	565	203	239	942	6,364
1929	2,725	1,409	637	217	623	256	275	1,117	7,319
1931	2,227	1,203	719	241	540	295	265	1,312	6,622
1932	1,919	1,047	790	254	450	272	257	1,287	6,276
1933	2,022	928	830	285	412	271	266	1,407	6,421
1934	2,605	990	940	316	446	316	272	1,457	7,342
1935	2,765	948	970	329	464	336	298	1,518	7,628

Footnotes at end of table.

TABLE 1.—*Newsprint paper:* [1] *Production, by principal producing countries, 1927, 1929, and 1931–46*—Continued

[In thousands of short tons]

Year	Canada	United States	United Kingdom	Finland	Germany	Newfoundland	Sweden	All other	Total
1936	3,225	938	1,004	402	525	328	282	1,513	8,217
1937	3,674	976	1,033	449	521	353	303	1,652	8,961
1938	2,669	832	954	457	512	268	278	1,585	7,555
1939	2,927	954	848	519	415	308	305	1,516	7,792
1940	[2] 3,504	1,056	[3]	[3]	[3]	353	132	[3]	[3]
1941	[2] 3,520	1,045	[3]	[3]	[3]	345	[3]	[3]	[3]
1942	[2] 3,257	967	[3]	[3]	[3]	277	[3]	[3]	[3]
1943	[2] 3,046	811	[3]	[3]	[3]	236	[3]	[3]	[3]
1944	[2] 3,040	721	[3]	[3]	[3]	273	[3]	[3]	[3]
1945	[2] 3,324	725	[3]	[3]	[3]	333	[3]	[3]	[3]
1946	[2] 4,143	771	[3]	[3]	[3]	363	[3]	[3]	[3]
1947	[2] 4,447	826	288	297	72	373	302	1,048	7,653

[1] Figures for countries other than the United States may include grades and kinds of newsprint paper which differ from "standard newsprint" made in the United States or imported into it.
[2] Preliminary.
[3] Not available.

Source: Canada—Dominion Bureau of Statistics; United States—U. S. Bureau of the Census; all other countries—News Print Service Bureau.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MURRAY of Wisconsin. Yes, I yield.

Mr. BROWN of Ohio. I have the honor of serving as chairman of a select committee of this House on newsprint and paper supply. While it is my opinion that the manufacturers of newsprint and paper at the present time are in a profitable business and are making a profit which compares with the profits made by other corporations, the truth is that for many, many years the manufacturers of newsprint and of other papers, not only in the United States but in Canada as well, operated without profit, and at great loss to many of those concerns. A great many of them went through bankruptcy and liquidation. The average price over the years has been fair, to say the least. I think the gentleman's remarks are well taken.

Mr. MURRAY of Wisconsin. I thank the gentleman.

As a newspaperman, if you are satisfied with the situation, I am sure everyone else should be satisfied with it. The only point I make is that it is a big industry in many parts of the United States. It is a big industry in my own district. I do not like to see it singled out. If anyone wants to approach the problem, the only thing to do is to do something somewhere else, because 82 percent of our supply last year came from outside the United States.

The SPEAKER. The time of the gentleman from Wisconsin [Mr. MURRAY] has expired.

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to include official tables from the United States Tariff Commission.

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

There was no objection.

PROFITS IN THE NEWSPRINT BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, we all agree with the observation made by the gentleman from Ohio [Mr. BROWN] about bankruptcies, but we do not agree that they have been happening in recent years. The bankruptcies to which the gentleman refers occurred between 1929 and 1932, and they occurred in tens of thousands of businesses, and many small independent businesses were wiped out, whereas the large ones were able to reorganize and come forward now to where they are earning tremendous profits. But it is the effect which their business now has on other businesses, to which I referred in my remarks the other day, particularly our newspapers. Between 1929 and 1932, tens of thousands of farms were foreclosed. Tens of thousands of homes and tens of thousands of independent small businesses were completely wiped out. People lost their entire life savings. Over 6,000 banks closed their doors. So we all agree with the gentleman from Ohio [Mr. BROWN] who is one of the outstanding leaders in the Republican Party in the country, and particularly in this body, but we Democrats further assert the truth, lest the people forget, and lest the gentleman from Ohio forgets that these wholesale bankruptcies took place while the Republicans were in control. It was under a Democratic administration that this country was brought back to health and prosperity.

The SPEAKER. The time of the gentleman from Massachusetts [Mr. McCORMACK] has expired.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. BROWN of Ohio. Mr. Speaker, I have enjoyed very much the comments made by my distinguished colleague from Massachusetts [Mr. McCORMACK] who evidently has not spent as much time as he usually does in checking his figures and facts. Otherwise, he would learn that the most difficult period in the entire history of the newsprint and paper manufacturing business, and especially the period of bankruptcies and low prices, was not between 1929 and 1932, but during the Democratic Administration of a man by the name of Franklin Delano Roosevelt, in 1933 to 1939. The real reason why newsprint prices went up so rapidly was because of the war, and a reduction in production, not only in Canada but a complete reduction of all sorts of newsprint in Europe.

I would also like to say, in behalf of our Canadian friends to the north, that while American publishers are able to purchase their newsprint supplies at from $96 to $100 a ton f. o. b. New York, the world market price is approximately $200 per ton.

Much of this production could be diverted and sold in the world market, instead of being shipped to the United States; and I think that the Congress of the United States and the publishers of this country should be appreciative of the fair treatment we have received from our friends to the north, the Canadians.

CAUSE OF THE DEPRESSION

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. KNUTSON. Mr. Speaker, in the discussions that we are having this morning, I think we should be fair and stick to the facts. The depression was not caused by Mr. Hoover, neither was it accentuated by Mr. Roosevelt; rather, the depression was caused by the war that the Democrats promised to keep us out of back in 1916.

Let us be fair.

THE GREAT DEPRESSION

Mr. JENSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. JENSEN. Mr. Speaker, I think it would be well to remind our good friend and colleague from Massachusetts, the Democratic whip [Mr. McCORMACK] of certain facts which seem to have slipped his mind.

I am sure the country has not forgotten, if the gentleman from Massachusetts has, that more farm foreclosures and more foreclosures of American homes and businesses occurred during this New Deal administration than at any time while the Republicans were in power. The rich men were saved by the New Deal, but the common men by the hundreds of thousands lost their homes and farms and their businesses, while the New Dealers were shedding elephant tears about them but did very little for them except to give them a job on WPA at starvation wages in order to garner their votes.

EXTENSION OF REMARKS

Mr. WOODRUFF asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. MACK asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. LODGE asked and was given permission to extend his remarks in the Appendix of the RECORD in two separate instances and in each to include extraneous matter.

Mr. WEICHEL asked and was given permission to extend his remarks in the Appendix of the RECORD.

Mr. GAMBLE asked and was given permission to extend his remarks in the Appendix of the RECORD and include extraneous matter.

Mr. BYRNES of Wisconsin asked and was given permission to extend his remarks in the Appendix of the RECORD and include extraneous matter.

THE F. O. B. MILL PRICE SYSTEM

Mr. FOOTE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. FOOTE. Mr. Speaker, once again a decision of the Supreme Court of the United States has resulted in the overruling of established precedents which will have a very decided effect upon our economy. I refer to the Federal Trade Commission, Petitioner against Cement Institute, et al., cases, decided April 26, 1948, the majority opinion being by Justice Black in which Justice Douglas and Justice Jackson took no part, and to which Justice Burton dissented. The effect of this decision has been forcibly called to my attention by W. Adam Johnson, executive vice president of the New Haven Chamber of Commerce, and by Charles M. A. Costello, president of C. Cowles & Co., of New Haven, manufacturers of motorcar hardware, mountings, and lamps. This decision has already resulted in changes in the selling practices of a number of producers of steel and the United States Steel has promised changes from the multiple basing point system to an f. o. b. mill price system. This would make it impossible for the Connecticut manufacturers to compete on a price basis with concerns located near steel mills, and with the present shortage of steel, the steel mills will be inclined to supply the manufacturers much closer to them than those removed from them. The situation applies not only to Connecticut concerns but to all fabricators of steel that are not favorably geographically located with regard to the steel source, with the result that they may face extinction at the hands of more favorably located competitors.

The Hon. Lowell B. Mason, of the Federal Trade Commission, in a speech made May 14, 1948, before the Marketing Club of the Graduate School of Business Administration of Harvard University—although careful to state that he is talking as an individual, and not uttering the official views of the Federal Trade Commission—discussed this matter but undoubtedly his views as such individual are no different than as a member of the Federal Trade Commission. Commissioner Mason makes some rather illuminating statements wherein among other things he says:

> I believe that freight absorption is out. By that I mean it will be a violation of the merchant law for anyone to use a systematic pricing system which allows him to pay the freight out of his own pocket in order to sell in a competitor's territory. This affects every basic industry in the United States.

The Commissioner also indicates that the Government will probably attack the pricing system of heavy commodities where the freight is a large percentage of the cost of the article to the purchaser such as iron, steel, lime, rubber, glass containers, builders' supplies, farm equipment, ice, road machinery, paint

and varnish, business furniture, liquefied gas, auto parts, ladders, paper and pulp, structural clay products, china and porcelain, reinforcing materials, vitrified clay, sewer pipe, antifriction bearings, wholesale food and grocery products, end-grain strip wood blocks, construction machinery, paper bags, lye, and wholesale coal. It appears also as though this principle may be extended to most every commodity. The Commissioner further ventures the opinion that—

> There will be a decentralization of users of basic products. Fabricators will gravitate to the points of production of their basic materials.

Senator HOMER CAPEHART, on May 20, 1948, introduced a resolution—Senate Resolution 241—which was agreed to on June 12, 1948, providing that the Senate Committee on Interstate and Foreign Commerce, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete inquiry into, first, the existing legislation concerning Government policy affecting the activities of the Federal Trade Commission and the Interstate Commerce Commission and the impact of these policies as interpreted by the Supreme Court with particular relation to the basing point or freight equalization system of pricing and the impact upon small and large business and upon the consumers of the United States of the maintenance or discontinuance of said system; and, second, into the status of business enterprise in the United States, seeking to determine the extent and character of economic concentration and the effect of such concentration, and the status of free competitive business enterprise as affected by transportation and Federal trade regulations.

The committee shall report its findings, together with its recommendations for such legislation as it may deem advisable, to the Senate at the earliest practicable date but not later than March 15, 1949.

The purposes of the Capehart resolution directly affect the welfare of broad segments of our population whose special knowledge and particular interest require full consideration in the investigation. To insure access to such knowledge and interest, the committee shall consult with persons representing industry, agriculture, labor, and consumers' problems.

The Senate committee under the chairmanship of the Indiana Senator, has already had an organization meeting and the chairman has explained that since the Supreme Court decision there has been confusion among businessmen all over the country as to the meaning of the decision as applied to them and this confusion has been extended to economists, lawyers, and financial writers. Out of this confusion, manufacturers of all types of products are anxiously seeking answers to questions such as: "Will the Supreme Court decision make it illegal for a seller to pay any part of the freight charges to the buyers' destination—which he may consider essential to meet competition?" Or, stated another way, "Did the Court outlaw a universal delivered price by a manufacturer?" "Is it illegal for a candy-bar manufacturer to sell his product so that it will retail throughout the entire United States for a nickel a package? Or should the candy bars sell at varying prices according to freight charges?" "Will the Supreme Court decision help or cripple small business?" "Will the evils of monopoly be aided or impeded?" Also, "Will the Court's decision increase or decrease the price the consumer must pay for finished goods?"

The Senate committee proposes to study these and similar questions from every angle and to ascertain what price-fixing policies will best serve the competitive forces of free enterprise and the economic stability of the Nation.

To assist in making this inquiry, the committee has set up an advisory council of 25 members representing labor, agriculture, buyers, and sellers in both heavy and light goods industries, under the chairmanship of Dr. Melvin Thomas Copeland, director of business research for the Harvard University School of Business Administration.

It is my intention to introduce a resolution calling for an investigation of this matter, but in view of the situation, I believe it would be mere duplication and additional unwarranted expense for the House to create such a committee, in view of the fact that the Senate has launched this hearing under the able direction of Senator CAPEHART, and expects to do considerable preliminary work this summer and hold hearings at various points in the early fall. It is the opinion of responsible businessmen in my congressional district that this new pricing policy if continued in force and with legal bars against absorbing transportation charges, will eliminate competition from more distant points and actually create monopolies in the sections surrounding the sources of supply thus protected. It will practically limit the sales of each company to points near its own plant which will finally result in the closing and relocation of many mills and factories. Furthermore, that this pricing policy will arrest the development of low-cost production and distribution and deprive consumers of a free choice of suppliers because of higher transportation costs on purchases from more distant sources. It will cost consumers more money, and as these costs vary according to the distance, consumers will be unable to compute their costs in advance.

I believe that this is a matter in which all Members of the House should be vitally interested, for if this new price policy is to be pursued it will undoubtedly bring about a serious dislocation of our economy and imperil the future of business in the New England area as well as other sections of our country which are not located near a strategic point.

CORPORATE EARNINGS AND RESERVES

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. CRAWFORD. Mr. Speaker, in discussing the question of bankruptcies and profits of corporations, I must not let this opportunity pass without reminding the House that a very big force is now at work in connection with corporate procedure which ties directly into wage negotiations, where the negotiators representing organized labor call for the balance sheets and operating statements of the company which is being negotiated for wage increases. Corporate management is up against a force with which it never had to deal before. If wages are to be advanced from time to time purely on the basis of the current earnings of the corporation, then I raise the question, where are the reserves to come from which will tide corporate industry over in times of low prices or of red figures? This is something we can well afford to pay some attention to.

The SPEAKER. The time of the gentleman from Michigan has expired.

EXTENSION OF REMARKS

Mr. HARDY asked and was given permission to extend his remarks in the Appendix of the RECORD.

BANKRUPTCIES

Mr. HUBER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. HUBER. Mr. Speaker, I was interested in the remarks made here today in reference to the number of bankruptcies that have occurred during the Republican and Democratic administrations. I have not read for a long time of any of the penny auctions being had on any of the farms of the country while the hangman's noose hung ready for those who bid over 1 cent. In my opinion, it is well that our good friend, the gentleman from Massachusetts [Mr. MCCORMACK] called attention to the change that has occurred during the Democratic administration.

During the twenties and the early thirties the only person who had a lucrative job in my district was the referee in bankruptcy who became fat and well to do. Finally and in due time we had a Democratic referee in bankruptcy and the poor fellow almost starved to death. Congress, realizing the situation, changed the law, and in my district as in yours we no longer have referees in bankruptcy, and a roving referee working out of Cleveland makes infrequent trips to my district covering Akron and vicinity to handle the few bankruptcies that occur.

The SPEAKER. The time of the gentleman from Ohio has expired.

HON. LOUIS E. GRAHAM, OF PENNSYLVANIA

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. PLUMLEY. Mr. Speaker, today is a great day in the life of a very able man who is so modest as not to disclose in his biography when he was born. I refer to LOUIS GRAHAM, Republican, of Beaver County, Pa., whose anniversary this is.

I am sure all of us hope that he is not any older than he looks, that we may long have the pleasure of his company and the benefit of his advice and counsel, than which there is no better, as is recognized to be a fact on both sides of the aisle. Many happy returns, Louis.

NEWSPRINT

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. LESINSKI. Mr. Speaker, it was amusing to me to listen to the discussion in reference to the high cost of newsprint. I happen to live next door to the gentleman from Michigan [Mr. MICHENER], in whose district are located a lot of paper mills. Going up through there I found mountains of old newsprint stacked up. A couple of weeks ago when I was driving back home all that newsprint was burned up. I was told that the reason for burning up the old newsprint was to keep the price of that commodity up.

Now, talking about farms and farming, my good friend the gentleman from Wisconsin [Mr. MURRAY] must admit that when the Democratic Party came into power the farmers in Wisconsin were broke in 1932 but since then they have made a lot of money, by reason of prosperity under the Democratic administration.

The SPEAKER. The time of the gentleman from Michigan has expired.

STOP THE INFLATIONARY SPIRAL NOW

Mr. MULTER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. MULTER. Mr. Speaker, I know that the farmers of New York State, like the farmers of the rest of the country, will be very interested to know that the cause of the last depression was World War I; but I assure you that none of the people of New York State are interested in who is responsible for what. They do not care where the blame should be placed.

They would like to see this session of Congress do something and enact some positive legislation which will stop the inflationary spiral that now exists and legislation which will cause the housing that we need for our veterans and for the people of this country to be constructed.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. MULTER. I yield to the gentleman from Pennsylvania.

Mr. RICH. Why does not the President exercise the power that he now has? If he did, we would not have such high prices. If he would do something instead of going around the country and blowing a lot of hot air, he could remedy the situation.

Mr. MULTER. The President has indicated to this Congress what he needs to implement his powers and to give to the people of the country what they need. It is up to us to give it to them.

EXTENSION OF REMARKS

Mr. HALLECK asked and was given permission to extend his remarks in the RECORD and include an article on Federal thought control by his colleague, the gentleman from Indiana [Mr. HARNESS].

MISSISSIPPI DEMOCRATIC CONVENTION

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, on yesterday the Democrats of Mississippi, in convention assembled, ratified the nomination of Governor Thurmond, of South Carolina, for President of the United States and Governor Wright, of Mississippi, for Vice President.

They called on the Members of Congress from Mississippi to state whom they would vote for in case no one gets a majority of the electoral vote and the election is thrown into the House of Representatives, in which case we would have to vote for one of the three highest ones.

I am glad to answer that question now. In such a case, I shall vote for Governor Thurmond. He is not only the ablest man in the race, but he is the only one who is pledged to oppose and to veto the Communist program with which Congress is now being annoyed, including the FEPC and other measures covered by the so-called civil-rights program. Mr. Truman has agreed to sign it, Mr. Wallace is pledged to sign it, and Mr. Dewey has already signed it as Governor of New York—thereby imposing on the people of New York a program of Communist regimentation that is literally dreaded by real Americans throughout the rest of the country.

I know that some will try to tell you that Governor Dewey would not sign a national FEPC bill, but in the words of Brann, the great iconoclast, "You cannot explain a dead cat out of the family cistern."

The same man from New York who piloted this vicious measure through that legislature is now a Member of the other body, has introduced the same bill there, and got it reported out of the committee. It is now pending before the Senate; and my opinion is, if it were passed and Governor Dewey were President, he would sign it.

Now, let me show you what it means. We are investigating certain Communists before the Committee on Un-American Activities. When chased out of Washington they invariably gravitate into New York.

If they seek employment, their employer cannot ask one of them where he came from, under the laws of New York.

They cannot ask him what his name was—before it was changed by court order or otherwise—under the laws and regulations in force under the Dewey administration in the State of New York. They cannot ask him what his wife's name was, although he may have married a Russian Communist or a Russian spy, as some of these individuals have that we have had before the committee. You cannot ask him that question under the laws and regulations of the State of New York.

You cannot even tell him that this organization celebrates the Fourth of July, under the laws and regulations of the State of New York.

You cannot ask him what organization he belongs to, although he may be a member of the Communist Party.

Governor Thurmond would veto that measure and guarantee to the American people that we are not going to adopt this communistic program, known as the civil-rights program, including this vicious FEPC with which the people of New York are now being punished and with which the people of the United States were being punished a few years ago under an Executive order that was placed on them here in Washington and would be in force today, perhaps, if it had not been that we killed the appropriations and prevented its being perpetuated. I say it is about time that we join hands, support Governor Thurmond and Governor Wright in this battle to save America for Americans.

SUSPENSION OF RULES

Mr. BROWN of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 707 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That during the remainder of the second session of the Eightieth Congress it shall be in order for the Speaker at any time to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, rule XXVII; it shall also be in order at any time during the second session of the Eightieth Congress for the majority leader or the chairman of the Committee on Rules to move that the House take a recess, and it shall also be in order at any time during the balance of the second session of the Eightieth Congress to consider reports from the Committee on Rules as provided in clause (2) (b), rule XI, except that the provisions requiring a two-thirds vote to consider said reports is hereby suspended during the balance of the second session of the Eightieth Congress.

Mr. BROWN of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois [Mr. SABATH].

Mr. Speaker, this resolution provides for suspension of the rules as provided under clause 1, rule XXVII, which requires a two-thirds vote to consider a bill under suspension, and will permit, during the balance of the session, upon recognition by the Chair, any report to be brought up, and considered, by a majority vote.

I think the resolution speaks for itself. It is the customary action in the closing days of any session. The adoption of this resolution is necessary in preparation for adjournment.

LEGISLATION IN THE SPECIAL SESSION TO BE CONSIDERED UNDER A GAG RULE

Mr. SABATH. Mr. Speaker, the resolution that is before us is one of the

worst gag rules that has been brought to the floor of the House. It even surpasses in viciousness the rule you passed in the last session of Congress.

I do not know whether the Members have listened to the reading of this obnoxious, yes, reprehensible rule and understood what it aims to do. The resolution that was originally introduced and considered by the Committee on Rules yesterday, provided "that during the remainder of this week it should be in order for the Speaker at any time to entertain a motion to suspend the rules, notwithstanding the provisions of clause 1 of rule XXVII. That was for the remainder of this week. But after the great Committee on Rules started to consider conditions, they felt that it did not go far enough, so they insisted that the rule be amended and that it provide not only for suspension of the rules for the remainder of this week but to apply for the balance of this session. Bear in mind—for the remainder of this session regardless as to how long it will continue.

Under this rule the Members of the House will be deprived of their rights under the regular rules, and any bill that comes in here that is approved by the big four of the House and approved, of course, by the National Association of Manufacturers, cannot be taken up under the 5-minute rule and considered under the usual procedure as any bill that the Constitution and the rules of the House provide and it is our right to consider.

I fully appreciate that the gentleman from Ohio [Mr. BROWN] and other Republican gentlemen will call attention to the fact that similar procedure has been followed in the past but invariably the action was on minor legislation and not on legislation of such great import as that which the public is demanding today.

Any bill that is taken up under suspension of this rule naturally will have to be voted upon as is. We will not have the right or privilege of offering any amendments whatsoever. Not only that but the rule providing for the suspension of the rules will permit only 20 minutes' debate on each side, and even precludes a motion to recommit, a motion which never in my recollection the minority never has been deprived to make. The rule, in fact, completely gags the minority.

Mr. Speaker, I came to the House of Representatives in the Sixtieth Congress. That was 42 years ago. At that time Mr. Joseph Cannon, known as Uncle Joe, was the Speaker of the House of Representatives. He was known as the czar. He was the House. He was the Congress of the United States.

But with all his power, somehow or other the Republican powers that be in the present House of Representatives are trying to exceed his ruthlessness in depriving the membership of their rights.

When the country was informed of Speaker Cannon's usurpation of power and that it was used for the purpose of protecting the special interests, the country was aroused, and his party, your party, the Republican Party, in the election for the Sixty-second Congress was defeated, and the people called upon the Democratic Party to serve so that legislation in the interest of the masses and in the interests of the country would receive consideration.

With your activities and your ruthlessness today I am satisfied that what happened to your party then will happen to you again. The same fate awaits you in the coming election.

Of course, from time to time I try to advise you as a friend not to go so far, not to get drunk with power or completely ignore the rights and interests of the American people, and not to be controlled by the vested interests as represented by the National Association of Manufacturers.

I try to urge you that you should legislate in the interests of the American people, at least at times.

In desperation the President has called a special session for the purpose of bringing about a reduction in the high cost—yes, the criminally high cost—of living. At the same time he wants us to provide decent low-cost housing for ex-servicemen and the millions of American citizens who are seeking homes, who are homeless and cannot obtain a decent place to live.

You are ignoring the President's recommendation to legislate to curb and reduce the high cost of living, to control inflation, to provide low-cost housing, to increase social-security benefits, to increase minimum-wage levels, to carry out the civil-rights program, and to strengthen the antitrust laws. What are you going to do? You are going to consider only legislation that carries the approval of the vested interests, the National Association of Manufacturers, its affiliates and so-called institutes, who seem to completely control you and that are secretly agreeing on the prices they will charge the public for their commodities and products. You will not consider legislation that does not carry the stamp of approval of the manufacturers, contractors, housing and real-estate lobbies that have been infesting the Capitol for the last 2 years, delaying the consideration of and seeking to defeat the Taft-Ellender-Wagner housing bill and thus deprive the American people of decent homes at decent prices and rentals.

Now, I am candid and honest in my belief that you are making a serious mistake in your failure to give consideration to the important measures recommended by the President, in the interest and welfare of our Nation and for the relief of the milked and mulcted people.

I am not in the confidence of the big four in this House. I do not know what legislation you will bring out, but judging the future by the past, I have a strong suspicion that you will ignore these appeals of the President and appeals on the part of suffering consumers and the public in general, and that you will not pass any relief legislation that would bring about the reduction of the high cost of living that has gone up 40 percent since you came into power. You will not pass legislation to reduce the cost of food, which, in many instances, has increased from 100 to 200 percent, nor will you be permitted to pass a real housing bill that would provide homes and rentals at reasonable prices to the people in the lower-income brackets.

REPUBLICANS HAVE PLACED THE INTEREST OF WEALTH ABOVE HUMAN NEEDS

It appears to me that instead of doing something to reduce the high cost of living and to provide food for people of low income, you are devoting your time in feeding them with scares and buncombe as to food shortages and communism, notwithstanding the Federal Bureau of Investigation, the Department of Justice, and a Federal grand jury, according to press reports today, after spending over a half a million dollars and the grand jury having called over 200 witnesses, have failed to find any cause for alarm or evidence justifying any indictments, with the exception of a few of the officers of the Communist Party. Five of your investigating committees are extremely busy seeking to prejudice the minds of the American people with these nonexistent scares for the purposes of distracting their attention from the pledges and promises you made in 1946 to reduce the high cost of living and the failure of the builders and the contractors to erect decent low-cost homes and to provide low-rental housing. No, you cannot make them forget despite the extraordinary efforts you are making not in a three-ring but in a five-ring circus. People will realize that it is clowning in an attempt to take their minds from the real serious conditions that have been inflicted upon them by reason of your giving the industries the privilege to do as they pleased and to charge the public as much as they pleased. The sad fact is that you have placed the interest of wealth above human needs and the people know it in your failure to legislate to alleviate the distressing conditions.

Mr. CASE of South Dakota. Mr. Speaker, will the gentleman yield now?

Mr. SABATH. Yes; I yield.

Mr. CASE of South Dakota. I would like to ask the gentleman what provisions of the Constitution would be violated by the adoption of the pending resolution.

Mr. SABATH. The Constitution gives the House the right to adopt rules for its guidance and orderly procedure in the consideration of legislation. Under this rule, that right is taken away from the membership of the House, because they are deprived of any right whatsoever to try to improve, change, or modify any legislation that may be brought in here under this vicious gag rule that is now before us.

Mr. CASE of South Dakota. Is it not true that legislation can be brought before the House by the adoption of the ordinary rule? We are not limited to considering legislation which may come up under suspension only.

Mr. SABATH. Oh, yes. If the gentleman will familiarize himself with the rule, the rule provides that the Speaker will have the right to call up any bill under suspension, without the two-thirds vote which is generally required under

the rules of the House. That is a thing the gentleman should bear in mind.

Mr. CASE of South Dakota. The gentleman from South Dakota has read the pending rule.

Mr. SABATH. I do not yield any further to the gentleman. I may yield later on.

I have promised some time to others. How much time have I consumed, Mr. Speaker?

The SPEAKER. The gentleman has consumed 12 minutes.

Mr. SABATH. Mr. Speaker, if time would permit, I would be delighted to answer some of the reckless statements made earlier in the day by many of you Republican gentlemen that the bankruptcies and foreclosures that took place in 1933, 1934, and 1935 were during a Democratic administration. With this statement you may be able to mislead some uninformed people, but not the intelligent voters who know that these foreclosures and bankruptcies started in 1932 and continued during 1933, and even in 1934, as a result of the Republican Hoover panic which lasted up to 1933. Yes, businesses and plants went into bankruptcy and a majority of them were closed, homes and farms were foreclosed, but this was all remedied as speedily as possible after President Roosevelt was sworn in and a Democratic Congress was able to begin legislating.

You have tried in many ways to unload your guilt for the high cost of living upon the President. You failed and deliberately omit that in 1946 you and the National Association of Manufacturers assured the American people that there would be plenty of everything and at a much lower price if the Price Control Act was repealed. The National Association of Manufacturers, through paid page advertisements, directly assured the people they would voluntarily reduce the prices on meats and all necessities of life if the Price Control Act was repealed. You do not call attention to the fact that these pledges and promises made by you and the various associations and institutes have not been carried out, nor do you deny that instead of reducing the prices as you promised when you came into control of the House you have, as I stated before, increased the cost of living by 40 percent and the cost of food from 100 to 200 percent.

To justify the continuous, outrageous, ever-increased cost of living the manufacturers, the suppliers, the lobbyists and propagandists are from time to time creating a scare of shortages on meats and meat products, steel, oil, lumber, sugar, and soap notwithstanding that the warehouses are bulging with surpluses, which gives these combines an excuse to continuously increase their prices. Personally, I feel that if all your sins of omission and commission, your smears and mud slinging could be wiped out it would create a shortage of soap.

The fact is, as many of you Republicans have admitted, we have greater production and greater crops than ever before in the history of our country. Consequently, your charges that the high cost of living and the prevailing high prices are due to our exporting are foolhardy and without foundation because it is absolutely necessary for our country to export in order to get rid of the tremendous,—yes, extraordinary—surpluses we have on hand in nearly every line.

Mr. Speaker, I ask unanimous consent that I may revise and extend my remarks and include therein an editorial from the Chicago Times and a telegram from the commander of the Veterans of Foreign Wars and also two additional letters bearing on the high cost of living and the shortage of housing.

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

There was no objection.

Mr. SABATH. Mr. Speaker, under the leave given me, I insert a telegram from Henry L. Warner, commander, Veterans of Foreign Wars, Chicago, Ill, calling attention to the desperate need of housing by Illinois veterans, as follows:

CHICAGO, ILL., *July 28, 1948.*

Hon. ADOLPH J. SABATH,
House Office Building,
Washington, D. C.:

Illinois veterans desperately need decent housing. Your attention directed to our letter May 15 including report on shameful housing conditions in Illinois. State organization Veterans of Foreign Wars seriously perturbed over stubborn opposition of group in Congress against adequate housing legislation. Request you get Taft-Ellender-Wagner bill on floor and vote for it. Thousands of veterans will retaliate at polls unless housing legislation is enacted at special session.

HENRY L. WARNER,
Commander, Veterans of Foreign Wars.

Mr. Omar B. Ketchum, national legislative director, of the Veterans of Foreign Wars of the United States, in a letter addressed to me on July 28, 1948, advises of the steps taken by his organization in its effort to obtain the passage of the Taft-Ellender-Wagner housing bill, and presently urges that additional Members of the House sign the discharge petition which would permit the consideration of the bill at the special session of Congress. Approximately 160 signatures were obtained before the House adjourned for the second session of the Eightieth Congress. I include Mr. Ketchum's letter for the record, as follows:

VETERANS OF FOREIGN WARS,
OF THE UNITED STATES,
NATIONAL LEGISLATIVE SERVICE,
Washington, D. C., July 28, 1948.

DEAR CONGRESSMAN: During the second session of the Eightieth Congress the Veterans of Foreign Wars of the United States, in accordance with resolutions adopted by National Conventions in 1946 and 1947, strongly urged favorable action by the House of Representatives with respect to a housing bill, S. 866, or a companion bill, H. R. 2523. It was the belief of our officers and delegates in National Convention that this legislation offered the greatest encouragement toward the development of a program that would help to solve the shortage of low-cost and low-rental housing.

In the absence of favorable committee action the Veterans of Foreign Wars joined with other groups in attempting to bring this legislation out on the floor of the House through use of the discharge petition. Letter appeals were addressed to Members of the House of Representatives requesting their signatures on discharge petition No. 6 which would relieve the House Banking and Currency Committee from further consideration of the bills. Approximately 160 signatures were obtained before the second session adjourned June 19, 1948.

Congress has now been called back into special session to consider, among other things, housing legislation. In view of the housing situation, and the failure of Congress to reach a decision on housing legislation during the second session, the Veterans of Foreign Wars again solicits your cooperation with respect to S. 866 or H. R. 2523 by signing discharge petition No. 6 if you have not already done so.

We remain of the same opinion that this legislation is the best proposal yet advanced toward solving the shortage of low-cost and low-rental housing.

Respectfully yours,
OMAR B. KETCHUM, *Director.*

Mr. Speaker, the great Chicago Sun-Times, a people's newspaper, carried a very factual editorial in its issue of July 28, 1948, entitled "Priorities for Congress" which I am sure will be very informative and enlightening to the people of the country. It gives real facts and I recommend its reading to place the responsibility for the lack of legislative action to relieve the people from the high cost of living and the housing shortage. It is as follows:

PRIORITIES FOR CONGRESS

President Truman in his message to Congress yesterday set up a table of priorities which he thinks the special session should observe in considering legislation.

First of all, he wants Congress to act on inflation and on housing. Several times he repeated that these were the principal reasons for calling Congress back. He urged Congress "not to be distracted from these central purposes."

The people, staggering under the highest cost of living in the American record, will certainly agree with Mr. Truman. Many would be willing to settle for these two programs alone.

If Congress acts to check inflation and to counteract the housing shortage, the special session will have been justified even if nothing else is done.

On the other hand, unless Congress does act on these two critical problems, no other legislation that may be passed, or speeches made, or political maneuvers executed, can compensate for a cynical neglect of the matters closest to the average citizen's interests.

So it is important, in judging congressional behavior, to keep the table of priorities in mind.

If, for example, Republicans and southern Democrats carry out the strategy which some are reported to be considering—if they seek to tie up the session immediately with a battle royal over civil rights—they will be ignoring the people's most urgent needs just as surely as if they returned a flat "no" to the request for action on inflation and housing.

Civil rights are important. Mr. Truman made no bones about his uncompromising stand for an antilynching law, an anti-poll tax law, and other measures previously recommended. He proved his sincerity by issuing two epochal executive orders initiating a vigorous attack upon racial discrimination in Federal employment and the armed forces.

But civil rights are not important to the exclusion of everything else. While this legislation ought to be passed, nobody should be fooled if an ostensible move to pass it becomes the means by which the critical problems of inflation and housing are shunted on a sidetrack.

Next to inflation control and housing, Mr. Truman ranks three welfare measures: Federal aid to education, a 75-cent minimum

wage, increased social-security benefits. In a sense, these three proposals are part of the inflation problem. Those concerned—our schools, low-income workers, and retired persons—are all victims of inflation.

Next on the list come three measures affecting foreign policy: a decent bill for the admission of displaced persons, a loan to finance construction of the United Nations headquarters, and ratification of the international wheat agreement.

In the fourth category of urgency Mr. Truman places civil rights, public power appropriations, and revision of Federal salary scales.

Finally, he flings back at Congress the rest of his program, including a national health bill and revision or repeal of the Taft-Hartley Act. This is for the record. Mr. Truman evidently doesn't expect or demand action in these fields at the current session.

The President's anti-inflation program is essentially the same one which he recommended 8 months ago and which the Republican leadership of Congress rejected as unnecessary. What has happened during these 8 months proves conclusively that the Republicans were wrong.

They said free-wheeling prices would stimulate production, that high production would bring prices down. It didn't.

They said businessmen could be counted on to hold prices in check by voluntary restraint. They haven't.

Now it is being argued that price control won't get at the true causes of inflation, such as the state of the budget and the heavy demands, foreign and domestic, upon our output.

There is some truth in this, no doubt. But when a doctor is called to attend a patient with a raging fever, the first thing he does is try to check the fever. America has a raging fever of inflation. The first job is to check it.

Governor Dewey is making a studious effort to keep aloof from events in Washington. He should be warned that in the long run he can't do it. As the leader of his party, he bears an inescapable responsibility for the actions of that party in Congress.

Should the Republicans again turn their backs on the people's struggle with high prices and inadequate housing, the voters will rightly conclude that the Republican nominee for President was an accessory before the fact.

Mr. Speaker, I yield such time as he may desire to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Speaker, the CONGRESSIONAL RECORD of July 30 contains some timely language which I commend to my colleagues in the House of Representatives. The distinguished Senator from New Hampshire, [Mr. TOBEY] addressing the Senate, pleaded for an abandonment of party politics until something could be done about the tragic burden of high prices. I subscribe whole-heartedly to the thoughts expressed by the gentleman from New Hampshire [Mr. TOBEY] and I implore the leadership of this House to permit the reporting of legislation which will help the families of the United States to rid themselves of a gnawing worry.

It is true that no one is starving. But the great bulk of American families are sorely pressed and are finding great difficulty in maintaining their existence. They have a right to expect that we shall do something in their behalf.

When the President called this special session, I entertained the same doubts with regard to legislation as many of you did. I am ready to admit there are controversial issues in which the Democratic Members and the Republican Members honestly differ.

But, I say in all sincerity, I did feel confident this special session would seriously consider the issue of high prices, and I hoped constructive action would be forthcoming. Now, with the days passing and the talk of early adjournment growing louder, I feel frightened.

I have heard Members express the wish to get back to their districts in order to campaign for reelection. On what issue can you campaign, if you have done nothing about the most pressing problem of the hour?

This session of Congress has been preoccupied with what appears to be efforts to fix the blame for the present high prices. For myself, I can assure you I entertain strong feelings on this point. However, I do not believe it is fair to state that the American people at this moment are not too much concerned over who is to blame—and we waste precious time standing here screaming denunciations at each other.

What the American family man wants—and what he has a perfect right to expect—is that we—representatives of the people—will do something about it and now.

I can well recall the great pleas which were made in behalf of free enterprise and individual initiative; the great results which were promised if the laws of economics were allowed to function unrestricted. It is quite true that many American wage-earners and housewives were lured by those siren songs and wished for an end of all controls.

Controls were abandoned, but the tragic fact is that prices then did not seek a lower level. Prices soared higher and are still on the way up. Where they will stop no one can predict with any degree of certainty.

In Providence, the capital city of my State, food prices—the all-important item in the family budget—have soared to unbelievable heights. The Bureau of Labor Statistics has informed me that prices of all foods combined have risen more for Providence since 1935–39 than for any New England city or for the United States as a whole.

The Bureau uses the prewar period, 1935–39, as a base period and considers this period as 100 in its index. In Providence, as of June 15, 1948, the index for all foods stood at 220. Consider that for a moment—over 100 percent. The 1939 dollar worth less than 50 cents in purchasing food for the family table.

If you consider that fact soberly, how can you feel we have any right to waste our days in political bickering, or return home without having acted?

We have been able to work out a plan for securing a bipartisan foreign policy. That it is working is a credit to both great parties. But why in the name of heaven cannot we abandon party politics long enough to work out a bipartisan program for reducing prices, at least in the cost of food?

Our neighbor to the north, if my memory serves me correctly, during the war adopted a system of price controls patterned after the price-control set-up in the United States. After hostilities had ceased, Canada inaugurated a selective decontrol program, but here under the tremendous pressure of the NAM and others, the Congress threw out all controls. The results speak for themselves.

Our people are now reading news stories containing food prices in Canada. They are substantially lower than food prices in the United States. As a result our people are aroused, and rightly so.

A great trust has been placed in us. The American people want more than a lot of high-sounding phrases and handshaking during the coming political campaign.

They expect us to measure up to the claims we have made on the subject of our ability and honesty in representing our constituents. If this Congress fails to do something about prices—it is going to be mighty hard for many Members of this House to face those constituents during the weeks before November 2.

I mentioned a while ago the bipartisan foreign policy with which we are striving to maintain the dignity of the United States abroad and promote the peace and prosperity of the world.

I think all of us are in agreement on the vital importance of that foreign policy—and on the need for promoting stability abroad.

All Americans are conscious of the very important position this Nation occupies in world affairs and the part it is playing in determining the destiny of millions throughout the world.

We seek to sell democracy abroad through every possible means. But, it has always been my sincere conviction that we can best win the world to the democratic way of life by demonstrating that true democracy works here in the United States.

To be convincing to the people of other nations—our foreign policy must be supported by the confidence of the American people.

I would call the attention of the House to the serious threat to that policy which is engendered by the present concern over high prices.

Many people in the United States are becoming confused. Their confusion stems from the difficulty they are encountering in providing adequate food for their families. It is a fact that many families are unable to maintain an adequate diet. And these people are reading stories charging that our present foreign policy is responsible for high food prices.

If both political parties are willing to support our present foreign policy; then I submit to you the leaders of both parties must put forth an extraordinary effort to dissolve the confusion which is growing in American families.

I insist that the present high cost of living is not a purely domestic problem. It threatens stability at home; it endangers our efforts abroad. It plays smack into the hands of Communists who, I honestly believe, gloat over the prospects of still higher prices—believing they will one day soon bring on a bust which will disillusion the great army of average Americans and make fertile soil for the growth of ideas of government which we distrust.

If we fail in this—our greatest responsibility—I fear the results will be tragic.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Speaker, I regret that the gentleman from Illinois did not see fit to yield a little further when I was interrogating him, so I have asked for this time to follow through the line of thinking he has suggested.

In the first place, the gentleman from Illinois suggested that some constitutional rights were being violated by the adoption of this resolution, but when I asked him what rights he was not able to point out how any constitutional provision was being violated.

It is true, of course, that we are here proposing to make it in order during the remainder of the session for the Speaker to entertain motions to suspend the rules for the consideration of bills but they will require passage by a two-thirds vote. If the membership of the House wants by a two-thirds vote to suspend certain rules, that is clearly within the privilege of the membership.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. HALLECK. This resolution may be adopted by a majority vote.

Mr. CASE of South Dakota. That is true but any legislation brought up under suspension will require a two-thirds vote for passage.

Mr. HALLECK. Yes; it would take a two-thirds vote under suspension.

The thing that the gentleman from Illinois missed completely, of course, is that all during the session, twice a month suspensions may be called in the discretion of the Speaker and the leadership, and certainly he must recognize that if an adjournment resolution is adopted, under the rules of the House, for the last 6 days of the session suspensions are in order. It is contemplated at the time this resolution is here presented that the session will not last any longer than the 6 days contemplated in the rules.

Mr. CASE of South Dakota. So the adoption of this rule merely supplements the established procedure of recognizing suspensions at the end of the session and is in keeping with the ordinary principles of the House and is a practice which has been followed for many, many Congresses.

It should also be pointed out that the rule is not exclusive. The rule does not say that no legislation may be considered except under suspensions of the rules; legislation can come in by the adoption of an ordinary rule. This merely makes it possible for the Speaker to entertain motions to suspend the rules. It is not exclusive, so the House is not forfeiting the right to consider legislation in the normal fashion.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. MICHENER. As a matter of fact, there is not anything arbitrary about this resolution. The rules of the House are strictly adhered to and the House will be permitted to work its will. If a majority of the House does not want to do this it will not be done.

My friend from Illinois, former chairman of the committee with whom I had the honor of serving for many years, and I served as a member of the committee under him when he was chairman, he knows this is not an unusual proceeding.

Mr. CASE of South Dakota. May I ask the gentleman from Michigan in his long service on the Committee on Rules, did he never experience a situation where the members of the Rules Committee on the minority side, then the majority, brought in many matters under suspension of the rules during the closing days of a session?

Mr. MICHENER. Oh, yes. When we wrote the rules and provided that the last 6 days should be suspension days, the matter was thoroughly argued, and it was considered that those last days should be suspension days, in order to meet the exigencies which arise during the last days of a session.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Will the gentleman name, during the 6 years I was majority leader, one controversial bill or one bill of general interest, even during the last 6 days of a session, that we considered under suspension of the rules, thereby denying the author of an amendment the right to present it and denying the minority the right to present their views, and the inherent right of a motion to recommit? Name one bill of importance or of a controversial nature during the 6 years I was majority leader.

Mr. MICHENER. Of course, I do not have all that material here, but it is obtainable.

The SPEAKER. The time of the gentleman from South Dakota has expired.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks and include therein a list of the bills considered under suspension of the rules during the 6 years that the gentleman from Massachusetts was majority leader.

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

There was no objection.

(The list referred to follows:)

SUSPENSIONS, SEVENTY-SEVENTH CONGRESS

(Numbers in parentheses refer to pages in CONGRESSIONAL RECORD)

H. R. 6999. Pipe line and barge channel across Florida. Failed to pass House under suspension of rules. June 1, 1942 (4774). The vote was: ayes 85, noes 121.

H. J. Res. 319. Declaration of war against Bulgaria. Passed.

H. J. Res. 320. Declaration of war against Hungary. Passed.

H. J. Res. 321. Declaration of war against Rumania. Passed.

H. R. 4. Compensation for certain dependents of World War veterans. Passed.

H. R. 5726. To amend the Sugar Act of 1937. Passed (9286).

H. R. 6682. To suspend processing tax on coconut oil. Passed (4774–4779).

H. R. 6128. To amend act to expedite housing in connection with national defense. Failed of passage under suspension of rules (9281) December 1, 1941. The vote was—ayes 83, noes 70.

S. 1840. To supplement Federal Aid Road Act. Amended and passed House under suspension (8121–8137).

H. R. 7349. Making appropriations for Department of Agriculture for month of July. Passed (5953–5960).

H. J. Res. 254. Declaration of war against Japan. Passed (9520–9537).

H. J. Res. 256. Declaration of war against Germany. Passed (9665, 9666).

SUSPENSIONS, SEVENTY-EIGHTH CONGRESS

H. R. 1366. Temporary additional compensation in postal service. Passed (2002), March 15, 1943.

H. R. 1860. Overtime compensation to certain Government employees. Passed (2911–2922), April 5, 1943. The vote was—yeas, 224; nays, 107.

H. R. 2703. More uniform provisions in veterans' laws. Passed (6207–6216), June 21, 1943.

H. R. 2798. To amend act relating to Federal aid for post roads. Passed (5496–5504), June 8, 1943.

H. R. 2936. To authorize $200,000,000 to expedite housing for national defense. Passed (6202–6207), June 21, 1943.

H. R. 3646. To amend Canal Zone Code. Passed (5337–5340), June 5, 1944.

H. R. 4115. Employment preference for veterans, widows and wives of disabled veterans. Passed (3501–3507), April 17, 1944.

S. 972. To amend section 7 (c) of act of May 21, 1920, relating to the Navy. Passed (6200–6202), June 21, 1943.

S. 1432. To extend Civilian Pilot Training Act of 1939. Passed (6195, 6211, 6213, 6215), June 19, 1944.

H. J. Res. 147. To continue Commodity Credit Corporation and increase its borrowing power. Passed (7059–7065), July 2, 1943.

SUSPENSIONS, SEVENTY-NINTH CONGRESS

H. R. 6890. To amend First War Powers Act of 1941. Passed (10218), July 26, 1946.

H. R. 1654. Trade marks, registration and protection. Passed (1725), March 5, 1945.

H. R. 3118. Priorities for Veterans' Administration. Passed (5513–5521), June 4, 1945.

H. R. 4230. Circuit Court of Appeals and district courts. Passed (2362), March 18, 1946.

S. 191. Hospitals and public health centers. Passed, amended (10204–10215).

S. 619. Vocational education. Passed, amended (10221), July 26, 1946.

S. 938. Emergency flood control. Passed amended (4840–4846), May 21, 1945.

S. 2085. To amend title V, Housing Act. Passed, amended (10219), July 26, 1946.

H. R. 6917. To provide site acquisition for Federal buildings. Failed (debate 10199–10204), July 26, 1946. The vote on division was—ayes 65, noes 58; on roll call—ayes 160, noes 129.

Mr. SABATH. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Speaker, this particular action today is a most unusual proceeding, in spite of all the allegations that it is very customary for the Congress to vote to suspend the rules at the close of a session.

In the first place, under the resolution adopted by this House before the recess last month, this session does not end until about the 31st of December. Therefore, we are a long way from 6 days before the close of this session.

In the second place, every one who has sat in this Chamber for any length of time knows that under all custom and precedent we never suspend the rules and gag the minority and limit debate to 20 minutes to a side on the passage of highly important or controversial bills.

It has been widely announced in the press by the Republican leadership that there will only be one bill taken up at this session. They refused to do anything about considering the general housing bill that is now pending before the Rules Committee and can be brought before this House in 30 minutes.

So the only purpose of this gag-rule method limiting debate to 20 minutes on a side, denying amendments to any Member of the House and preventing the minority from offering a motion to recommit, is to take up the inflation-control bill under suspension of the rules.

I believe the soaring cost of living to more than $1 a pound for meat and 80 cents a pound for butter, and the record high cost of all food, clothing, and other things, requires more than 40 minutes of the Congress' time to find a solution to the problem.

Yet if you vote for this resolution at the present time you will be voting to give only 40 minutes' time without amendment, modification, or recommittal to the most important subject—inflation—that is in the minds of everybody in our country.

The matter of inflation control should not be a partisanship matter. It is not going to be only the Democrats who are going to be hurt if the cycle of inflation continues to run, it is not going to be just the Republicans who are going to be hurt; it is going to be 135,000,000 people, many of whom do not know or care nothing about party politics.

When this Congress, by passing this obnoxious gag resolution, limits to 40 minutes discussion on the Nation's No. 1 problem, then I think you ought to go on record and state emphatically that you are unwilling to give any reasonable amount of this Congress' time to attempting to help solve this great problem. Mr. Speaker, the record vote on passage of this gag resolution will clearly show which Members, and which party is unwilling to take the required amount of time to work out fair and effective legislation to deal with the pressing problem of inflation.

Mr. CARROLL. Mr. Speaker, will the gentleman yield?

Mr. MONRONEY. I yield to the gentleman from Colorado.

Mr. CARROLL. In addition to many of the fine points that the gentleman from Oklahoma makes with reference to this resolution, it will do another thing: It will put the stamp of approval of this Congress on adjourning within 6 days' time, whether or not anything is done.

Mr. MONRONEY. I thank the gentleman.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. BROWN of Ohio. Mr. Speaker, may I remark at this point that the pending resolution, of course, does not limit the congressional session to 6 days. I regret very much that the gentleman has not read the resolution. Of course, the argument that it will stifle the action of the House is wrong, because it permits the House to work its will by a majority vote instead of a two-thirds vote.

I am not at all certain that the gentleman who has just spoken, the gentleman from Oklahoma, is in position to speak for the Republican leadership as to what legislation may or may not be presented to the House for consideration. I am sure that some of the bills which he has fostered, which he has supported, and which he is, in a way, responsible for bringing before us in the past, have resulted in the unpleasant condition which is responsible for the inflationary situation which exists today. I am sure that same type of legislation will not receive the approval of this Congress or of the thinking people of America any longer.

Every citizen of this country, every Member of Congress, is just as much interested, let me say to the gentleman, in doing something about present high prices and in reducing the high cost of living as he may be. But, there are a great many people in America who know why we have high prices, and one of the great reasons is the enormous cost of maintaining the Federal Government which now takes nearly 25 cents out of every $1 of the American people's income in taxes to support it; this gigantic, sprawling bureaucracy which the gentleman helped to create, and which he wants to now expand by enacting the legislation that the President has requested.

Mr. SABATH. Mr. Speaker, I yield 10 minutes to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Oklahoma.

Mr. MONRONEY. Under the privilege the gentleman from Massachusetts has granted me, I would like to ask the gentleman from Ohio, who has mentioned my name several times in debate, if he intends to bring in the inflation-control bill under suspension of the rules?

Mr. BROWN of Ohio. I do not know. The bill has not been reported out. I am not a member of that committee, but the gentleman is. He ought to know whether that committee reported any legislation out or not; at least, I hope he knows what is going on in his own committee.

Mr. McCORMACK. The gentleman said he could not speak for the Republican leadership, but he ought to be able to answer that question.

Mr. BROWN of Ohio. The committee has not acted at all, but I am not a member of the Committee on Banking and Currency.

Mr. McCORMACK. He says he does not know about the 6 days. The majority leader clearly intimated by his observations that this was brought up because the session would not last longer than 6 days, so the gentleman from Ohio challenges the statement made by the majority leader of his own party.

Now, Mr. Speaker, the fact is that this resolution is introduced for the purpose of preventing any amendment being offered to any bills that might be brought up this week, or during the remainder of the session, which bills will depend upon the agreement made by the Republican leaders, and also to take away from the minority party its inherent right to a motion to recommit which, from time immemorial, this body has recognized resided in the minority party in order for the minority party to make its record on which to go to the people of the country. We had a spectacle in the closing week of the last session only several weeks ago when, for all practical purposes, representative government in this Chamber was suspended. I sat, elected as a Member of this body, as did all other Members, and the majority in this body, the Republican Party, put through the same kind of a resolution, as a result of which all I or any other Member could do was vote "yes" or "no," no matter what bill was brought up, and no matter how important it was, and no matter how wide might be the interest in this body, or among the people. No Member of this body could rise in his seat and offer an amendment. We were denied that opportunity.

Furthermore, the minority party was denied during that week its inherent right to offer a motion to recommit. What were some of the bills that were considered during the last week of the last session under suspension of the rules? H. R. 6777, relating to the social-security law. Many members wanted to offer amendments to broaden coverage and to increase the benefits set in 1939 to offset, at least partially, the drastic increase in the cost of living since then. Social security under present Republican-NAM high prices is little more than hollow mockery. The Democratic Party wanted to offer a motion to recommit. We were denied that opportunity under the suspension of the rules.

Another bill passed under suspension was H. R. 3748, relating to veterans' dependents. Many Democratic Members wanted to offer amendments to improve that bill. We were denied the opportunity.

In the case of H. R. 5588, relating to disabled veterans' compensation, the same thing applied.

Other bills passed under suspension of the rules, thereby depriving the membership of the House of the opportunity of offering perfecting amendments, included:

Senate Joint Resolution 117, relating to the International Labor Organization.

H. R. 6247, relating to United States Air Force.

S. 418, relating to stream pollution.

Senate Joint Resolution 203, relating to mineral land purchase.

House Joint Resolution 412, relating to the merchant marine.

House Joint Resolution 413, relating to the merchant marine.

H. R. 6527, relating to school enrollments.

S. 1322, relating to the Commodity Credit Corporation. There was a deep interest in this bill. Every Member was denied the right to offer an amendment, and the Democratic Party was denied its right to offer a motion to recommit.

H. R. 6959, the housing bill. We know the phony housing bill that was passed. Every Member was denied the right to offer an amendment, by this device, never intended by the House to be used in that way. It has a proper use, but not an improper use as was made during the last week of the last session.

On the housing bill we were denied the opportunity of offering any amendment—even those sponsored by a Republican leader of the other body and approved by a majority of the House Committee on Banking and Currency. The Democratic Party was denied the opportunity to offer a motion to recommit.

H. R. 6916, the postal employees' pay raise bill. We know the inequities contained in that bill. None of us was afforded an opportunity to offer an amendment, and the Democratic Party was denied the right to offer a motion to recommit.

Other bills passed under suspension were:

S. 2281, relating to air parcel post.

S. 2376, relating to agricultural commodities.

H. R. 6501, relating to prototype aircraft.

H. R. 5904, relating to the Virgin Islands.

S. 1260, relating to motor carriers.

Then there was H. R. 6712, the Revenue Revision Act of 1948, which was long advertised as the Republican contribution toward a major overhaul of the wartime tax structure. The folly of this procedure, as used by the Republican majority is that this technical tax revision bill making 80 important changes in the tax laws passed with only 40 minutes of debate.

I agree that this resolution has a proper purpose. There is no question about that, and nobody challenges it, but it has been improperly exercised, and abused in such a manner that, as far as the last week of the last session is concerned, for all practical purposes representative government in this Chamber was suspended.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. HALLECK. First of all, I thank the gentleman for pointing out that in the last session of Congress we passed so much constructive legislation.

Mr. McCORMACK. Did I say "constructive"?

Mr. HALLECK. Yes; all of those measures.

Mr. McCORMACK. That is the gentleman's word. He has the right to use it, but he should not put into my mouth words I did not use.

Mr. HALLECK. All right; now may I say to the gentleman——

Mr. McCORMACK. I do not consider the ersatz Republican housing bill constructive. I consider it represensible. If the gentleman wants me to go into that, I will do so, but if he will use that as his own word and make it an expression of his own thought, all right.

Mr. HALLECK. The gentleman is referring to certain measures that were acted upon under suspension.

Mr. McCORMACK. I am referring to the unreasonable exercise of the right of suspension.

Mr. HALLECK. If the gentleman will permit me, may I say that before that resolution was adopted in the last session I asked unanimous consent for the accomplishment of the same thing, to which the minority leader, the gentleman from Texas [Mr. RAYBURN] reserved the right to object, and then he went on to say this.

Mr. McCORMACK. Does not the gentleman believe he had better have this discussion with the gentleman from Texas? I do not even know what the gentleman is going to say.

Mr. HALLECK. This is from the CONGRESSIONAL RECORD. I just happen to have it here before me.

Mr. McCORMACK. Will the gentleman ask me a question? Will the gentleman from Ohio [Mr. BROWN] give me some of his time?

Mr. HALLECK. I thought the gentleman had yielded to me. I shall proceed in my own time and shall enlighten the gentleman.

Mr. McCORMACK. Of course, there is no question about yielding my time. The gentleman from Indiana knows that himself.

I will yield the balance of my time to the gentleman. Go ahead. Take my time. If you think that I have not been acting within my rights, I am big enough to let you place your own construction on the situation.

But the gentleman knows that when we yield it is usually for a question or a brief observation, and not to take up another gentleman's time.

Mr. HALLECK. The gentleman and I always get along very well, and I certainly would not transgress on your prerogatives, so I will say what I have to say in my own time.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield for a question to the gentleman from Oklahoma [Mr. MONRONEY] so as to keep my two friends on an equal basis.

Mr. MONRONEY. Not only would I say that they are gagging every Member on the floor of the House by limiting debate to 20 minutes on each side on two important measures, but this morning it was announced that they were refusing to hear the Secretary of Agriculture, the Secretary of the Interior, and the Secretary of Commerce on the inflation-control program being considered in the Committee on Banking and Currency.

So the committees, as well as the House itself are being gagged.

Mr. McCORMACK. I would like to inquire—What is the purpose of this particular resolution? Is it not the intention that, if a bill comes out of the Committee on Banking and Currency, to take it up under suspension of the rules? Is it not the purpose to take up whatever legislation may be acted upon at this session under suspension of the rules?

Suspension of the rules has a definite and legitimate purpose. Where a bill comes up and only a small group is opposed to it, and the great majority are in favor of it, suspension of the rules is resorted to on unanimous-consent day. Even in the last 6 days of a session it is very seldom resorted to with reference to a matter of general import to the people, and where there are honest and substantial differences between the Members.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. SABATH. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. Mr. Speaker, at least under such circumstances the minority party is given the right to offer a motion to recommit. If a closed rule is brought in, the right to make a motion to recommit is not taken away.

Lest we forget, let us go back 2 years ago when the National Association of Manufacturers and the Republican Party promised the people of America that, if price controls were removed, within 60 days everything would be in plentiful supply and we would have prices lower than under OPA. Time passed.

It is now 2 years later. Are the people paying less than they did 2 years ago? Has the cost of living declined during the last 2 years? Has the Republican Party kept its promises to the people which they made 2 years ago?

The answer is strongly and emphatically "No." The over-all increase in the cost of living is now 40 percent higher than it was 2 years ago, and in the case of foodstuffs, it is from 60 to 100 percent higher than it was 2 years ago.

Yes, lest we forget—let me show you an advertisement which appeared in the Chicago Sun of February 18, 1946, signed by the National Association of Manufacturers, in which they say "You don't want your savings to melt away! Or the value of your life insurance to dwindle!" I wonder what the people think today as to whether or not there has been a dwindling in their savings and in the value of their life insurance.

Here is another advertisement, one of these big paid ads by the National Association of Manufacturers, which appeared in the Washington Post of April 18, 1946, "Paging Mr. Bowles." I wonder if now they would put an advertisement in paging Mr. Bowles, who at that time said that the removal of price controls would sharply increase the cost of living.

Here is another advertisement on "Why legitimate packers cannot buy cattle," signed by the American Meat Institute of Chicago. Here is what they say:

> Only removal of OPA pricing and related regulations, including subsidies, will put cattle and beef back into normal channels—from the farm to the table—at fair, competitive prices for all.

I wonder what the people think now as they look back, about the increase in the cost of living, particularly the price of meat, which has gone up nearly 100 percent.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I have only a couple of minutes left. If the gentleman will yield me some of his time.

Mr. BROWN of Ohio. I yield the gentleman two additional minutes.

Mr. McCORMACK. I yield to the gentleman.

Mr. BROWN of Ohio. The gentleman talks about 2 years ago. My memory goes back to 2 years ago. I would like to ask the gentleman if he does not remember when they were serving horse meat in the hospitals in Boston and the gentleman from Massachusetts protested

and asked that something be done about it; that these laws under which we were operating, which were done away with by a Democratic Congress and a Democratic President, were producing this shortage of meat. Are they still using horse meat in the hospitals?

Mr. McCORMACK. Does the gentleman admit that the over-all increase in the cost of living has gone up over 40 percent in the past 2 years?

Mr. BROWN of Ohio. Well, the gentleman has not answered my question.

Mr. McCORMACK. Are prices lower now than they were 2 years ago?

Mr. BROWN of Ohio. Yes, speaking of blackmarket prices that the American people had to pay 2 years ago to get the food and the goods they wanted.

Mr. McCORMACK. Oh, my, my! I cannot imagine——

Mr. BROWN of Ohio. Are they still eating horse meat in the hospitals in Boston?

Mr. McCORMACK. The gentleman cannot outtalk me. He can outtalk others but he cannot outtalk me. The greatest brain of the Republican Party, the gentleman from Ohio [Mr. BROWN], admits now that prices are lower than they were 2 years ago. Well, every housewife is an expert economist on the fact that the cost of living has gone up perceptibly.

Mr. BROWN of Ohio. Will you answer the question that I asked you?

Mr. McCORMACK. I do not want to say anything other than nice things about my friend. Personally, when I am down here talking, I talk about his party and my party, but the gentleman knows I have such an affection for him that if we must have a Republican from his district again, I hope it is the gentleman from Ohio. Of course, we prefer a Democrat, but if we must have a Republican, I want him.

Here is another full-page ad in the New York Times of July 3, 1946, by the National Association of Manufacturers, in this campaign of 2 years ago, whipping up the public against these controls. This advertisement promises:

If OPA is permanently discontinued, the production of goods will mount rapidly and, through free competition, prices will quickly adjust themselves to levels that consumers are willing to pay. * * *

Then, as production gets rolling again, supply will catch up with demand * * * prices will be fair and reasonable to all * * * quality will be improved * * * black markets will disappear * * * and America will enter the period of prosperity that everyone has been hoping for.

I have here another full-page ad of the National Association of Manufacturers from the Washington Post of May 4, 1946, with a caption in 2-inch block letters, "Would you like some butter or a roast of beef?" The ad then goes on to suggest this answer:

Remove price controls on manufactured goods, and production will step up fast. Goods will then pour into the market and, within a reasonable time, prices will adjust themselves naturally and competitively, as they always have, in line with the real worth of things. This is the way you can get the goods you want at prices you can afford to pay. Write your Congressman your views today.

The NAM, and the other high-pressure groups, did not limit their endeavors to stimulating correspondence against OPA. They carried their fight for immediate end of price controls directly to the congressional committees.

Mr. Robert Wason, president, National Association of Manufacturers, told the House Committee on Banking and Currency on March 18, 1946:

Remove price controls on manufactured goods, and production will step up fast. Goods will then pour into the markets and, within a reasonable time, prices will adjust themselves naturally, as they always have, in line with the real worth of things. Competition has never failed to produce this result. * * *

Prices are fixed by competition in free markets, not by the money supply. And what is this competition in free markets?

It is the effort of every manufacturer to meet the wishes of the American housewife, the effort to give her what she wants, at a price she thinks is fair. That is real price control.

Price control by the American housewife: This is the kind of price control that assures that the right things get made in the right quantities.

Price control by the American housewife: This is the kind of price control that assures maximum production, jobs, and prosperity for all.

Price control by the American housewife: This is the kind of price control that has made America great, and the only kind that can keep America great.

In a radio address on February 26, 1946, this same gentleman assured the American people:

Historically we have never gotten run-away prices on a rising production. * * *

Prices should be returned to American housewives.

The ceilings the housewife sets, everyone in industry and agriculture must set. * * *

Stripped of all economic prattle, what we are contending for, therefore, is that you, and not the OPA, should be putting the ceiling prices on the things you want.

Another spokesman from the joint high command of big business and the Republican Party, Mr. J. Howard Pew, president of Sun Oil Co., testified before the House Committee on Banking and Currency on April 4, 1946:

Price increases will stimulate increased production, which quickly will bring prices back into balance. If prices go up too fast, consumer resistance will check them.

Mr. Speaker, what has actually happened? Since April 1, 1946, the price of crude oil at the wells in the United States has gone up from $1.20 a barrel to $2.65.

Many other assurances of the good faith of industry in keeping prices down, and promises not to charge all that the traffic would bear, were then made.

On March 3, 1946, Herbert U. Nelson, executive vice president of the National Association of Real Estate Boards, said:

We've got a gang in power who thinks solely of the consumer, and usually in terms of protecting him.

On March 28, 1946, Nelson said that if Wyatt's veteran-housing program were dropped, the home-building industry would—

produce a home, not a fox hole; a house you can afford, not a remodeled barracks.

According to the Baltimore Sun of September 11, 1946, Mr. Ira Mosher, of the NAM—chairman of the board of NAM—said:

We have quite completely failed in convincing the public that our aims are for its good as well as for ours.

The doubts of the people about the NAM aims now have been amply clarified and fully justified.

Al Guckenberger, executive secretary, New York State Food Merchants Association, after OPA price controls were lifted, on October 14, 1946, stated:

Prices * * * will level off shortly as they had begun to do last August before controls were reimposed.

Arthur Bruce, president National Lumber Manufacturers Association, in testimony before a congressional committee, said:

I am personally of the opinion that we would be better off if the Office of Price Administration were to die a natural death June 30.

Need I remind the House that lumber in July 1947 had swept upward 73.4 percent over the 1945—price control—average? When Mr. Bruce said we would be better off it is quite clear the "we" did not include the homeless veteran.

Mr. Richard Colgan, executive vice president, National Lumber Manufacturers Association, in congressional testimony urged:

I think the flow of [lumber] production would be so great so soon that there would be a competitive price on the market.

Yet a year and a half later we find Mr. Colgan's "competitive price" two and one-half times the 1939 average.

On February 3, 1946, Mr. John E. Jaeger, president of the National Association of Retail Grocers, told the American Wholesale Grocers Association:

We [retail grocers] feel that the time has arrived when * * * action must be taken * * * to prevent renewal of the Price Control Act * * *. [Competition] will * * * benefit the consumer by making available ample food at reasonable prices.

On July 9, 1946, Robert R. Wason, president of the NAM, said:

If OPA is finally dead, women * * * will now use the canned meats and other goods they have on their shelves to see them through any temporary period of price rises.

Also said:

If OPA is eliminated entirely, prices of automobiles may be expected to reach normal within 6 months, while rents might take at least a year.

The business and financial editorial writers were advance scouts in the battle to wipe out OPA.

The Wall Street Journal, one of the principal mouthpieces for big business and high finance, started as early as 1945 for outright repeal of OPA, and carried on its campaign to its successful conclusion.

On September 24, 1945, an editorial stated:

This newspaper does not believe that the lifting of price controls will be followed by any horizontal price rise.

A month earlier the Journal editorialized on August 29, 1945:

So we think the choice must be to get rid of price control and to make a beginning on that riddance by throwing out the formulas.

On December 14, 1945, the Journal restated its opposition in terms remarkably similar to the slogans of the National Association of Manufacturers:

As we have said and repeat, the immediate removal of Government control from both prices and wages is the only practical way out of this dangerous impasse. Their removal would unquestionably mean temporarily high prices for many varieties of goods but temporarily only, for there is no more effective price regulation than production in volume.

On January 9, 1946, an editorial of the Wall Street Journal suggests that manufacturers would have a moral responsibility that has been found so deficient in actual practice:

Industries and trade cannot evade price responsibility when they escape the clutches of OPA, whether that happens 6 months too soon or 6 months too late. (Our own belief is that the ceiling prices have already survived too long.)

On January 31, 1946, the Journal announced its unequivocal opposition to all attempts to retain modified price controls:

It is to be hoped that no modification of the price-control law, which its misguided friends may offer, will persuade Congress to extend its life. A much better alternative would be to make an end of it at once.

Ralph Robey, writing in Newsweek of April 29, 1946, said:

Let's put an end to the OPA and get rid once and for all of the creeping inflation which is certain to continue so long as the OPA remains in existence.

There certainly is nothing creeping about the racing inflation of today—more than 2 years after Mr. Robey offered his advice.

Nor could even the academic world remain detached from the anti-OPA fray of 1946. The following prize piece of price nonsense is taken from an article in the Consumer and Financial Chronicle of March 21, 1946, by Mr. Harley L. Lutz, professor of public finance, Princeton University:

The most effective remedy for high prices is high prices, when they are established in a free and open market.

Republican Members of Congress echoed these views of business leaders over countless pages of the CONGRESSIONAL RECORD. It would be unfair for me to select any one, or even a few, of my Republican friends for quotation without giving proper credit to them all for the demise of price controls. Perhaps the best proof of the truth of my observation is the following statement from an address by a ranking Republican Member of the other body on February 5, 1948—only a few months ago—before the Middle Atlantic Lumbermen's Association:

I do not need to remind the membership of this association that it was the Republican leadership in the Senate and the House that was responsible for ending OPA, so that we could once more get our production machinery into gear.

Mr. Speaker, in direct contrast have been the solemn and prophetic pleas of President Truman that the Congress take the required steps to protect the people from inflation. In his state of the Union message of January 21, 1946, the President warned:

Today inflation is our greatest immediate domestic problem. * * * If we expect to maintain a steady economy we shall have to maintain price and rent control for many months to come.

In an extraordinary appeal to the Senate on May 23, 1946, President Truman again urged:

I earnestly repeat my earlier request that the Congress quickly re-enact the stabilization laws without amendments that would jeopardize economic stability.

After trying diligently to administer a basically defective statute, the President finally took the only course. In his statement on wage and price control on November 9, 1946, he said:

There is no virtue in control for control's sake. When it becomes apparent that controls are not furthering the purposes of the stabilization laws but would, on the contrary, tend to defeat these purposes, it becomes the duty of the Government to drop the controls. * * *

The real basis of our difficulty is the unworkable price control law which the Congress gave us to administer.

A few months later, President Truman again warned of the dangers of exorbitant prices in an address before the Associated Press annual luncheon, in New York, on April 21, 1947:

There are some who say that prices are not too high, so long as buying stays at high levels.

From the human standpoint, I reject this argument. It provides no answer to those living on fixed incomes such as teachers, civil servants, and widows.

There is one sure formula for bringing on a recession or depression. That is to maintain excessively high prices. Buying stops; production drops; unemployment sets in; prices collapse; profits vanish; businessmen fail.

Maintaining his watchful eye over the Nation's economy, the President called Congress back into special session and on November 17, 1947, presented a nine-point program to halt rising prices with the following reminder of what failure to act might mean:

If we neglect our economic ills at home, if we fail to halt the march of inflation, we may bring on a depression from which our economic system, as we know it, might not recover.

When the Republican Congress failed to respond to the urgency of the times, the President again appealed for action in his state of the Union message on January 7, 1948:

High prices must not be our means of rationing.

We must deal effectively and at once with the high cost of living.

We must stop the spiral of inflation.

I trust that within the shortest possible time the Congress will make available to the Government the weapons that are so desperately needed in the fight against inflation.

Speaking in the interests of the people, President Truman—when the Republican Congress again refused to heed his warning by adjourning without taking action to halt skyrocketing prices—again fulfilled his constitutional duty by summoning the Congress into special session. He patiently and earnestly and modestly reminded us last week how right he has been all along on this vital problem. The President said:

There are still some people who repeat the old argument which was used by those who killed price control 2 years ago. They said that if we would only take controls off, production would increase, prices would go down, and there would be more for everybody at a lower cost.

The record shows unmistakably that this argument was false. * * *

Positive action by this Government is long overdue. It must be taken now.

Mr. Speaker, this is a summary of the record on price control and the present soaring cost of living. Responsibility is clear—not only with regard to the premature end of OPA, but also for the failure now to correct that original mistake by giving the American people the relief from high prices which they so sorely need, and which their President has sought for them.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. BROWN of Ohio. Mr. Speaker, for the purpose of discussing the resolution which is before us, I yield the balance of my time to the gentleman from Indiana [Mr. HALLECK], the majority leader.

The SPEAKER. The gentleman from Indiana is recognized for 20 minutes.

Mr. HALLECK. Mr. Speaker, I assure the House that I am not going to use 20 minutes. After all, my friend the gentleman from Massachusetts [Mr. MCCORMACK] is just engaging in a lot of shadow-boxing in which he likes to indulge and which we always enjoy.

The gentleman referred with some vigor to the suspension of representative government. I might say to him that I saw representative government suspended here for 14 years, under the New Deal. In that era measures were sent up here by the Executive and given approval when they were not yet even in print. It was under the New Deal that we had suspension of representative government. The people of this country now have a Congress that is responsive to their will, a Congress that really represents them and is subservient to no one man or group of individuals. The people are glad they have such a Congress. They are very happy that it is a Republican Congress. We have restored representative government in the United States. In the course of his remarks the gentleman undertook to upbraid the majority leadership for calling up a certain number of measures under suspension of the rules in the closing days of the last session. I would remind the gentleman that the CONGRESSIONAL RECORD discloses that I asked the minority leader, the gentleman from Texas [Mr. RAYBURN] about the adoption of that particular resolution, and indicated to the gentleman from Texas that I was going to ask unanimous consent for its adoption. He suggested to me that I tell him as nearly as I could what measures we had in mind to call up under suspension of the rules or

might possibly be called up in that manner. I went to the minority leader's office and I gave him that list. When I subsequently asked unanimous consent for the adoption of the resolution, the gentleman from Texas reserved the right to object and said—and it is in the RECORD of June 17, page 8634:

Mr. RAYBURN. Mr. Speaker, reserving the right to object, the gentleman from Indiana was good enough this morning to state to me generally, and I think rather fully, the bills that the Speaker would in all probability recognize for suspension. They are all agreeable to me except one. Since the action of the Committee on Banking and Currency this morning, and the high-handed manner in which that committee acted in not allowing a Member of the minority, as I understand, to even make a motion or say anything, I could not agree to this request, if it involves a bill of the far-reaching significance as the so-called housing bill.

If that is to come in the list I shall be constrained to object, and if I did not there would be another who would.

Mr. Speaker, it seems to me it comes with poor grace to complain of action that was taken under suspension of the rules when the minority leader was informed in respect to every one of them and he had said for the RECORD that they were all agreeable to him insofar as calling them up under suspension was concerned, except one.

Furthermore, the present session is supposed to be an extraordinary session of Congress.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. Yes; I yield to the gentleman from Illinois.

Mr. SABATH. Is it not a fact that the gentleman from Texas [Mr. RAYBURN] objected because the gentleman brought in a rule that would kill and did kill the Taft-Ellender-Wagner housing bill and substitute for it a fraudulent housing bill?

Mr. HALLECK. I read the RECORD as to why the gentleman from Texas objected and certainly the gentleman can understand it as well as I. There was nothing in the list of bills which was just read by the gentleman from Massachusetts that led him to object.

Whether or not the majority of the Members of this body are going to vote for the adoption of this resolution I do not know, but I think they will. As a matter of fact, there is nothing new in this procedure. I read the RECORD before. I hesitate to take the time of the Members to read it again, except that there has been such an attempt to arouse a lot of excitement here that I feel I should make further reference to it.

The gentleman from New York, Mr. O'Connor, was chairman of the Rules Committee in 1938 and presented this same kind of resolution for adoption on that occasion and there was not even a record vote. The now Speaker of the House, the gentleman from Massachusetts [Mr. MARTIN] raised some question about it.

Mr. O'Connor said:

Mr. Speaker, this is the usual resolution brought in toward the close of a session. Its purpose is to expedite the business of the House. It provides that suspensions shall be in order on any day instead of on the first and third Mondays and during the last 6 days of a session.

All during a session bills are called under suspension, as the established rules of the House provide.

Some question was raised as to whether or not the Republicans had ever followed this procedure. The gentleman from New York, Mr. O'Connor, said:

The Republican Party took the same course we are taking today. I served with the gentleman on the Rules Committee and the gentleman may trace back the history of this Congress for many years and I doubt if there can be found a year in which an identical rule was not brought in.

Mr. MONRONEY. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I should like to conclude my statement.

As I say, I do not know why there should be all this excitement over this proposal to expedite the business of Congress. Even the President himself said that we could do all that was needed to be done in 15 days. That makes this kind of resolution all the more necessary. I do not, however, see why it was that it was not until a full week after we had been called into session that any of the President's advisers came up to tell us about the particular bills the President wanted. He called this an emergency situation. The President said this was an emergency situation. If that be true, then certainly there is more reason for the adoption of this resolution in this kind of session than there would be in a regular session. Why then is the gentleman from Oklahoma [Mr. MONRONEY] complaining about the committee's not hearing a lot of witnesses he said they should hear? What does he want—a filibuster in his own committee against legislation dealing with prices? It would seem that he does. I can hardly believe that, however. In any event, you could not hear all of those witnesses and get through in the 15 days that the President said ought to be time enough to do all that he thought needed to be done.

Mr. Speaker, I want to say one thing further. There has been talk here about important bills being called up under suspension of the rules. Why, one of the bills that raised inquiry in 1938 when this type of resolution came up was the so-called reorganization bill—the same reorganization bill that stirred this country to its very foundations, a reorganization bill which was subsequently defeated by a then Democratic Congress. At that time the gentleman from Massachusetts [Mr. MARTIN] pointed out that resolutions of this sort generally came at the end of a session. And he said he would like to know if the session was going to last 2 days, 2 weeks, or 2 months. The then Democratic majority leadership would not even tell him that much. So do not get so excited about it. It is the same old story. As long as you are on the "giving out end," you kind of enjoy it, but when you get to the point where the same procedures you followed all through the years are invoked by the Republican majority in order to try to bring about expeditious consideration of the matters before us, you cry out until you can be heard clear across the country. I do not think any one will be very much impressed.

Mr. Speaker, there has been talk about the price-control measure and statements to the effect that it is contemplated it will be brought up under suspension of the rules. Now, I do not know at this moment what is going to be brought up under suspension. Even if this resolution is adopted, the price-control matter could be brought up under a rule. When we came here at the opening of the last session and Mr. Truman came up here with that long program of his, I made the statement then—and I never heard anyone dispute it since—that if you wrapped them all up in one package and sent it down to the White House there would not be 25 Democratic votes to send it there and what is more, if we did send it down there the President would probably veto it. I do not know whether you gentlemen on the other side of the aisle would have courage enough to try to bring OPA back under a motion to recommit or not. I have heard you talk about it, but, if I understand the sentiment that exists, you would not have enough votes for that sort of a police-state proposal to make a corporal's guard. Why then all this shadow-boxing?

We Republicans said that we were not for the police-state method that the President himself decried at one time. That is where we stand. We make no apology for it, and we need make none. The people overwhelmingly approve our position.

The committee is holding hearings on these matters that have been stated to us to be most important. I have confidence in the committees and, beyond that, I have confidence in the ultimate judgment of the Congress of the United States as to what ought to be done. You can talk all you want about the merits of these various proposals and you can talk about how debate will be limited. The fact is that the debate has been raging for days, weeks, and months in the Congress, in the press, and over the radio. Everyone has been talking about it.

When we decide what needs to be done within the contemplation of the necessities of this special session, the measures will be brought out here and you will all get a chance to vote on them.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I was called from the room while the able gentleman from Massachusetts was delivering his keynote speech for the opposition. Did he call attention to the fact that when we had price control it was impossible to buy meat, potatoes, eggs, butter, shirts—in fact everything? You could not buy anything and people were queueing up in line all over the country trying to get food and buy enough to keep body and soul together.

Mr. HALLECK. The gentleman neglected also to point out that it was the President himself who took off the OPA

controls just before the last election. He took them off in the face of an aroused electorate. But I am not going to get into a debate about the merits of the various things that have been and may be proposed. This is not the time nor the place for it. I might point out that when some of these statements were made, and some people thought that prices would be dropping, it was expected that national defense would cost from three to five billion dollars a year. Now it is costing $14,000,000,000 a year, with the resulting impact that such expenditures has on our national economy. I do not think it was in contemplation that we would be engaging in various aid programs running into billions and billions and billions of dollars, involving the export of tremendous quantities of goods of all kinds in this country, having, as that has, its impact upon our whole economy. As I say, one could go on at great length arguing these issues, but this is not the time for it.

This resolution is in order; it is properly here; it follows time-honored practices in the House of Representatives, and after the gentlemen on the other side have had their opportunity to try and make another political speech to the country, and get a chance to vote, the smoke will all clear away and we will go on to accomplish the best that we can in the best interest of the country. Whatever we bring in here you can be pretty sure there will be a lot of votes on the other side of the aisle for it.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Illinois.

Mr. SABATH. The gentleman is the majority leader, and he is being credited with being the real leader of the Republican Party, of course. He states that he does not know what legislation will be considered. Now, I presume that is due to his modesty. Can he tell us whether he will bring in that legislation that will bring about a reduction in the high cost of living?

Mr. HALLECK. I might say to the gentleman from Illinois, for his enlightenment, that there are 245 Republican Members. There is no one man, no two or three men, who run the affairs of the Republican Party in the House of Representatives. We have Members on the legislative committees, and they are able men and women, who are doing a good job in the interest of the country. They have a voice, an important voice, in what is done. It is not up to me to dictate to them what they should do, and I am quite sure the Speaker would fully agree with me in that respect, because that is the way we operate. There is no dictatorship over here. We get together, we talk things over, and then we decide what to do, and generally we go ahead and do it.

Mr. BROWN of Ohio. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. SABATH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] One hundred and ninety-four Members are present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 216, nays 122, not voting 91, as follows:

[Roll No. 128]

YEAS—216

Abernethy	Gamble	Merrow
Allen, Calif.	Gavin	Meyer
Andersen, H. Carl	Gearhart	Michener
Anderson, Calif.	Gillette	Miller, Md.
Andresen, August H.	Gillie	Miller, Nebr.
Angell	Goff	Mitchell
Arends	Goodwin	Muhlenberg
Arnold	Graham	Mundt
Auchincloss	Grant, Ind.	Murray, Wis.
Bakewell	Griffiths	Nicholson
Banta	Gross	Nixon
Barrett	Gwinn, N. Y.	Norblad
Bates, Mass.	Gwynne, Iowa	O'Hara
Beall	Hagen	Patterson
Bender	Hale	Phillips, Calif.
Bennett, Mich.	Hall, Edwin Arthur	Potter
Bennett, Mo.	Hall, Leonard W.	Poulson
Bishop	Halleck	Ramey
Blackney	Hand	Rankin
Boggs, Del.	Harness, Ind.	Reed, Ill.
Bradley	Harvey	Reed, N. Y.
Bramblett	Hébert	Rees
Brehm	Herter	Reeves
Brophy	Heselton	Rich
Brown, Ohio	Hill	Riehlman
Buck	Hinshaw	Rivers
Buffett	Hoeven	Robertson
Burke	Holmes	Rockwell
Busbey	Hope	Rogers, Mass.
Butler	Horan	Rohrbough
Byrnes, Wis.	Hull	Ross
Carson	Jenison	Russell
Case, N. J.	Jenkins, Ohio	Sadlak
Case, S. Dak.	Johnson, Calif.	Sanborn
Chadwick	Johnson, Ill.	Sarbacher
Chenoweth	Jones, Wash.	Schwabe, Mo.
Chiperfield	Jonkman	Schwabe, Okla.
Church	Judd	Scott, Hardie
Clason	Kearney	Scott, Hugh D., Jr.
Clevenger	Kearns	Scrivner
Coffin	Keating	Seely-Brown
Cole, Kans.	Keefe	Simpson, Ill.
Cole, Mo.	Kersten, Wis.	Simpson, Pa.
Colmer	Kilburn	Smith, Kans.
Corbett	Knutson	Smith, Maine
Cotton	Kunkel	Smith, Ohio
Coudert	Landis	Smith, Wis.
Cox	Larcade	Snyder
Crawford	Latham	Stefan
Crow	LeCompte	Stevenson
Cunningham	LeFevre	Stockman
Curtis	Lemke	Stratton
Dague	Lewis, Ky.	Sundstrom
Davis, Ga.	Lewis, Ohio	Taber
Davis, Wis.	Lichtenwalter	Talle
Dawson, Utah	Love	Tibbott
Devitt	McConnell	Tollefson
D'Ewart	McCowen	Towe
Dolliver	McCulloch	Twyman
Dondero	McDonough	Van Zandt
Ellis	McDowell	Vorys
Ellsworth	McGarvey	Vursell
Elsaesser	McGregor	Wadsworth
Elston	McMahon	Weichel
Engel, Mich.	McMillen, Ill.	Whittington
Fellows	Mack	Wigglesworth
Fisher	Macy	Williams
Fletcher	Maloney	Wilson, Tex.
Foote	Manasco	Wolcott
Fuller	Martin, Iowa	Wolverton
Fulton	Mason	Woodruff
Gallagher	Mathews	

NAYS—122

Albert	Boggs, La.	Burleson
Allen, La.	Boykin	Byrne, N. Y.
Andrews, Ala.	Brooks	Camp
Battle	Brown, Ga.	Carroll
Beckworth	Bryson	Chelf
Bell	Buchanan	Combs
Blatnik	Bulwinkle	Cravens
Crosser	Jones, Ala.	Pace
Deane	Jones, N. C.	Passman
Delaney	Karsten, Mo.	Patman
Dingell	Kee	Peden
Donohue	Kelley	Peterson
Doughton	Kennedy	Philbin
Douglas	Kilday	Pickett
Durham	King	Poage
Eberharter	Kirwan	Preston
Engle, Calif.	Klein	Price, Fla.
Feighan	Lane	Price, Ill.
Fogarty	Lanham	Rains
Folger	Lea	Rayburn
Forand	Lesinski	Redden
Gordon	Lodge	Rogers, Fla.
Gorski	Lusk	Rooney
Gossett	Lynch	Sabath
Granger	McCormack	Sadowski
Grant, Ala.	McMillan, S. C.	Sheppard
Gregory	Madden	Sikes
Hardy	Mahon	Smathers
Harless, Ariz.	Mansfield	Smith, Va.
Harris	Marcantonio	Somers
Harrison	Miller, Calif.	Spence
Hart	Miller, Conn.	Teague
Havenner	Mills	Thompson
Hays	Monroney	Vinson
Hedrick	Morgan	Walter
Hobbs	Morris	Welch
Holifield	Morrison	Wheeler
Huber	Multer	Whitten
Jackson, Wash.	Murdock	Winstead
Jarman	O'Brien	Worley
Johnson, Okla.	O'Toole	

NOT VOTING—91

Abbitt	Flannagan	Norton
Allen, Ill.	Garmatz	O'Konski
Andrews, N. Y.	Gary	Pfeifer
Barden	Gathings	Phillips, Tenn.
Bates, Ky.	Gore	Ploeser
Bland	Hartley	Plumley
Bloom	Heffernan	Powell
Bolton	Hendricks	Priest
Bonner	Hess	Regan
Buckley	Hoffman	Richards
Canfield	Isacson	Riley
Cannon	Jackson, Calif.	Rizley
Celler	Javits	St. George
Chapman	Jenkins, Pa.	Sasscer
Clark	Jennings	Scoblick
Clippinger	Jensen	Shafer
Cole, N. Y.	Johnson, Tex.	Short
Cooley	Kean	Stanley
Cooper	Kefauver	Stigler
Courtney	Keogh	Taylor
Davis, Tenn.	Kerr	Thomas, N. J.
Dawson, Ill.	Lucas	Thomas, Tex.
Dirksen	Ludlow	Trimble
Domengeaux	Lyle	Vail
Dorn	MacKinnon	West
Eaton	Meade, Ky.	Whitaker
Elliott	Meade, Md.	Wilson, Ind.
Evins	Morton	Wood
Fallon	Murray, Tenn.	Youngblood
Fenton	Nodar	
Fernandez	Norrell	

So the resolution was agreed to.

The Clerk anounced the following pairs:

On this vote:

Mr. Thomas of New Jersey for, with Mr. Stigler against.

Mr. Shafer for, with Mr. Gary against.

Mr. Clippinger for, with Mr. Dawson of Illinois against.

Mr. Kean for, with Mr. Keogh against.

Mr. Cole of New York for, with Mrs. Norton against.

Mr. Eaton for, with Mr. Celler against.

Mr. Fenton for, with Mr. Fallon against.

Mr. Nodar for, with Mr. Kefauver against.

Mr. Taylor for, with Mr. Heffernan against.

Mr. Short for, with Mr. Garmatz against.

Mr. Scoblick for, with Mr. Priest against.

Mrs. St. George for, with Mr. Pfeifer against.

Mr. Hartley for, with Mr. Cooley against.

Mr. Andrews of New York for, with Mr. Powell against.

Mr. Allen of Illinois for, with Mr. Sasscer against.

Mrs. Bolton for, with Mr. Cooper against.

Mr. Ploeser for, with Mr. Gore against.

Mr. Hess for, with Mr. Trimble against.

Mr. Jackson of California for, with Mr. Bloom against.

Mr. Jenkins of Pennsylvania for, with Mr. Buckley against.
Mr. Plumley for, with Mr. Isacson against.
Mr. Gathings for, with Mr. Chapman against.
Mr. Vail for, with Mr. Bland against.

General pairs until further notice:

Mr. Rizley with Mr. Bonner.
Mr. Youngblood with Mr. Abbitt.
Mr. Wilson of Indiana with Mr. Wood.
Mr. Morton with Mr. Johnson of Texas.
Mr. Meade of Kentucky with Mr. Whitaker.
Mr. MacKinnon with Mr. Richards.
Mr. Dirksen with Mr. Flannagan.
Mr. Hoffman with Mr. Fernandez.
Mr. Jennings with Mr. Riley.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL PROBLEMS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 737)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed, with illustrations:

To the Congress of the United States:

I transmit herewith a report of the National Advisory Council on International Monetary and Financial Problems covering its operations from October 1, 1947, to March 31, 1948, and describing in accordance with section 4 (b) (5) of the Bretton Woods Agreements Act, the participation of the United States in the International Monetary Fund and the International Bank for Reconstruction and Development for the above period.

Previous reports of the National Advisory Council were transmitted to the Congress on March 1, 1946, March 8, 1946, January 13, 1947, June 26, 1947, January 20, 1948, and May 18, 1948, respectively. In addition to the First Special Report on the Operations and Policies of the International Monetary Fund and the International Bank for Reconstruction and Development, submitted on May 18, 1948, previous reports on the participation of the United States in the International Monetary Fund and the International Bank were included in the reports of January 13, 1947, June 26, 1947, and January 20, 1948, respectively.

HARRY S. TRUMAN.

THE WHITE HOUSE, *August 3, 1948.*

EXTENSION OF REMARKS

Mr. DONOHUE asked and was given permission to extend his remarks in the RECORD.

Mr. DINGELL asked and was given permission to extend his remarks in the RECORD and include a statement in support of the tax bill he introduced this morning.

Mr. LEONARD W. HALL (at the request of Mr. KEATING) was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. KEATING asked and was given permission to extend his remarks in the RECORD regarding a bill he introduced today to amend the Displaced Persons Act of 1948.

Mr. McMAHON asked and was given permission to extend his remarks in the RECORD and include a communication from a civic association.

SPECIAL ORDER GRANTED

Mr. PHILLIPS of California. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the legislative program of the day and following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

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

There was no objection.

HOUSING

Mr. HARDY. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. HARDY. Mr. Speaker, the existence of a critical housing shortage throughout our Nation is well known to each of us. I have been deeply concerned about the failure of the House to give consideration to this matter.

Early in June I called attention to the urgency of the need and it was generally understood then that the committee would report to the House a comprehensive housing bill. Subsequent developments are well known. A so-called housing bill was presented, but in a form which miserably failed to constructively approach the problem and in a manner which prevented any amendments to broaden it or improve it.

There is a pressing need for permanent extension of title VI of the National Housing Act and for a better secondary mortgage market. However, there is wide divergence of opinion concerning the propriety of Federal assistance in connection with slum clearance and subsidized housing for low-income families. While the elimination of slums and decent housing for American families are clearly matters of public interest, the opponents of public housing point to the fact that new construction is now proceeding at a rate which fully utilizes our production of building supplies.

It has long been my feeling that the entire House membership should be given an opportunity to participate in and listen to full debate on all the various proposals for coping with the housing problem. To keep housing legislation bottled up in committee deprives the House membership of any opportunity to work out constructive legislation which is so vitally needed.

I have today signed the petition to discharge the committee from further consideration of the matter. I hope that a sufficient number of my colleagues will join with me to bring this matter to the floor so that it may be debated and disposed of during the current special session.

SOMETHING MUST BE DONE TO PROTECT SOCIAL - SECURITY BENEFICIARIES FROM THE FIRES OF INFLATION

Mr. DINGELL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. DINGELL. Mr. Speaker, the President in his message to the joint session of the Congress on July 27, described the people who depend upon the benefits being paid under the old age and survivors' insurance system as victims of inflation. Truer, more forceful words were never spoken. It is ridiculous to suggest, yes it is cruel to say that an elderly man and his wife can exist on the average old-age retirement benefit of $39 a month, or that a widow with two children can keep body and soul together with $49 a month.

Since the present level of benefits was set in 1939, we have had this fantastic rise in the cost of those basic necessities which social-security recipients could barely afford even before the price rise. Immediately after the delivery of the President's message I introduced H. R. 7044, to increase old age and survivors' insurance benefits by approximately 50 percent and to make certain other noncontroversial liberalizing changes in the social-security system.

Mr. Speaker, it can be taken for granted that the Republicans in control of both Houses of Congress can expect to reap the fury of an enraged and unsympathetic electorate far greater in numbers than the 2,000,000 recipients now actually receiving benefits under the Social Security Act. There can be no argument against the President's recommendations since everybody knows that the present high cost of living admittedly weighs heaviest on those who are subsisting on social-security benefits and old-age pensions. These people are the lowest on our economic scale and their need for relief is most pressing, since they are in distress and unable otherwise to help themselves.

Indeed, the 63,000,000 employed persons at the present time doubtless includes a great many people who are eligible for social-security retirement benefits, but who simply cannot afford to leave their job—despite age and poor health—under the present inadequate benefits and the Republican NAM high prices.

The healthy financial condition of the old-age and survivors' insurance fund, together with the strengthening provisions in the bill I have introduced, clearly make possible these adjustments in the Social Security Act. Mr. Speaker, although this bill was introduced more than a week ago, as yet there has not been a single meeting of the Committee on Ways and Means for the consideration of this pressing problem. I am sure that the old people of the country, as well as those who are now contributing toward a more pleasant and secure old age, will be justly indignant at the neglect of this

Republican Eightieth Congress responsible for their minimum welfare.

SPECIAL ORDER GRANTED

Mrs. DOUGLAS. Mr. Speaker, I ask unanimous consent that on tomorrow, following any special orders heretofore entered, I may be permitted to address the House for 40 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. HARLESS of Arizona, and Mr. MITCHELL asked and were given permission to extend their remarks in the RECORD.

Mr. CROSSER asked and was given permission to extend his remarks in the RECORD on the subject of enforcing peace.

THE ISSUES OF THE SPECIAL SESSION

Mr. BLATNIK. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

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

There was no objection.

Mr. BLATNIK. Mr. Speaker, Congress has been reconvened in special session for the purpose of solving a number of important problems which directly affect the people's welfare and America's national security.

The issues which confront us may be classified under the following major categories: First, inflation; second, housing; third, labor legislation; fourth, civil rights; and, fifth, social welfare. Each of these five problems has a direct bearing on our economic well-being and on the future of democracy. Each of these problems was grossly neglected by the Eightieth Congress during its two regular sessions.

It is my hope that Congress will accept its responsibilities to the Nation during this special session and take courageous and constructive legislative action—action which is long overdue.

The record of the Eightieth Congress to date has been one of miserable failure and broken campaign promises. The Republican majority failed the people during both regular sessions; it failed the worker, farmer, small-business man, veteran, and consumer. It refused to formulate a program of prosperity and security for the people, choosing instead to cater to corporate wealth and vested interests by adopting class legislation and granting tax hand-outs to the wealthy.

The special session now gives to the majority party an opportunity to redeem itself by doing something constructive for a change. I hope that the Republican leadership has the wisdom to utilize this chance, and I am sure that the American people share my views.

I will use the few minutes at my disposal to discuss briefly each of the big issues of the special session, and urge what in my opinion seems to be the logical course of action to follow. I will begin with the question of inflation and the need for adequate legislation to control it.

CHECK INFLATION—PREVENT DEPRESSION

Mr. Speaker, the present economic situation is dangerous and pregnant with economic disaster. There is much uneasiness among the people, and they have ample cause for alarm. Ever-rising prices, swollen corporate profits, declining mass purchasing power, the increase in credit buying, and dissipation of wartime savings are the forerunners of depression—of another 1929 economic catastrophe which will cause untold suffering and misery for the people.

The danger signals of depression are all around us, as the Midyear Economic Report of the President—July 1948—clearly indicates. Prices are still rising—the cost of living is now 75 percent higher than in 1939. Food prices have increased 123 percent. Clothing costs have doubled. Rents are up 13 percent.

Corporate profits continue to increase, and have now reached the all-time high of $30,500,000,000 before taxes and $18,600,000,000 after taxes. Consumer purchasing power has declined, under the impact of this inflation, to the point where over 25 percent of all families are spending more than they earn. Credit buying has now reached the record high of $14,000,000,000—the people's savings of the war years have been dissipated in a majority of cases in order to enable them to buy the necessities of life.

This depression-breeding situation is a double-edged sword which is wrecking our economy. On one hand, inflation is reducing the worker's take-home pay, squeezing the small-business man, lowering the farm parity ratio between money received and paid out, and undermining the people's living standards. At the same time, the fires of inflation eating at vital parts of the Nation's economy are paving the way to depression, which will mean malnutrition, hunger, unemployment, broken national health, and human misery.

My colleagues on the Republican side of the aisle have told us time and again that inflation-control legislation is unnecessary. They still repeat that unsound argument that was used when they killed price and rent control. They argue that no control means more production, and this in turn means lower prices.

It is true that more production is the eventual and only permanent answer. However, the present emphasis upon production is of such a nature that controls are necessary.

American industry should be reorientated toward the production of houses, cars, refrigerators, radios, schools, highways, hospitals, and consumer goods to raise living standards and provide security for our people, instead of being mobilized for a world armament race.

But we are spending over $14,000,000,000 a year for national defense, and over $6,000,000,000 for foreign economic and military aid. In other words, we are using over half of the National Budget for armament and foreign assistance, and three-fourths of the Budget for war and the effects of war. Until we reduce our expenditure for armaments and foreign grants, some inflation-control legislation is imperative. Otherwise, the result will be depression and economic collapse.

The situation requires swift and statesmanlike action, and it is later than we think. As Marriner S. Eccles, of the Federal Reserve Board, told the Senate Banking Committee on July 29 of this year:

> We certainly are going to have a bust. When, I cannot say. You can only moderate it now.

Congress cannot afford to follow its usual do-nothing policy with respect to this grim threat to our economy. We should adopt a complete program of inflation-control legislation during this session, including legislation to control credit, to allocate scarce commodities and control prices of such commodities. We should pass a genuine rent-control law and reimpose the excess-profits tax.

One or two of these things alone will not do the job. We must enact this entire program, and any half-way measures will not serve.

I wish to make my position absolutely clear on this question. Inflation has produced enormous corporate profits, but has undermined the people's purchasing power. This means shrinking markets and eventual depression. I have supported price and rent control in the past, and today urge anti-inflation legislation and the reimposition of the excess-profits tax as measures to prevent depression and to promote national security.

ADOPT T-E-W HOUSING BILL

Housing has become the number one social problem in the United States—in fact, the situation is today so bad that it has become a national disgrace. There are still nearly 3,000,000 families in this country who are living doubled up with friends and relatives; 50 percent of these homeless families are veterans' families. Two-thirds of all rural dwellings are classified as substandard, and 40 percent of all city homes fall into the same category.

The only solution to this problem is the adoption of a constructive and workable long-range housing bill to remedy the present acute housing shortage and meet our long-term housing needs. The Taft-Ellender-Wagner housing bill, which has been bottled up in committee during the whole life of the Eightieth Congress, is a sound measure. More than a year ago I signed the discharge petition on this bill which still remains on the Speaker's desk, and I call upon the House today to bring this measure to the floor and pass it during this special session.

REPEAL THE TAFT-HARTLEY LAW

The Republican majority could make a real contribution to the cause of industrial peace and American democracy during this session, if it would lay aside its lynch-labor attitude and repeal the Taft-Hartley antilabor law. This measure, written and crusaded for by the National Association of Manufacturers, is one of the most vicious measures ever adopted by the Congress of the United States.

The Taft-Hartley Act is contrary to American ideals and the principles of

our Constitution. It has restricted the rights of labor which were earned over half a century of struggle—the rights to organize, bargain collectively, and strike as free men and women. It has opened the way to the use of injunctions and the National Guard as well as units of the Regular Army to break strikes. It has served to handcuff the working men and women of America in the interests of big business, has created labor unrest, caused unnecessary strikes, and retarded industrial production.

The Republicans justified the adoption of this law on the grounds that it was necessary to preserve industrial peace. Events have proved that this argument was false—a fact that most reasonable and unbiased persons recognized during the debate in Congress over the Taft-Hartley law. The road to industrial peace is to be found, not in repressive antilabor legislation, but in measures which eliminate the conditions that create labor unrest.

In the interest of friendly labor-management relations, Congress should strike from the statute books the Taft-Hartley law, and direct its efforts toward the formulation and adoption of a comprehensive program to benefit labor.

We should raise the minimum wage to provide at least 75 cents per hour and strengthen the enforcement provisions of the Fair Labor Standards Act. We should expand and liberalize the provisions of the unemployment compensation laws to cover all workers, and provide payments in the amount of at least $25 for 26 weeks. We should extend the Social Security Act to cover all workers, and adopt an adequate pension law to give workers security in their old age. Congress should adopt a labor-extension program of education and strengthen our labor conciliation services.

With respect to my stand on labor issues I want to make the record clear. The NAM-sponsored Taft-Hartley law is a vicious and un-American measure. I opposed it from the beginning and I now demand its repeal. I condemn strike-breaking by injunction and the use of the National Guard and other Army units in labor disputes. Congress can best promote industrial peace by raising the minimum wage, by liberalizing unemployment compensation, and by providing economic security to the worker.

EXTEND CIVIL LIBERTIES AND ENCOURAGE DEMOCRACY

America has a great heritage of freedom and equality, and the individual liberties guaranteed by the Constitution are precious American rights. Yet we must admit that the American ideal still awaits complete realization. As the report of the President's Committee on Civil Rights points out, millions of Americans are denied the right to vote today, minorities are discriminated against with respect to employment, education, and economic opportunity on account of race, color, and religious creed. Racial segregation exists in the armed forces and in many large cities. Minority groups are victims of lynching and other forms of mob law.

Neither can we ignore the fact that today efforts are being made to curtail civil liberties in America. The House has cited 10 prominent Hollywood artists for their personal political beliefs rather than any overt acts. The eminent atomic scientist Dr. Edward U. Condon, has been slandered and persecuted by the House Committee on Un-American Activities, as have many other prominent Americans. The so-called subversive activities control bill, which is one of the most dangerous measures ever seriously considered by Congress, passed the House. Only strong public protest has prevented its passage in the other body.

In the name of Americanism, Congress should exercise calm judgment in the face of public hysteria, and refuse to be stampeded into passing legislation to restrict civil liberties. In the name of democracy, we should adopt legislation to guarantee full political, economic, and social rights to every American.

My stand is in accord with Thomas Jefferson, who said:

> I swear on the altar of God eternal hostility to all forms of tyranny over the minds of men.

Congress must reject all legislation which curbs civil liberties—Congress must extend civil rights by adopting anti-poll-tax, anti-lynching, and FEPC legislation during this session.

SOCIAL LEGISLATION NEEDED

There is a vast amount of sound social legislation pending before the Congress which deserves consideration. Millions of old folks in America are living under conditions of poverty and near starvation, and a comprehensive and liberal old-age pension law is needed.

Recent reports show that there are 10,000,000 illiterates in America, and that many children are denied educational opportunities. Passage of the Taft Federal-aid-to-education bill would help correct this situation.

Two-thirds of our people are not receiving adequate medical care, and the Murray-Wagner health-insurance bill offers a practical solution to this problem. The social-security law should be extended to cover every person in America, including the farmer and self-employed. Positive action on these and many other social problems are long overdue, and Congress could contribute much to the future welfare of the Nation by placing such measures on the agenda.

These are the issues, Mr. Speaker, which now confront the special session of the Eightieth Congress. They are vital issues which demand constructive action. They are issues the Republican majority has chosen to dodge and sidestep since January of 1947. These issues which affect the people's interest must not be dodged or ignored any longer. It is no longer a question of saving face on the part of some political leaders—it is a question of prosperity or depression. The well-being of our people and the health of our economy are at stake.

It has been said that the special session is putting the majority party "on the spot" in that they are faced with the dilemma of fulfilling the campaign promises in their platform or repudiating them by inaction. Actually, it is the bipartisan coalition which is on the spot—the coalition which adopted the Taft-Hartley law, the Knutson tax law, and other reactionary measures during the regular session. But the question of prosperity or depression is more important than partisan or bipartisan politics, and I call upon my colleagues in both parties to take action now to guarantee prosperity, civil liberties, economic security, and democracy to all the people.

HOUSING LEGISLATION

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. HARLESS of Arizona. Mr. Speaker, from the press, I observe that since there is at present no housing law in this country, this session of Congress will probably enact the National Housing Act, which passed in the closing days of the regular session of the House. This bill, H. R. 6950, now being considered by the Senate, is inadequate and insufficient to meet the country's housing needs, especially in those States which are experiencing marked increases in their population.

The housing problem deserves top priority in our Congressional agenda. If the Federal Government fails to face this problem by providing adequate housing legislation at this time, it is incumbent upon the States to pass legislation to encourage the construction of houses at a State level. So desperate is the lack of appropriate housing in many of our States today the various States can no longer wait and hope for action by the Federal Government, when Congress gives no indication of constructive activity.

In my own State of Arizona, we are faced with a very real problem of providing housing for the thousands of veterans who have come to our fast-growing State to lay the groundwork for their futures. I sincerely hope that Arizona will enact a State housing law which will encourage the construction of homes especially for veterans and their families. I, for one, shall continue to stress the need of a State housing authority backed up by laws which will encourage the construction of private homes. If necessary, I believe the State should guarantee loans in the nature of mortgage insurance in a similar manner as is provided by the Federal Government in the contemplated national housing act.

If the housing problem is to be left largely to the initiative of the States, I believe it necessary that the Federal Reserve Board relax its rules and regulations in order to facilitate discounting on mortgage loans for homes, particularly for veterans, thus making it possible for the States to carry out their programs.

I had hoped, but apparently in vain, that Congress would tackle the serious task of enacting a sound and workable law that would guarantee homes for our citizens. If we are merely to go through the motions of passing a law which merely scratches the surface of the problem, as a last resort before adjourning, we must at least take steps to make it

possible for the States to take care of the problem and supplement the work of the Federal Government. I am sincerely hopeful that Arizona will take the initiative on her housing problem where this Congress has left off. For every dollar invested by the State in providing houses for her residents which are adequate to the American standard of living, the returns will be multiplied in terms of continued progress, prosperity, and happiness. Without decent homes within their financial possibilities, Americans cannot enjoy nor contribute in a full measure to the benefits of our way of life.

The SPEAKER. Under previous order of the House, the gentleman from Mississippi [Mr. WILLIAMS] is recognized for 40 minutes.

STATE RIGHTS VERSUS TOTALITARIANISM

Mr. WILLIAMS. Mr. Speaker, during the past few years, it has become highly popular for public officials in certain sections of our country to point the finger of scorn at the white people of the South.

This has become such a politically profitable pastime in other sections that both major political parties have been persuaded to write into their party platforms antisouthern planks, and to dedicate themselves to the complete destruction of southern economic and social institutions.

We say to them:

> Thou hypocrite, first cast out the beam out of thine own eyes, and then shalt thou see clearly to cast the mote out of thy brother's eye. Matthew 7: 3.

It is a sad commentary on American politics when the Democratic Party—saved from oblivion more than once by the South, and led by a man who owes his position to the white people of the South—places its best friends on the altar of political expediency.

The South will not—it cannot—go along with the vicious platform adopted by the National Democratic Convention at Philadelphia. We have been betrayed in the house of our fathers. We, who have been most faithful of all to the Democratic Party, felt the indignities of the present party's ingratitude, when our interests were subordinated to permit the adoption of a resolution offered by men from States in which not even the justices of the peace are Democrats.

The National Democratic Party leadership has joined the Dewey and Wallace crowds, and is playing cheap politics with public welfare.

Both major parties have unconditionally surrendered to selfish Negro and alien minority groups of the so-called doubtful States, and are both screaming for passage of legislation which they know to be unconstitutional per se, and contrary to the best interests of the United States.

I, of course, have reference to the so-called civil-rights legislation.

The enactment of any or all of these vicious proposals—with which we are all familiar—could have no effect other than to again fan into flames the expiring embers of racial hatred, and to create sectional divisions among our people at a time when national unity is synonymous with national self-preservation.

Passage of these measures would cut the heart from our Constitution. Yet they are advocated by many good and patriotic Americans. This is not difficult to understand, because those who would force this crown of thorns down upon the heads of the white people of the South have resorted to trickery, deceit, and misrepresentation in their efforts to destroy the meaning of the Constitution.

They have so colored the barbs that they would thrust into the flesh of constitutional government that all who dare take issue with their vicarious arguments are promptly labeled as demagogues, bigots, and race baiters.

Nothing, of course, could be more alien to fact. These arguments were answered for all time by the immortal Georgian, Henry W. Grady, who said:

> The future holds a problem, in solving which the South must stand alone; in dealing with which she must come closer together than ambition and despair have driven her, and on the outcome of which her very existence depends. This problem is to carry within her body politic two separate races, and nearly equal in number.

And further:

> This burden no other people bears today—on none has it ever rested. Without precedent or companionship, the South must bear this problem, the awful responsibility of which should win the sympathy of all mankind and the protecting watchfulness of God alone, even unto the end.

Mr. Speaker, these are not merely the beautiful words of an idle dreamer. They carry with them the awful significance of the burden which has been that of the South since the shameful days of reconstruction and will continue to be the problem of the South alone. We neither need, seek, nor desire assistance; nor do we welcome interference which we know will only revive old hatreds, and will set us back a hundred years in our progress.

The greatest of all Negroes, Booker T. Washington, pointed out that:

> Brains, property, and character for the Negro will settle the question of civil rights. The best course to pursue in regards to the civil-rights bill in the South is to let it alone. Let it alone, and it will settle itself.

It cannot be denied that the Negro has made great progress in the South—perhaps more than any other people in a like period of time anywhere. We of the South are proud of these great strides which our Negro friends have made. But, Mr. Speaker, they have accomplished this solely with the aid and understanding of the southern white man. Permit me to point out that none of their progress has been due in any way or to any extent to any help or contributions from the crowd that today is posing as friends of the Negro by advocating this un-American legislation.

None of this progress was due to the NAACP, the Civil Rights Congress, the National Negro Congress, or any other of these self-styled crusaders. Their only love for the Negro is based upon his political value at the moment.

Apart from the disastrous effects upon the South and her people, as well as upon the Nation as a whole, the legislative monstrosities which make up the so-called civil-rights program are of much more and further-reaching consequence.

Those who agitate for the passage of this program speak in glowing platitudes of human rights, individual dignity, and civil liberties.

It seems that they never get around to paying tribute to the document which has, through the years, preserved the dignity of the individual, and guaranteed human rights and civil liberties to all of our citizens—the Constitution of the United States. For its preservation the blood of thousands—even millions—of patriotic American citizens has been spilled; yet, by these acts those agitators would deny that democratic heritage to our people.

The founding fathers of our great Nation embodied in their Constitution a system of checks and balances—a division of governmental power—between the individual States and the Federal Government which they thought would preclude for all time to come the consequences of nationalization. To avoid the possibilities of power concentration and usurpation, they very wisely and deliberately delegated certain specified powers to the Federal Government and reserved the balance of authority to the individual States. Nowhere in the Federal Constitution did its framers provide for Federal intervention into private or social affairs, nor did they ever intend that the States be divested of their sovereignty.

It is provided by the Constitution that—

> 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.

Yet, in utter disregard of this clear-cut statement of intent on the part of the framers of our Constitution, the President of the United States and both major political parties today demand the destruction of individual State sovereignty, and the invasion of private lives by governmental order.

Chief Justice Marshall once 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 class.

In his farewell address, George Washington, the first President of the United States, stated the case against Federal intervention into State affairs:

> The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Step by step, Mr. Speaker, organized minorities with selfish interests are striving to break down the lines which separate the States.

No representative government since the birth of civilization has existed successfully for so long a time as has the democratic constitutional Government of the United States, though we are still young in the sisterhood of nations. The system under which we live—the division of powers under our Constitution between the States and Federal Government—has been the chief contributor to the continuation of our democratic form of government, and our Constitution is the pillar on which that system rests.

In 1922, Mr. Speaker, the German Government was built upon a constitution patterned largely after that of the United States. Her people enjoyed a democratic representative form of government, and she had begun to bid for her proper place in world society. But gradually minority groups began to infiltrate into the organisms of her Government, continually working to undermine the local self-government of her people, and to centralize all authority in Berlin. We are, of course, familiar with the manner by which Hitler seized control of the federal police system and set up a totalitarian state there. The sequel to that story has been written in the blood of 40 nations.

Thomas Jefferson, in his first inaugural address, stated the creed of the Democratic Party, to which it has adhered consistently until this very day, in these words:

> The support of the State governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-Republican tendencies.

Abraham Lincoln, the great emancipator, and father of the present day Republican Party, held:

> To maintain inviolate the rights of the States to order and control under the Constitution their own affairs by their own judgment exclusively is essential to the preservation of the balance of power on which our institutions rest.

And again:

> No man who has sworn to support the Constitution can conscientiously vote for what he understands to be an unconstitutional measure, however expedient he may think it.

No, Mr. Speaker, the Democratic Party headed by President Truman is not the party of Thomas Jefferson; nor is the Republican Party of Thomas Dewey the same party that was founded by Abraham Lincoln. Their parties are now in the hands of power-hungry usurpers and pretenders.

It has been argued that Truman is carrying out the policies of the late Franklin D. Roosevelt. But, Mr. Speaker, I challenge anyone to show that Roosevelt or any other American President ever sent to the Congress any such message as the so-called civil-rights proposals of President Truman. Franklin Roosevelt, on the contrary, joined his illustrious predecessors in warning his people against over centralization of government. He said:

> We are safe from the danger of * * * departure from the principles on which this country was founded just so long as the individual home rule of the States is scrupulously preserved and fought for whenever it seems in danger.

How different are the views of the little man who succeeded him.

No, the Democratic Party of Harry Truman is not even the Democratic Party of Franklin Roosevelt.

We of the South who refuse to follow these political backsliders are not party bolters or rebels. We who balk at being continually trampled underfoot by the so-called leadership of the Democratic Party are not bolting the Democratic Party; we have waited too long for that. We were read out of that party at Philadelphia by power-crazed demagogs grappling for the support of selfish minorities. For the first time since the war for southern independence, the South is asserting her full political self-determination.

Be not deceived, the South will not support Harry Truman, Tom Dewey, Henry Wallace, or any other candidate for President who has deserted the principles of orderly, local self-government, guaranteed by the Constitution of our forefathers.

There is but one ticket for those who wish to see the continuation of constitutional States' rights government—and the Birmingham convention gave us that ticket.

The South will vote Democratic. She will vote for the only Democratic ticket offered which has endorsed and advocated the principles of the Democratic Party. Governors Thurmond and Wright are real Democrats who recognize the constitutional rights of local self-government free from bureaucratic interference. They, and they alone among the candidates, advocate a return of State capitols and county courthouses to the States and away from the banks of the Potomac. They, and they alone, advocate the continuance of the kind of democratic government which has made this Nation the world's citadel of freedom and guardian of liberty.

The States' Rights Convention in Birmingham offered a challenge to all lovers of freedom and self-determination. It offered a challenge to all who have the courage to place principle above expediency, and to Democrats and Republicans alike who wish to support the structure of constitutional government. I am confident that the people of the South, as well as those who live in other sections, still have the courage of their forefathers, and will fight to the end for the preservations of the fundamentals in which they believe.

In closing, I would like to recite to you the words of a distinguished American and defender of constitutional liberties, Daniel Webster, who stated:

> Other misfortunes may be borne or their effects overcome. If disastrous war should sweep our commerce from the ocean another generation may renew it; if it exhaust our Treasury, future industry may replenish it; if it desolate and lay waste our fields, still, under a new cultivation, they will grow grain again, and ripen to future harvests. It will be but a trifle even if the walls of yonder Capitol crumble, if its lofty pillars should fall, and its gorgeous decorations be all covered by the dust of the valley. All these might be rebuilt. But who shall reconstruct the fabric of demolished government? Who shall rear again the well-proportioned columns of constitutional liberty? Who shall frame together the skillful architecture which unites national sovereignty with States' rights, individual security, and public prosperity? No, if these columns fall, they will be raised not again. Like the Colosseum and the Parthenon, they will be destined to a mournful, a melancholy immortality. Bitterer tears, however, will flow over them, than were ever shed over the monuments of Roman or Grecian art; for they will be the remnants of a more glorious edifice than Greece or Rome ever saw, the edifice of constitutional American liberty.

Mr. GOSSETT. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield.

Mr. GOSSETT. Mr. Speaker, I wish to commend the distinguished gentleman from Mississippi for a very fine address. He has distinguished himself in his first term in Congress and is a credit to his constituency and to the country.

Mr. WILLIAMS. I thank the gentleman from Texas.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield.

Mr. KNUTSON. I wish to say to the distinguished gentleman from Mississippi that he has made a timely talk on the need for returning to constitutional government. True, the aisle divides us on many things, but on the question of maintaining constitutional government and the need for doing so if we are to remain a free people, there is no difference between us. I recall how the people of the South, after Appomatox and the Boys in Grey—returned home in tatters—took up the task of building anew and repairing the devastation resulting from one of the greatest wars of all time and that they did not receive a single cent from the Federal Government in order to accomplish that great task. They did it through their own perseverance. I have great admiration for the South. I have said on more than one occasion that I consider the agricultural South and the agricultural Midwest to be the backbone of the country.

Mr. WILLIAMS. I thank the gentleman, and want to state to him that I am familiar with the splendid fight which he has made over the years since he has been in Congress for the preservation of constitutional government.

Mr. WINSTEAD. Mr. Speaker, will the gentleman yield?

Mr. WILLIAMS. I yield to the gentleman from Mississippi.

Mr. WINSTEAD. I want to add to others in congratulating the gentleman on one of the best presentations of the subject I have heard in this House.

Mr. WILLIAMS. I appreciate the gentleman's remarks.

The SPEAKER pro tempore (Mr. CASE of South Dakota). The time of the gentleman from Mississippi has expired.

SPECIAL ORDER GRANTED

Mr. BUSBEY. Mr. Speaker, I ask unanimous consent that on Friday next, after disposition of the legislative business of the day and any special orders heretofore entered, I may be permitted to address the House for 30 minutes on the Republican policy in China.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. LANE] is recognized for 10 minutes.

DO SOMETHING TO HALT RISING PRICES

Mr. LANE. Mr. Speaker, do something to halt rising prices before the bubble bursts, while there is still time in this special session of the Congress.

The people will surely take it out on those who are supposed to represent them but who spend their time trying to pass the buck instead of fighting shoulder to shoulder to hold the line against inflation.

Far more important than any political consideration is the threat to the economic well-being of the Nation.

Experts have warned us that a crash is inevitable if the hands-off policy is continued.

The breadwinners and the housewives of the Nation knew this long ago. In every kitchen of the working people, after the children have gone to bed, husbands and wives sit up late struggling with the job of bridging the widening gap between the conservative pay envelope and the runaway cost of living.

It just cannot be done without the help of Congress.

Businessmen who should know better, because they went through the whole terrifying experience of boom and bust once before, cry to the heavens at the mere suggestion that the Congress try to help the ailing patient.

"Let the fever run its course," they say, having no constructive suggestions to offer.

They will cry even louder when the purchasing power of the people falls so far behind that business suffers.

A little corrective action now can save the situation and prevent the more drastic measures which will be required if we permit the problem to get completely out of control.

Make no mistake about it, some form of control, voluntary or imposed, is needed. Some people would have us think that our economy is absolutely free, which it is not. There are degrees of control and there is a difference between private and public controls, but some control is essential.

The subtle admission of that primary fact came to light when Secretary of the Treasury Snyder testified before the Senate Banking Committee on July 30 that:

> I have always believed that our chief reliance for the control of inflationary bank credit lies in the good judgment of the individual bankers in the 15,000 banks in the United States.

In order that the Secretary's remarks of that day be placed in their proper perspective, may I add that he also said:

> I believe that it is urgent in the national welfare that consumer credit control legislation be enacted as soon as possible.

On October 30, 1947, a United Press report from Washington stated:

> Representative THOMAS J. LANE, Democrat, of Massachusetts, today urged the administration to exert every influence on the Nation's bankers to get them to make only sound loans after Federal credit controls expire Saturday.
>
> LANE said that the United States is on the road to boom-and-bust which will wreck both the domestic economy and the foreign-aid program unless prompt steps are taken.

We are nearer to that disastrous showdown than we were on October 30, 1947, and what has been done to avert it?

Twice the President has called special sessions to enact such legislation as would be necessary to alleviate the distress of the American people.

And yet, no sooner was this present session called to order than a few Members pressed for an immediate adjournment, in complete defiance of public opinion.

The people are worried and angry. Something must be done to bank the fires of inflation before the mounting pressure causes an explosion which would rock the foundations of our constitutional government.

A war, a boom, a depression, another war. This has been the "life, liberty, and pursuit of happiness" enjoyed by a generation of Americans.

Can they take another depression?

Gentlemen, this is a serious moment. Forewarned as to reefs toward which our economy is drifting, this Congress must take the helm. It cannot adjourn. It cannot turn its back on its responsibilities. A job remains to be done.

It would be easy for me, as a Democrat, to spend all of my time in fixing the blame for our present woes on the Republican majority of this House. I know full well that they in turn would engage in the same political maneuver with an eye not to the national welfare but to the spoils of a political victory in November.

This is no time, however, in which to play politics.

The stability of the United States and the peace of the world depend upon our willingness or our refusal to take immediate and decisive action on inflation.

Shadow-boxing with this issue will not solve it and such tactics will not fool the people.

Some blame our aid to Europe or the appropriations for defense.

Most people blame the war for inflation. Others blame big business or labor. This is begging the question. We must find not scapegoats but a remedy.

The President has suggested certain selective controls over prices and allocations. Others prefer a tightening up on bank credit and curbs on installment buying. Total consumer credit in June 1948 reached an all-time peak of over $14,000,000,000. The opposition calls for a free market in which prices would be able to find their own level through the operation of the so-called law of supply and demand. But the American economy is virtually working at capacity, and any further increase must be a slow and gradual process.

Meanwhile, rising prices are taking their human toll in lowered standards of living, in the inability to finance education, in the deterioration of housing, in the sacrifice of necessary dental and medical care; and, in the case of those who must live on pensions, fixed incomes, and social-security payments, actual denial of life-sustaining foods.

The wholesale price index has broken through the record ceiling for inflation which was reached in 1920, after the end of the First World War.

Last year the purchasing power of the dollar was only 68 cents. Today it is down to 60 cents, even a shade less as of this moment.

This bears most heavily on the millions of Americans in the lower income brackets.

The frantic bidding of the people with money for the things which were not available during the war, or for the replacement of durable items which have been used longer than they were meant to be used, is pushing the cost of living sky high and out of the reach of millions.

There are tens of billions of dollars in new money and new savings that can be cashed quickly demanding goods that are not available in sufficient supply. With three times as much spendable money, and only one and a half as much to buy, prices threaten to double. They have not yet but they are on the way.

And that can lead to bust and ruin.

Look at the facts:

The amount of paper money and metal coins in circulation has increased from $7,600,000,000 in 1939 to $28,900,000,000 in 1947. There is $21,300,000,000 more cash on the loose than there was before the war, $3.80 in cash now for every $1 then.

Time deposits or bank accounts on which we can draw amount to $56,300,000,000 contrasted with $27,100,000,000 in 1939. This represents an increased reserve of $29,200,000,000 available when and if ready cash becomes exhausted.

Very few people owned Government bonds in 1939. At the end of 1947 they possessed $31,000,000,000 of E bonds.

In cash, time deposits, and bonds, the American public had only $34,700,000,000 in 1939. By the end of 1947, this total had increased to $116,200,000,000. This is a jump of $81,500,000,000. In terms of dollar purchasing power, the American people have $3.06 for spending for every dollar they had in 1939. Even if this figure is modified in order to compensate for the lowered value of today's dollar, the increase in demand, as represented by money, is considerably greater than it was in 1939.

This money demand, as posed against supply of goods and services, is pushing the cost of living far, far too high. The

white-collar worker, the salaried worker, the older person retired and living on dividends or pension or annuity, is in desperate straits.

These reserves are being used up and installment buying is on the increase. If this continues, the end of the line is in sight. But credit keeps up the pressure on prices just as much as cash did. It must not reach the point of exhaustion, for then the whole Nation will plummet to a crash in an economic tailspin. In the absence of thrift and frugality on the part of those earning $3,000 a year and more, pressure on prices will go on to the breaking point. Far better to impose gradual restrictions on credit now as a means of holding the line until supply nears demand than to leave all to chance.

The average American is not versed in the intricacies of economics.

But from his own practical experience as a worker and as a consumer who is trying to keep a home and family together, he knows that something must be done.

Apart from his own difficulties in making both ends meet, even with the best management on his part, he senses with unerring instinct that economic anarchy threatens his Nation and the peace of the world.

He holds that Congress is responsible for constructive leadership to solve the situation.

He will not be satisfied with inaction or half-hearted, token measures designed to deceive him.

He wants national unity on this serious domestic problem. I believe that he is right in his insistence on bipartisan teamwork to bring down the cost of living at this special session of his Congress.

Only in this spirit can it be done.

The American economy is dangerously close to the edge of the spiraling road where the drop is sharp and deep.

It is essential that we control this wild and irresponsible joy ride before it leads to disaster by applying the brakes of credit control.

Not as the back-seat drivers called Democrats and Republicans, but with the single and united purpose of saving the people of the United States from being carried over the precipice of inflation to depression.

We cannot afford a repetition of 1929 in 1949.

The people are watching and judging the actions of this special session. They will not accept excuses for failure.

Halt inflation or the roof will fall in.

SPECIAL ORDER GRANTED

Mr. REES. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 30 minutes, to discuss the question of the loyalty of Government employees.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Pennsylvania [Mr. BUCHANAN] is recognized for 30 minutes.

INFLATION CONTROL

Mr. BUCHANAN. Mr. Speaker, the House Committee on Banking and Currency at this moment is in executive session to report out a bill covering some form of inflation control. For the purpose of the RECORD, in view of the fact that the matter may come before the House tomorrow, I should like to present some of the arguments that have been made in our committee up to this point, together with some statistics that will bear out the answers, so that this material will be available for the ready reference of the Members tomorrow.

CONSUMER-CREDIT CONTROL

Republican attack: The President has power to control consumer credit. When Executive Order 8843 was repealed by Congress, power was left to the President to revive regulation W if he would declare a state of national emergency. The President has given an emergency as the reason for reconvening Congress, so why does he not issue a proclamation declaring a state of national emergency and revive regulation W?

Answer: Consumer credit control is only a relatively minor point in the overall inflation-control program. In times of peace the President should not be asked to declare a national emergency for a relatively minor matter like this. The Republicans have always criticized the President for abusing his emergency powers. Do they now propose a reversal of this policy question?

The President has requested authority to reestablish consumer-credit controls on numerous occasions. His request has been endorsed by the Joint Committee on the Economic Report, headed by Senator TAFT. Following the President's request of last November, a bill to give the Federal Reserve Board the necessary authority passed the Senate, but is buried in the House Banking and Currency Committee.

BANK-CREDIT CONTROL

Republican attack: The President has the power to increase the rediscount rate of the Federal Reserve banks and to stop the Government's support of the bond market and thereby check inflation.

Answer: The President has no such powers.

The rediscount rate is set by the boards of directors of the 12 Federal Reserve banks with the approval of the Board of Governors of the Federal Reserve System. The President has no power to determine their decisions.

The decision whether the open-market policy is to be continued or not is made by the open-market committee of the Federal Reserve Board, consisting of all the Board members and the presidents of five Federal Reserve banks. The Chairman of the Federal Reserve Board is chairman of this committee, and the president of the Federal Reserve Bank of New York is vice chairman of the committee. The committee's policies are determined in consultation with the Secretary of the Treasury.

The members of the Federal Reserve Board are appointed by the President, but the President has no right to recall them during their stated terms of office.

It is an outright misrepresentation of facts to say that the President has the power to increase the rediscount rate or to stop the Federal Reserve Board from supporting the bond market.

The proposal to discontinue Government purchases of Government bonds is dangerous and irresponsible. Approximately $70,000,000,000 in Government securities are held at present by the 15,000 banks in this country. If market support would be discontinued, there is no way of telling how far bonds would drop. An end of the open market policy would not only effect negotiable (larger) bonds, but would spread inevitably to the E, F, and G bonds also, which are redeemable at par, because it would undermine confidence in all Government securities.

An increase in the rediscount rate alone would not stop the present credit inflation. Most industrial corporations are making such exorbitant profits at the present time that a small increase in the discount rate would not stop them from borrowing money on which they can earn a much higher rate of return.

The following is an excerpt from the CONGRESSIONAL RECORD of Friday, July 30, 1948:

Mr. O'MAHONEY. I understood the Senator to say that he thought the President had power to enforce sound anti-inflationary policies, and one of the powers which he mentioned was the power to abandon Government bonds in the market and let them go down in value. Does the Senator from Ohio recommend that policy?

Mr. TAFT. I would rather have that done than to place price controls on the American people; yes. I do not think it is necessary. * * * As to a choice between that and the reimposition of price controls, I should prefer Government bonds to go below par.

EXPORT CONTROLS

Republican attack: Our large exports are one of the two main reasons for inflation. The President has powers to control exports but does not use them properly.

Answer: To blame the inflation on our exports is ridiculous. In 1947 we exported only 4.1 percent of our total national product and in 1948 we will export only 2.5 percent.

While our exports are substantially larger than they were before the war, our total national product is so much larger that we have, on the average, almost twice as much available for domestic consumption as we had before the war. All critical materials and foodstuffs are now under export control.

The tables on the attached sheets show how little of total production we are exporting in some critical fields. Moreover, a large part of exports is required under the Marshall plan, the keystone of our foreign policy. Do the Republicans propose to abandon the Marshall plan, which was adopted by an overwhelming

majority of both parties in the Eightieth Congress?

United States gross national product, exports including reexports, general imports of merchandise, and the net export-import surplus in relation to gross national product, 1936–38, 1946, 1947, and first quarter 1948 at annual rate

[In billions of dollars]

	Gross national product	Exports	Imports	Net export-import surplus	Ratio of net export-import surplus to gross national product
					Percent
1936–38	85.8	3.0	2.5	0.5	0.58
1946	203.7	10.2	4.9	5.3	2.6
1947	231.8	[1] 15.3	5.7	9.6	4.1
First quarter 1948	244.3	[1] 13.2	7.1	6.1	2.5

[1] Including civilian supplies to our armed forces overseas for distribution in the occupied areas.

Exports of scarce commodities

Commodity	1939		1947		1948 estimate	
	Total supply	Percent exported	Total supply	Percent exported	Total supply	Percent exported
Lumber (billion board feet)	25.7	4.1	37.9	3.0	37.1	1.8
Motor fuel (million barrels)	64.0	6.0	745.0	4.3	791.0	3.2
Heating fuels (million barrels)	162.0	18.9	316.0	8.2	372.0	4.8
Finished steel (million tons)	35.0	7.1	63.0	10.3	65.0	7.6
Soil pipe (1,000 tons)	417.0	.3	577.0	1.0	570.0	.9
Hardwood flooring (million board feet)	505.0	2.4	687.0	.3	830.0	.2
Meat (billion pounds)	18.3	1.2	24.7	1.1	22.7	.6

OPA HISTORY

Republican attack: The President and the Democratic Seventy-ninth Congress are responsible for having removed price controls in 1946.

Answer: The President and the large majority of Democrats in the House and Senate fought a last-ditch battle in the summer of 1946 to retain adequate price control. More than 90 percent of the Republicans under the leadership of TAFT, WHERRY, WOLCOTT, and HALLECK made an all-out effort to destroy price control.

The President vetoed the first OPA extension bill, passed on June 29, because it presented not a choice between continued price stability and inflation, but only a choice between inflation with a statute and inflation without one. The President stated:

The bill continues the Government responsibility to stabilize the economy and at the same time destroys the Government's power to do so.

The President signed the second OPA extension bill on July 25, 1946, with reluctance. The President signed the bill because, as he said:

I am advised that it is the best bill Congress will now pass.

He warned:

If it appears that all the efforts of the Government and people will not be sufficient under the present legislation, I shall have no other alternative but to call the Congress back in special session to strengthen the price-control law.

The act as passed tied the President's hands completely and made it impossible to continue effective price control.

The meat incident: The act decontrolled, among other things, meat and livestock until August 20, but allowed reimposition of controls if the Price Decontrol Board so decided. In the face of soaring meat prices, the Decontrol Board reestablished ceiling prices in August, but the only result was that meat disappeared completely from the markets, and Congress had given OPA not enough money to wipe out the black markets into which meat disappeared. The President's decision to remove all meat controls on October 14, 1946, was forced by the combination of an unworkable law, a conspiracy on the part of the industry, and the lack of funds to enforce controls.

In his radio address on the night of October 14, 1946, President Truman said:

The responsibility (for the meat shortage) rests squarely on a few men in the Congress who, in the service of selfish interests, have been determined for some time to wreck price controls no matter what the cost might be to our people. * * *

The real blame * * * lies at the door of the reckless group of selfish men who, in the hope of gaining political advantage, have encouraged sellers to gamble on the destruction of price control.

This group, today as in the past, is thinking in terms of millions of dollars instead of millions of people. This same group has opposed every effort of this administration to raise the standard of living and increase the opportunity for the common man. This same group hated Franklin D. Roosevelt and fought everything he stood for. This same group did its best to discredit his efforts to achieve a better life for our people.

In conclusion, Mr. Speaker, I believe that on these matters it is not so important to try to assess the blame at this time as it is to come out with effective controls that may be able to do the job. I am just a bit leery as to whether or not the rather flimsy measures that have been proposed in our committee will be sufficient to meet the task.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Kansas [Mr. REES] is recognized for 30 minutes.

WHAT ABOUT THE LOYALTY PROGRAM OF THE EXECUTIVE DEPARTMENT?

Mr. REES. Mr. Speaker, within the past several days the Nation's attention has been directed to allegations that during the war certain Federal employees carried on subversive activities and furnished Russian agents with confidential or restricted material. In view of these and other recent developments in the foreign situation, I think it is well to review the record and determine whether Government officials now employed approved such persons for appointments with the knowledge that there was a reasonable doubt as to their loyalty. The American people are also entitled to know whether the present loyalty policy of the executive branch is designed to adequately protect our national security.

I am particularly interested in these Federal employees loyalty matters because of my responsibility as chairman of the House Post Office and Civil Service Committee. While it is not within my province to determine whether Federal employees are guilty of espionage or sabotage, I am most concerned regarding the policy which permits employees to remain on the pay roll or be employed when there is reasonable doubt as to their loyalty. I believe it is in the public interest to illustrate the policy of the Federal Government with respect to employee loyalty matters by documented evidence which is in the possession of the Government and which was ignored at the time these Federal employees were appointed. The reason I am addressing the House at this time and giving these facts is to allow the people of the United States to judge whether the present Federal employees loyalty policy meets with their approval.

In testimony before the House Un-American Activities Committee, Elizabeth T. Bentley mentioned Nathan Gregory Silvermaster as leader of the largest group of alleged disloyal Government employees. I am not in a position to know whether these charges regarding espionage can be supported but I can say that several of the former Government employees she named were good prospects for such activities, and this was known to Government officials at the time these employees were on the Federal pay roll.

Silvermaster was a former employee of the Maritime Labor Board, Department of Agriculture, Board of Economic Warfare, Treasury Department, Reconstruction Finance Corporation, and War Assets Administration. On April 3, 1942, he applied for a position with the Board of Economic Warfare, subject to the approval of the Civil Service Commission, which is the agency charged with the responsibility of determining the loyalty of applicants for Federal positions. Exhaustive investigations were conducted by the Federal Bureau of Investigation and the Civil Service Commission. Evidence submitted in the Commission's investigation covered several hundred pages, and it is too lengthy to review here in detail. However, on May 22, 1942, an official of the Civil Service Commission, after reviewing the reports of investigation, made the following recommendations:

It is my conclusion that Silvermaster is definitely either an active member of the Communist Party or so directly alined with their leaders and interests in the San Francisco Bay area, if not on a national scale, as to color and affect his service for the Federal Government. It is felt that by reason of these attachments, his continued employment in his present capacity or at all by the Federal Government can only serve to advance the cause of the Communist Party in its ultimate design to disrupt America's political and economic texture.

The investigation of Silvermaster covered a period from 1916, when he entered the United States from Russia, up to the year 1942. Scores of competent witnesses were interviewed at a half dozen places in the United States. Almost without exception those who themselves were not Communists or identified with Communist front organizations stated that he was an enthusiastic supporter of the Soviet Communist order to replace the American form of government. A good share of these witnesses identified him variously as a radical, a Communist, an active member of the Communist Party, or as active in a San Francisco unit of the Communist Party under the party name of "Serge Komov." His close friends and acquaintences, including his lawyers and doctors, according to the investigation, were either known Communists or known to be active in organizations labeled by the Attorney General as subversive. He made several material incorrect statements on his application designed to conceal his activities. This is only a part of the evidence reported in the investigation, but that which reflected on Silvermaster's questionable loyalty is documented and the testimony well corroborated. On July 1, 1940 he transferred to the Department of Agriculture from the Maritime Labor Board. The confidential files of the Agriculture Department during his employment there contained correspondence between officials of the Resettlement Administration and officials of the San Francisco section of the American Legion.

The American Legion reported that Silvermaster had close associations with Sam Darcy, west coast Communist functionary. Further, that he was a member of the Fillmore section of the Communist Party. Also that he was active in protesting the discharge of California State employees who had been dismissed because of radical activities. The Legion reported that many of his associates are of doubtful loyalty and that one of the American Legion officials had reviewed Mr. Silvermaster's doctoral thesis and found it to be extremely pro-Soviet.

The Commission's investigation shows that at the time Silvermaster's present wife received a divorce from her former husband, a question arose as to the custody of their child. Mrs. Silvermaster's former husband apparently believed she would marry Silvermaster, and because he apparently doubted Silvermaster's loyalty the following stipulation was incorporated in the interlocutory decree, which was entered on July 10, 1929:

> Both parties agree that neither shall remove the child from the United States without the consent of the other party given in writing, and the parties agree that the child shall be educated in the accepted American principles in the spirit of American freedom and democracy, and that he shall not be exposed to communistic or antireligious teachings.

This is a rather strange stipulation in a divorce decree, unless there was a reasonable doubt as to whether Silvermaster was a loyal American.

While the Commission's investigation was in progress, Military Intelligence investigated Silvermaster who was then on detail from the Department of Agriculture to the Board of Economic Warfare. G–2 was interested in Silvermaster because of his access to confidential information which the Board of Economic Warfare received from the Military Establishment. After its investigation, G–2 recommended the Board of Economic Warfare to remove Silvermaster from their offices. Officials in the BEW handed G–2's investigation to Silvermaster to answer, and then advised G–2 that the charges against Silvermaster were unfounded. Meanwhile, Silvermaster was called before the Civil Service Commission to explain his activities which had been uncovered during the investigation. Much of the evidence he admitted.

At this point the investigation was dropped. Silvermaster remained at the Agriculture Department. Later, however, in December of 1944 top officials presently employed in the Civil Service Commission, over the objections of subordinate officials, approved Silvermaster's transfer to the Treasury Department because, in the words of the Commission:

> There was no reasonable doubt as to his loyalty to the United States.

From here on Silvermaster transferred from one agency to another with relative ease, and his salary rapidly increased from $6,500 per annum to $10,000 a year at the War Assets Administration, from which he finally resigned voluntarily in November 1946. In all, Silvermaster worked for the Federal Government approximately 11 years, for which the people of the United States paid him more than $50,000. At retirement age he will be eligible to receive from the Government an annuity of approximately $500 a year.

This Silvermaster case is typical of many of those employees mentioned before congressional committees recently. For all the good these investigations did, they might as well have not been conducted. I do not care how much evidence of disloyalty is obtained by our Government investigators, if the policy-making officials and appointing officers do not have the courage to remove or refuse to employ persons about whom there is a reasonable doubt as to their loyalty, such investigations are a farce and the hundreds of millions of dollars spent for them by the American people have been wasted.

Testimony before the Un-American Activities Committee also included Donald Niven Wheeler, an employee of the Office of Strategic Services, who was a member of the alleged spy ring headed by Victor Perlo. Over the adverse recommendations of officials of the Civil Service Commission which were based upon evidence that Mr. Wheeler had followed the Communist Party line to such an extent as to affect adversely his suitability for Government employment, the Civil Service Commission, in October 1942, found Wheeler eligible for Federal employment. During the course of the investigation, it was established that he was a member of several Communist front organizations, one of which was identified by the Attorney General as subversive, and that he was admittedly sympathetic to such organizations, and further, that he had followed the Communist Party line during its various shifts prior and subsequent to the Hitler-Stalin pact.

Various competent witnesses identified Wheeler as extremely radical and not fit for any responsible or confidential position in the Federal service. It is interesting to observe that one of the witnesses contacted during the investigation of Wheeler was William Ludwig Ullman, in the Treasury Department, who was also alleged to have been a member of a spy ring. Mr. Ullman stated the following concerning Mr. Wheeler:

> I think he is a loyal American citizen. I do know, however, that his name appeared on the Dies list which was publicized some time after he left here, but I never knew of any reasons to doubt his loyalty. I never heard him offer any views on world politics or discuss such matters at all.

On the basis of this kind of evidence, Mr. Alfred Klein, chief law officer of the Civil Service Commission, recommended Wheeler's eligibility and stated:

> His activities and associations which are listed on the unfavorable side are characteristic of many liberals and does not necessarily mean that he is a Communist or Communist sympathizer.

Mr. Farrar Smith, another official of the Civil Service Commission, agreed with Mr. Klein's recommendation. The Civil Service Commission reviewed the case and unanimously agreed that Mr. Wheeler was eligible for Federal employment.

I have talked with many persons who appear to be surprised to learn that William W. Remington, an employee of the Commerce Department, could be considered for, or actually transferred to, other strategic positions in the Federal Government while under investigation by the Federal Bureau of Investigation for subversive activities.

This has been the policy ever since the Federal Employees' Loyalty Program began in 1939, and exists at the present time. I have called attention to this situation on numerous occasions. In fact, it was one of the principal reasons that prompted me to introduce the Federal employees' loyalty bill, which passed the House by a big majority on July 15, 1947. Under that legislation, it would be impossible for a person to be appointed to a Federal position while under investigation for subversive activities. The Commission and the executive branch at the hearings on this measure objected to that provision in the bill and stated that it had always been the practice to employ persons or transfer employees subject to investigation, even when there was derogatory information concerning the loyalty of such persons.

Testimony before the Civil Service subcommittee in July 1946 showed that employees remained for years in strategic, confidential, and responsible Government positions although their loyalty was seriously questioned.

Time and time again these matters have been brought to the attention of the executive branch. Beginning in

1944, I repeatedly urged the then chairman of the House Civil Service Committee to investigate derelictions of duty by officials in the executive branch in employing persons of doubtful loyalty. Finally, in the summer of 1946, a three-man subcommittee was appointed to study the Federal employees' loyalty program. I was designated as a minority member of this subcommittee. Hearings were rushed and secret, evidence was glossed over, testimony of some competent witnesses ignored, and a rather superficial report was made, to which I took strong exception.

These hearings were made available to the Department of Justice. Competent witnesses mentioned critically Government top-level handling and clearing of many Federal employees, some of whom were then on the Federal pay roll. At the time of the hearing in July 1946, at which a representative of the Department of Justice was present, witnesses testified that Nathan Gregory Silvermaster was still employed by the Federal Government, and that he had been appointed over the objections of officials of the Civil Service Commission, whose conclusions had been based upon the evidence I have mentioned above. One witness stated that Mr. Silvermaster insisted upon an investigation of his suitability prior to his transfer from the Department of Agriculture. It was pointed out that if the Civil Service Commission cleared him, he could transfer without losing his position with the Department of Agriculture. However, even if a strong loyalty case were made against him and he stayed with the Department of Agriculture, the Commission would have no authority to remove him. Since Silvermaster appeared to be satisfactory to the officials of the Department of Agriculture he could probably remain there as long as he desired. It happened, however, that his precautions were unnecessary. The Civil Service Commission cleared Silvermaster and he was at liberty to transfer to any department or agency of the Government.

On the basis of these hearings the President appointed a committee to study the problems of Federal employees' loyalty. Did he name outstanding and recognized authorities on subversive activities such as J. Edgar Hoover or one of his assistants? Did he name a Member of Congress on the committee? He did not. He began by naming as Chairman a special assistant to the Attorney General who had little qualifications. He named as other members of his committee various Federal officials who were responsible for the then existing Federal employees' loyalty policies. After months of delay the committee filed its report which stated in effect that everything was fine. The American people could rest easy. There were no employees of doubtful loyalty on the Federal pay roll. The Canadian Government spy case could never happen in the United States.

In March 1947 the President issued his Federal Employees' Loyalty Executive Order. The only new feature was the creation of a host of loyalty boards within the agencies. Also, a Loyalty Review Board was created. Was it a strong independent Board? Was its existence based on legislation outlining congressional policy? No; it was to be under the Civil Service Commission and its officials, whose do-little-or-nothing policy on Federal employment loyalty matters prompted the first congressional investigation back in 1946. We were right back where we had started.

The question has been asked me many times how persons like Silvermaster and his kind get on the Federal pay roll. Let me give you several examples of what happened during the war and what is happening today.

In 1941 the head of a war agency publicly stated that he would abide by the decisions of the Civil Service Commission with respect to loyalty matters concerning employees in his agency. Mrs. Rose Eden applied for a position in this war agency. I shall not go into detail as to the information obtained during the investigation. However, in his opinion on the case, Mr. Alfred Klein, chief law officer of the Civil Service Commission, made the following statement:

> A reading of the record leaves the reader with the strong conviction that Mrs. Eden has been an almost religious follower of the Communist Party line and may even be a member of the Communist Party.

These are strong words from Mr. Klein.

The Commission held that Mrs. Eden was unsuitable on loyalty grounds for Federal service and suggested to the head of this war agency that this employee be removed. The director of personnel of this war agency wrote to the Civil Service Commission and stated the following:

> This is in reference to your letter of August * * * in connection with the case of Mrs. Rose Eden. We have also a previous letter from you addressed to our agency in which you suggest that Mrs. Eden's employment be terminated. After careful consideration and examination of the facts concerning this case, we have decided to retain Mrs. Eden in our employ.

Thus, the loyalty investigations become window dressing to lull the American people into a false sense of security.

Another example. During the war, an employee, Alice Dannenberg, was appointed to a position in a Federal agency, subject to investigation. Without reviewing in detail the evidence which was in the possession of the Government, Mr. Alfred Klein, chief law officer of the Civil Service Commission, stated:

> Miss Dannenberg has, by her own admissions, placed herself in radical and communistic company. In the light of all the information in the record relative to Miss Dannenberg's activities and associations, most of which was obtained directly from Miss Dannenberg herself, it is apparent that, if not actually communistic, she has marked Communist sympathies and many Communist associations which raise considerable doubt concerning her entire suitability for Government employment. I, therefore join with the Investigations Division in recommending her ineligibility and removal.

Two other top staff officials, including the chief examiner, agreed with Mr. Klein, and the Civil Service Commission unanimously ordered her removal. The Commission then requested the employing agency to terminate Miss Dannenberg's employment. Did the agency take appropriate action? It did not.

Two months later under pressure from top officials in the agency concerned, the Civil Service Commission reviewed the case, and the same Civil Service Commissioners who had approved Miss Dannenberg's removal now reversed themselves and approved her appointment. No additional evidence had been obtained.

A new statement prepared for the Commissioners contained the following:

> The report of the personal investigation is overwhelmingly in favor of this employee.

Of course, this change of policy may have been affected by the fact that according to a note attached to the memorandum the head of the agency had requested that this case be reviewed.

In its second letter to the agency, the Commission stated:

> On reconsideration, it is the conclusion of the Commission that the questions involved in the case may be resolved in favor of Miss Dannenberg, and no objection will be made to her continued employment.

Of course, I had always thought the American people desired that in loyalty matters involving Government employees, questions of doubt be resolved in favor of our Government. This I consider quite important. On the basis of this incident, the entire policy of the Civil Service Commission was changed and all subordinate officials of the Commission were advised by a confidential memorandum that in the future the head of this agency was to be furnished "a report of information on every investigated case prior to final decision of the case." This, in my judgment, reflects seriously upon the integrity of the Civil Service Commission in its relationship with Federal agencies on employee matters, and becomes a device to nullify loyalty investigations. I wonder how many other such agreements are in existence at the present time?

Another example. During the hearings before the subcommittee of the House Civil Service Committee in 1946, testimony corroborated by competent witnesses who were personally familiar with the situation cast further doubt upon the integrity of some Government officials. It appears that upon several occasions an agency's investigators not connected with the Civil Service Commission reviewed the confidential files of the Commission and then confronted witnesses with their testimony in an effort to get these witnesses to change their statements.

Some time ago a personnel director in one of the Federal agencies conferred with Mr. Alfred Klein, chief law officer of the Civil Service Commission, in an effort to determine what the Commission's policy was with respect to the loyalty of Federal employees. According to an interoffice memorandum in the files of the Civil Service Commission, Mr. Klein stated:

> In the course of our conversation, the personnel director took occasion to remark that the Commission is not consistent in its actions. As illustration he pointed to cases

in which there is a voluminous pro-Communist or fellow-traveling history and we nevertheless find the individual eligible, perhaps because the individual is in an important position. At the same time, he says, the Commission will order the dismissal of an individual who happens to have signed a Communist petition in 1939 at the request of someone, the record of the individual being otherwise clear in all respects.

I agree with this personnel director, but it is an understatement of the facts to say that the Commission's loyalty policy is inconsistent. To say the least, it is confusing, haphazard, and almost completely irresponsible.

Several months ago I called attention to Mr. Jesse Epstein, a regional director of the Federal Public Housing Authority on the west coast. Mr. Epstein assumed his position in June 1945, and is still employed by the Federal Public Housing Authority. The FBI conducted an investigation of him in 1942, which revealed that at least eight reliable witnesses stated while in college and subsequently he was a member of the Communist Party or was actively associated with Communist-front organizations and publications. A subversive check at a metropolitan police department shows him on a list of known Communists. Subsequent to 1942, he has been investigated several times by Government agencies. These reports were and are available to the Civil Service Commission and to the FPHA. More recently the joint legislative fact-finding committee on un-American activities of the Washington State Legislature held hearings in January and February 1948 with respect to subversive activities in the State of Washington. Two former self-avowed Communist Party members identified Jesse Epstein as a member of the Communist Party with whom they had close association.

These witnesses stated that they had been to Communist Party meetings with him, and that he was introduced at such meetings as Comrade Epstein. One witness in particular stated:

> Jesse Epstein was down there on what was explained to me as a functionary of the Communist Party trying to guide us.

According to the latest information the Loyalty Board of the Federal Public Housing Authority has cleared Jesse Epstein, and the Loyalty Review Board of the Civil Service Commission has rendered an advisory opinion that there was no reasonable doubt as to his loyalty to the United States. At any rate, despite all of the derogatory information which raises a reasonable doubt of Epstein's loyalty to the United States, he has remained on the Federal pay roll since 1945, at an average salary of about $9,000 a year.

Recently I have found other cases involving employees of doubtful loyalty, which further illustrates what the executive branch is withholding from the American people. For example, some time ago the Civil Service Commission, which is generally responsible for determining the loyalty of Federal employees, received information raising a question regarding the loyalty of an employee. Several Government officials recommended that this employee be removed from her position. The report on the case reached Washington and the Investigations Division of the Commission also recommended the employee's removal. Later, the Commission reversed these findings, rated the employee eligible and closed the case.

A few months later the loyalty of another employee who works in the San Francisco office of the Civil Service Commission was questioned. This employee, Mrs. Evelyn Crawford, was investigated and a report forwarded to Washington by the regional director. He stated that it would not be advisable to take a more drastic action in the case of Mrs. Crawford than was taken in the previous case, because the evidence was no more damaging, and the Commission would have extreme difficulty in vindicating itself if Mrs. Crawford were removed and the other employee retained. After reviewing the evidence, the Investigations Division recommended that Mrs. Crawford be removed on the basis of the following information.

In September 1929, this employee married Matthew H. Crawford, reputed to be an active Communist in California. Among the organizations of which he was a member were the executive committee of the National Scottsboro Action Committee and the advisory counsel of the San Franciso Communist Workers School.

At one time it was reported he was the treasurer of the Communist Party in San Francisco. His associates in these and other Communist-front organizations included such well-known Communists as Joseph Brodsky and William Z. Foster, the latter presently under indictment by a Federal grand jury in New York for activities against the United States. Further, the information in the possession of the Commission contained a police department record showing that Mrs. Crawford attended Communist Party meetings with her husband in San Francisco. The records of the highly reliable Office of Naval Intelligence indicated that Mrs. Crawford was an active Communist member who keeps under cover.

The investigation further showed that Communist meetings were held in the Crawford home and neighbors stated they believed the Crawfords to be Communists and that Communist literature urging the election of Browder for President was circulated from their home.

Carrying a recommendation for removal from both the Investigations Division and the Director of Personnel, the case of Mrs. Crawford then went to the Commission's top staff men. Mr. Klein stated:

> So far as Mrs. Crawford is concerned, I do not think the record justly supports the conclusion that she is a Communist or Communist sympathizer. The real question then is whether the association with her husband is in itself sufficient to raise a reasonable doubt as to her loyalty. * * * In the present case we have no showing that Mrs. Crawford is anti-Communist or that her views on political questions differ from those of her husband's.

On the basis of this reasoning, this Commission official concluded that the record merited an eligible rating. The case then went to Mr. Smith, assistant to the Chief Examiner, who agreed that Mrs. Crawford should be declared eligible, but he devoted most of his comments to criticisms of the regional director in San Francisco. He stated:

> Your attention is called to the district manager's recommendation. I am amazed by its contents, because this is the first time I have seen a recommendation from a responsible subordinate official of the Commission which included a statement that reflects seriously upon the very integrity of the Commissioners themselves.

Apparently what amazed this top staff official was the fact that the regional director had stated:

> I cannot guarantee Mrs. Crawford's dependability from the standpoint of loyalty any more than I can guarantee the dependability of the other employee in this respect. Therefore, so long as the other employee is retained in our service without regard to the information obtained through the investigation of her record, I would recommend that Mrs. Crawford be retained in our service without regard to the information obtained through the investigation of her case.

The Commissioners then agreed that an explanation was required from the regional director for his letter to the Commission, so at Government expense the regional director was brought to Washington to show cause why he had expressed an honest opinion to the Commission.

Meanwhile, the Crawford case was referred to the head of the Legal Division of the Commission, who recommended that she be removed. In view of this difference of opinion, it was agreed that the case would be returned to the regional director who was to interview her. However, Mrs. Crawford's memory had not improved. She did not know whether her husband was a Communist or not. She had never seen any evidence that would indicate that he was a member of the Communist Party. She stated that Louise Thompson, a well-known Communist, was an old friend of 20 years' standing, and that she had visited Louise Thompson in her home in Chicago, but she did not know whether Mrs. Thompson was a Communist. Mrs. Crawford stated that Langston Hughes had been a recent visitor in her home. The record shows that William Patterson had been a visitor in the Crawford home. All these associates are well-known Communists.

The case of Mrs. Crawford eventually arrived in the Investigations Division and again her removal was recommended. Finally, despite the information raising considerable doubt concerning her loyalty, and the adverse recommendations of subordinate officials, the Commission reached the absurd conclusion that she was suitable for Government employment.

One Commissioner stated:

> There is little if any real evidence that Crawford is a Communist.

The 1948 report of the Joint Fact Finding Committee of the California Legislature on Communist Front Organizations states that a reception was held in honor of a reputed Communist leader, and among those sponsoring the reception which was for the benefit of the Communist California Labor School were Mr. and Mrs. Matthew Crawford.

Mrs. Crawford has been employed by the Civil Service Commission at San Francisco for the past 8 years, and at present is Assistant Chief, Placement Services Section. She occupies an important position in which she exercises control over the selection and placement of Federal employees. She has access to confidential information relating to employment and investigation of Federal employees.

Now the question is: What was the policy of the Civil Service Commission in approving for Government employment persons whose loyalty to the United States is questionable? In my judgment, the reasoning of the Civil Service Commission and its final action in this case is typical of its policy during the past 7 years. We find the Commission ignoring evidence and disregarding information contained in reports of investigation which raises a reasonable doubt with respect to the loyalty of certain Federal employees.

In these and other cases we find Commission officials stating that there is little if any evidence to justify the removal of employees whose investigations contain little if any favorable information. It has always been my opinion that where there is a reasonable doubt regarding the loyalty of a Federal employee, the question should be resolved in favor of the Government.

But over this period of time what has the Civil Service Commission told Congress with respect to its policies? One of the Civil Service Commissioners testified before a House appropriations subcommittee as follows:

> In connection with all our investigations we are keeping this policy in mind; if we find anybody who has had any associations with Communists or the German Bund, or any foreign organization of that kind, that person is disqualified immediately. All doubts are being resolved in favor of the Government.

Upon other occasions when this Commissioner has been questioned about this policy of the Civil Service Commission, he has replied:

> It is absolutely sound today, and is the same fundamental policy we are following. * * * We do not conceive it to be our function to ask the people of this country to take a chance on an individual employee because it has not been established that he really belongs in jail instead of in a Government job.

The cases which I have submitted are examples of how this alleged policy is put into operation. Apparently the real policy of the Commission and the executive branch is to tell Congress one thing and do another.

This is the record. These are the facts which have been withheld from the American people and more recently been denied the Congress through a Presidential directive ordering the departments and agencies to refuse congressional requests regarding reports, records, and files relating to the loyalty of Federal employees and prospective employees. With or without charges of espionage and spy rings the performance to date is one of which the American people cannot be proud.

With the foreign situation in a highly inflammable state, we can ill afford the luxury of employees of doubtful loyalty on the Federal pay roll, and we can less afford a policy in the executive branch which I have demonstrated has existed for the past several years.

On the other hand, we must not become hysterical and discharge everyone who has had a liberal thought or who has talked with a Communist or who has been seen with a Communist, but certainly we must not turn our faces away from the facts. Government employment is a trust and privilege. We must give more than lip service to the principle that American people are entitled above all to have in Government service only those loyal to the United States with doubts resolved in favor of the Government.

In my opinion, the record requires an explanation. In the near future I shall request the House Post Office and Civil Service Committee to conduct hearings with respect to present policies, procedures and activities of the various department and agency loyalty boards. Those top Government officials who have ignored the facts contained in reports of investigation raising serious doubts regarding the loyalty of Federal employees should explain their actions.

The real answer to these Federal employee-loyalty problems is both an effective removal procedure in the case of employees of doubtful loyalty and adequate means of preventing the initial employment of such persons.

Let me not be misunderstood. I realize this is a serious matter. I am in favor of seeing to it that every person suspected with subversive activities or views, is given adequate consideration. No one would deny them of every right to which they are entitled. On the other hand the hundreds of thousands of loyal employees in the Federal Government, as well as the American people to whom all Government employees are responsible for their services, are entitled to protection against any and all persons of doubtful loyalties and subversive views.

EXTENSION OF REMARKS

Mr. JUDD asked and was given permission to extend his remarks in the RECORD and include an article.

Mr. DINGELL asked and was given permission to extend his remarks in the RECORD and include editorials from the Christian Science Monitor, the St. Louis Post-Dispatch, and the Washington Daily News.

Mr. BENDER asked and was given permission to extend his remarks in the RECORD.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Messrs. MACKINNON and LUCAS (at the request of Mr. GWINN of New York), on account of official business for the Committee on Education and Labor, at the request of Hon. FRED A. HARTLEY, JR., chairman.

VETERANS' FLIGHT TRAINING

Mrs. ROGERS of Massachusetts. 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 gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, there has been enormous interest among the Members of Congress in the subject of flight training, and the regulations, issued by the Veterans' Administration, which they believe are too strict and not in accordance with the law.

Because of this interest I ask unanimous consent to extend my remarks in the RECORD at this point and give a short résumé of what has been done by our Committee on Veterans' Affairs in this regard. I think the Members will get a good deal of solace from the promises of General Gray. We will have to take further action if the change of policy does not help the veterans receive this flight training to which they are entitled.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, as the chairman of the Committee on Veterans' Affairs, I wish to inform the Members of Congress—and a great number of them have asked me about it—that our committee has held two closed hearings in the past 2 days, at which time the subject of aviation flight training under the so-called GI bill of rights was gone into most thoroughly.

As witnesses we had before us Gen. Carl R. Gray, Jr., Administrator of Veterans' Affairs, Mr. H. V. Stirling, Assistant Administrator for Vocational Rehabilitation and Education, and other officials from the Veterans' Administration under whose direction the flight-training program is handled.

The specific matter under consideration was the interpretation of Veterans' Administration Instruction No. 1, dated June 30, 1948, which dealt with the application of the provision of Public Law No. 862, Eightieth Congress, prohibiting expenditure of Government funds for courses avocational or recreational in character.

This Public Law No. 862, Eightieth Congress, contained the following proviso and limitation:

> *Provided*, That no part of this appropriation for education and training under title II of the Servicemen's Readjustment Act, as amended, shall be expended for tuition, fees, or other charges, or for subsistence allowance, for any course elected or commenced by a veteran on or subsequent to July 1, 1948, and which is determined by the Administrator to be avocational or recreational in character. For the purpose of this proviso, education or training for the purpose of teaching a veteran to fly or related aviation courses in connection with his present or contemplated business or occupation, shall not be considered avocational or recreational.

The instruction sheet when received in the various regional offices of the Veterans' Administration became the subject of varying degrees of interpretation, with a resultant lack of approval of many applications for flight training.

General Gray testified that he had just returned from an extensive trip across the country and that he was unaware, until he reached Washington, of any divergence among his regional managers in their interpretation of the instruction, and he did not know heretofore that there had been instances where additional instructions over that particular directive had been issued by certain branch offices. In this regard, General Gray stated:

If there are instructions contrary to these instructions—and I learned possibly that there had been this morning—I will rescind them at once.

Continuing, General Gray said:

Let me say again, as I have said before, and I would like to reiterate it for emphasis, that it is most unfortunate that in this trip of mine across the continent twice since this instruction was issued no one has brought it to my personal attention in the field, and, therefore, I was not cognizant of the fact that there was this difficulty until I was advised a couple of days ago of your desire that I be up here at 10 o'clock today, and when I asked what it was all about I was told yesterday that it was along these lines, and in order that I might become acquainted with what you had questions on I asked Mr. Stirling to meet me here this morning. I have found that these conditions did exist. They were not brought to my attention in the field, and I am going to do my level best to correct them.

During the discussion before the Committee a great deal of consideration was given to a phrase in the instruction sheet which provided that an elementary flight or private pilot course elected by a veteran in an approved school shall not be considered avocational or recreational in character if the veteran submits to the regional office complete justification that such course is in connection with his present or contemplated business or occupation. It was maintained by members of the Committee that the term "complete justification" was entirely too all-embracing and that its application by the regional managers had resulted in a virtual stoppage of new entrants in flight training courses.

Assistant Administrator Sterling disclosed that the key officials from the various regional offices of the Veterans' Administration were being brought to Washington for a meeting on Sunday, August 8, at which time General Gray and his officials will present the viewpoint of the Administration regarding flight training.

BLAIR HOUSE AND BLAIR-LEE HOUSE

Mr. BENDER. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BENDER. Mr. Speaker, Blair House and Blair-Lee House comprise one of our Government's whitest white elephants as they stand today. These two beautiful buildings are now used by our State Department to accommodate guests visiting our shores from foreign countries. They serve this useful purpose only about one-fourth of the year, and the greater part of the year they simply stand idle.

Meanwhile, one of the most important of our public offices has no place available for living quarters. Our Vice President must scramble for living accommodations where he can find them. He has no regular residence provided for him by our Government. I am certain that most of our people are completely unaware of this fact.

If there were an official residence for our Vice Presidents, this would make for far greater dignity and importance for the Vice Presidency than we have achieved at any time in our history.

One of the candidates for the Presidency has already stated publicly that he will give his Vice Presidential running mate a larger share in the handling of Government problems than any previous Vice President has ever received. If this candidate is elected, and there is some reason to believe that he will be, the location of the second in command directly across the street from the White House will be a splendid step. It will make possible an effective two-man team doing the hard work of the Presidency and Vice Presidency without undue effort.

If it were possible to utilize either the Blair House or the Blair-Lee House by establishing an official residence there directly across the street from the White House, the Vice President would be in a position where he could really participate in the planning and counseling which might be most valuable to the Nation. In fact, such a residence in close proximity to the White House might well contribute to the establishment of closer relations between the two responsible heads of our executive department and make possible a continuity of policy in the event of a Presidential disability.

I believe this is entirely feasible and have asked the State Department to furnish me with the number of persons housed and the number of man-days during which housing was provided in connection with that number of persons at each of the two houses during 1947 and 1948. They are as follows:

Fiscal year 1947

Category	Number of official visits	Number of persons involved	Man-days of housing provided
1. Heads of state and ranking foreign officials:			
Blair House	11	75	310
Blair-Lee House	6	31	103
2. Foreign guests invited to the United States under the program for the international exchange of persons: Blair-Lee House	----	57	126
Total number of persons involved and man-days of housing provided during the fiscal year 1947	----	163	539

Fiscal year 1948

Category	Number of official visits	Number of persons involved	Man-days of housing provided
1. Heads of state and ranking foreign officials:			
Blair House	3	19	67
Blair-Lee House	8	46	205
2. Foreign guests invited to the United States under the program for the international exchange of persons: Blair-Lee House	----	38	133
Total number of persons involved and man-days of housing provided during the fiscal year 1948	----	103	405

The State Department has stated that these two houses are utilized for miscellaneous official functions such as luncheons, dinners, and receptions. The following table shows the number of these during the years 1947 and 1948:

	Fiscal year 1947	Fiscal year 1948
Functions for foreign officials other than those given specifically in connection with the program for the international exchange of persons	65	76
Functions specifically in connection with the program for the international exchange of persons	22	23
Total	87	99

The general upkeep of the property is already an item on our taxpayer's list as are the salaries of the help who take care of the houses as is seen from the following:

MAINTENANCE PERSONNEL AND THEIR SALARIES

The following is a list of the regular personnel employed for maintaining the houses and the annual salaries of each for each of the fiscal years 1947 and 1948:

Title of employee	Annual salaries	
	Fiscal year 1947	Fiscal year 1948
Housekeeper-hostess (Blair and Blair-Lee Houses)	$4,400.40	$4,560.68
Cook (Blair and Blair-Lee Houses)	2,400.00	2,190.00
Assistant housekeeper (Blair-Lee House)	1,954.00	2,030.54
Janitor-houseman	1,954.00	2,030.54
Parlor maid	1,455.00	1,633.00

In addition to the regular employees listed above, butlers, chambermaids, kitchenmaids and waiters are hired by the day as required.

From the above, it is reasonable to assume that one house can serve the purpose for which both are being used now. In addition to utilizing our resources to the best advantage, this is an opportunity for our Government to take a step forward in the development of our governmental techniques. If the Vice President is to be a regular member of the team instead of a utility outfielder, he ought to be sitting right there on the bench instead of up in the grandstand. And we certainly should consider him to

have housing priority over our visiting dignitaries.

Let us put one of these houses to good use by taking it from the Department of State and getting it ready for regular "War-r-en-Tear."

ADJOURNMENT

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

The motion was agreed to; accordingly (at 3 o'clock and 39 minutes p. m.) the House adjourned until tomorrow, Thursday, August 5, 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:

1713. A letter from the Secretary of Defense, transmitting copies of a resolution adopted by the Guam Congress on May 1, 1948, concerning land acquisition for military purposes in the Tumon Bay area, and a letter of transmittal signed by the Honorable Simon A. Sanchez, secretary, House of Council; to the Committee on Armed Services.

1714. A letter from the Acting Secretary of the Navy, transmitting a report of recoveries collected by the United States for damage caused to naval vessels that were settled under the act of December 5, 1945 (Public Law 246, 79th Cong., 1st sess.) during the fiscal year 1947–48; to the Committee on the Judiciary.

1715. A letter from the Acting Secretary of the Navy, transmitting a list of claims for damage caused by naval vessels which were settled under Public Law 417 during the fiscal year 1947–48; to the Committee on the Judiciary.

1716. A letter from the Acting Archivist of the United States, transmitting a report on records proposed for disposal by various Government agencies; to the Committee on House Administration.

1717. A letter from the Acting President, Board of Commissioners, District of Columbia, transmitting semiannual report of the Administrator of Rent Control covering the period January 1 to June 30, 1948; to the Committee on the District of Columbia.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. ALLEN of Illinois: Committee on Rules. House Resolution 707. Resolution making in order motions to suspend the rules, motions for a recess, and the consideration of reports from the Committee on Rules; without amendment (Rept. No. 2451). Referred to the House Calendar.

Mr. EATON: Committee on Foreign Affairs. Senate Joint Resolution 212. Joint resolution to authorize the President, following appropriation of the necessary funds by the Congress, to bring into effect on the part of the United States the loan agreement of the United States of America and the United Nations signed at Lake Success, N. Y., March 23, 1948; without amendment (Rept. No. 2452). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP: Joint Committee on the Disposition of Executive Papers. House Report No. 2453. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. BISHOP: Joint Committee on the Disposition of Executive Papers. House Report No. 2454. Report on the disposition of certain papers of sundry executive departments. Ordered to be printed.

Mr. WOLCOTT: Committee on Banking and Currency. Senate Joint Resolution 157. Joint resolution to provide for the regulation of consumer credit for a temporary period; with an amendment (Rept. No. 2455). 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. ANGELL:

H. R. 7098. A bill to amend section 2 of the National Housing Act; to the Committee on Banking and Currency.

By Mr. BEALL:

H. R. 7099. A bill relating to actions in the District of Columbia for breach of promise to marry; to the Committee on the District of Columbia.

By Mr. GWYNNE of Iowa:

H. R. 7100. A bill to protect the public with respect to practitioners before administrative agencies; to the Committee on the Judiciary.

By Mr. LANE:

H. R. 7101. A bill to amend the Social Security Act so as to reduce from 65 to 60 the qualifying age for old-age and survivors insurance benefits; to the Committee on Ways and Means.

H. R. 7102. A bill to amend the Federal old-age and survivors insurance provisions of the Social Security Act by liberalizing benefits, by increasing amounts beneficiaries may earn without loss of benefits, and by lowering the age of eligibility of women beneficiaries, and for other purposes; to the Committee on Ways and Means.

By Mr. McGARVEY:

H. R. 7103. A bill to amend the Selective Service Act of 1948; to the Committee on Armed Services.

By Mr. MORRISON:

H. R. 7104. A bill to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. POTTER:

H. R. 7105. A bill to exempt admissions to activities of elementary and secondary schools from the tax on admissions; to the Committee on Ways and Means.

By Mr. REEVES:

H. R. 7106. A bill to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. SEELY-BROWN:

H. R. 7107. A bill to provide for the issuance of a postage stamp in commemoration of the three hundredth anniversary of the founding of Stonington, Conn.; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL:

H. R. 7108. A bill to amend the Servicemen's Readjustment Act of 1944, as amended, and for other purposes; to the committee on Veterans' Affairs.

By Mr. DINGELL:

H. R. 7109. A bill to reimpose the excess-profits tax, and for other purposes; to the Committee on Ways and Means.

By Mr. GAMBLE:

H. R. 7110. A bill to amend the National Housing Act, as amended, with respect to mortgages of certain veterans housing corporations; to the Committee on Banking and Currency.

By Mr. MARCANTONIO:

H. R. 7111. A bill to provide for the withdrawal of the sovereignty of the United States over the island of Puerto Rico and for the recognition of its independence; to provide for the notification thereof to foreign governments; to provide for the assumption by the government of Puerto Rico of obligations under the treaty with Spain on December 10, 1898; to define trade and other relations between the United States and Puerto Rico; to provide for the calling of a convention to frame a constitution for the government of the island of Puerto Rico; to provide for certain mandatory provisions of the proposed constitution; to provide for the submission of the constitution to the people of Puerto Rico and its submission to the President of the United States for his approval; to provide for the adjustment of property rights between the United States and Puerto Rico; to provide for the maintenance of military, coaling, and naval stations by the United States on the island of Puerto Rico until the termination of the war between the United States and Germany and Japan; to continue in force certain statutes until independence has been acknowledged; and for other purposes; to the Committee on Public Lands.

By Mr. O'KONSKI:

H. R. 7112. A bill to provide emergency relief for livestock farmers in drought-stricken areas; to the Committee on Appropriations.

By Mr. HOLIFIELD:

H. R. 7113. A bill to promote the development in the area of the Central Valley Federal reclamation project, California, of reasonably sized, owner-operated farms; to the Committee on Public Lands.

By Mr. KEATING:

H. R. 7114. A bill to amend the Displaced Persons Act of 1948; to the Committee on the Judiciary.

By Mr. MARCANTONIO:

H. J. Res. 442. Joint resolution on recognition of Israel; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. KEFAUVER:

H. R. 7115. A bill for the relief of August Henrikson; to the Committee on the Judiciary.

By Mr. McDONOUGH:

H. R. 7116. A bill for the relief of Egon Newman; to the Committee on the Judiciary.

H. R. 7117. A bill for the relief of Peter I. Tirbak, Ekaterina Tirbak, and Igor Tirbak; to the Committee on the Judiciary.

By Mr. McMILLEN of Illinois:

H. R. 7118. A bill for the relief of Jack Phillips; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

2140. The SPEAKER presented a petition of T. S. Kinney, Orlando, Fla., and others, petitioning consideration of their resolution with reference to legislation known as the Townsend plan, introduced in the Eightieth Congress as H. R. 16, which was referred to the Committee on Ways and Means.