## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ANFUSO:

H. R. 7450. A bill for the relief of Pietro Dentice; to the Committee on the Judiciary.

By Mr. BAKEWELL:

H. R. 7451. A bill for the relief of Akinori Nakayama; to the Committee on the Judiciary.

By Mr. BATES of Massachusetts (by request):

H. R. 7452. A bill for the relief of Mrs. Rosina Biola and daughter, Paula Biola; to the Committee on the Judiciary.

By Mr. BRAY:

H. R. 7453. A bill for the relief of Julia N. Emmanuel; to the Committee on the Judiciary.

By Mr. CLEMENTE:

H. R. 7454. A bill for the relief of the estate of William B. Rice, to the Committee on the Judiciary.

By Mr. HERLONG:

H. R. 7455. A bill for the relief of Willard Chester Cauley; to the Committee on the Judiciary.

By Mr. PATMAN:

H. R. 7456. A bill for the relief of Nasser Esphahanian; to the Committee on the Judiciary.

By Mr. POULSON:

H. R. 7457. A bill for the relief of Mihai Patrichi and Victoria Viorica Patrichi; to the Committee on the Judiciary.

By Mr. TACKETT:

H. R. 7458. A bill for the relief of Sakae Tomiyama Rapier; to the Committee on the Judiciary.

By Mr. VORYS:

H. R. 7459. A bill for the relief of Antonio Mollicone; to the Committee on the Judiciary.

## PETITIONS, ETC.

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

669. By the SPEAKER: Petition of W. C. Thomas, city clerk, Seattle, Wash., relative to requesting the adoption of legislation confirming and establishing the titles of the States to lands beneath navigable waters within State boundaries and natural resources within such lands and waters and to provide for the use and control of said lands and resources; to the Committee on the Judiciary.

670. Also, petition of Mrs. B. Wegman, and others, Tampa, Fla., requesting passage of House bills 2678 and 2679, known as the Townsend plan; to the Committee on Ways and Means.

671. Also, petition of Byelorussian Community in Buenos Aires, Argentina, requesting that the Byelorussian language be included in the broadcasting programs of the Voice of America; to the Committee on Foreign Affairs.

# SENATE

WEDNESDAY, APRIL 9, 1952

*(Legislative day of Wednesday, April 2, 1952)*

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

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Gracious God our Father, whose still, small voice invites us to turn aside from the feverish ways of the world and whose tender love bids us find our rest in Thee: We are conscious, as we bow at this noontide altar, that if we live a life of prayer Thou art present everywhere. Amid the draining duties of these demanding days, may Thy rest flow around our restlessness, may our jaded spirits be refreshed and our souls restored. With contrition we acknowledge that we have fallen short of our high calling. When we glimpse the opulent riches that Thou dost offer we stand ashamed at our spiritual poverty.

As public servants, make us worthy of the Nation's trust, in these days so fraught with destiny. On the stepping stones of our dead selves may we mount to newness of life and to the singing Easter of the soul. We ask it in the Redeemer's name. Amen.

## THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, April 8, 1952, was dispensed with.

## ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 9, 1952, he presented to the President of the United States the enrolled joint resolution (S. J. Res. 147) designating April 9, 1952, as Bataan Day.

## MESSAGES FROM THE PRESIDENT— APPROVAL OF BILLS AND JOINT RESOLUTION

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

On April 4, 1952:

S. 2667. An act to authorize the Board of Commissioners of the District of Columbia to establish daylight-saving time in the District.

On April 5, 1952:

S. 2077. An act to provide for certain investigations by the Civil Service Commission in lieu of the Federal Bureau of Investigation, and for other purposes.

On April 8, 1952:

S. 690. An act to permit certain lands heretofore conveyed to the city of Canton, S. Dak., for park, recreation, airport, or other public purposes, to be leased by it so long as the income therefrom is used for such purposes;

S. 1184. An act to extend the Youth Corrections Act to the District of Columbia;

S. 1212. An act to amend section 2113 of title 18 of the United States Code;

S. 1949. An act for the relief of Hattie Truax Graham, formerly Hattie Truax; and

S. 2408. An act to amend the act authorizing the negotiation and ratification of certain contracts with certain Indians of the Sioux Tribe in order to extend the time for negotiation and approval of such contracts.

On April 9, 1952:

S. J. Res. 147. Joint resolution designating April 9, 1952, as Bataan Day.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 302) to amend section 32 (a) (2) of the Trading With the Enemy Act, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 745) for the relief of Thomas A. Trulove, postmaster, and Nolen J. Salyards, assistant postmaster, at Inglewood, Calif.

The message further announced that the House insisted upon its amendment to the joint resolution (S. J. Res. 20) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. CELLER, Mr. WALTER, Mr. WILSON of Texas, Mr. GRAHAM, and Mr. CASE had been appointed managers on the part of the House at the conference.

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

H. J. Res. 423. Joint resolution to continue the effectiveness of certain statutory provisions until July 1, 1952; and

H. J. Res. 426. Joint resolution making temporary appropriations for the fiscal year 1952, and for other purposes.

## ENROLLED BILL SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled bill (H. R. 745) for the relief of Thomas A. Trulove, postmaster, and Nolen J. Salyards, assistant postmaster, at Inglewood, Calif., and it was signed by the Vice President.

## LEAVES OF ABSENCE

On his own request, and by unanimous consent, Mr. IVES was excused from attendance on the sessions of the Senate beginning at 3 o'clock this afternoon to and through Tuesday, April 15, 1952.

On request of Mr. HILL, and by unanimous consent, Mr. MCCARRAN was excused from attendance on the sessions of the Senate for the next 2 weeks after today.

## GOVERNMENT OPERATION OF STEEL MILLS—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 422)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, relating to Government operation of the steel mills, which was read and referred to the Committee on Labor and Public Welfare.

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

## TRANSACTION OF ROUTINE BUSINESS

Mr. HILL. Mr. President, I ask unanimous consent that Senators be permitted

to make insertions in the RECORD and transact other routine business, without debate.

The VICE PRESIDENT. Without objection, it is so ordered.

## IMPORTATION OF DAIRY PRODUCTS—RESOLUTION OF LAKE TO LAKE DAIRY CO-OP, MANITOWOC, WIS.

Mr. SCHOEPPEL. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the RECORD, a letter from the Lake to Lake Dairy Co-op, of Manitowoc, Wis., signed by Truman Torgerson, general manager, which embodies a resolution adopted by that organization at its annual meeting at Denmark, Wis., relating to the uncontrolled importation of butter, cheese, and other dairy products.

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

LAKE TO LAKE DAIRY CO-OP,
*Manitowoc, Wis., April 5, 1952.*

Senator ANDREW SCHOEPPEL,
*United States Senate Banking and Currency Committee, Senate Building, Washington, D. C.*

DEAR SENATOR: On behalf of our more than 600 members assembled at their annual meeting at Denmark, Wis., on March 29, 1952, I am directed to mail you the following resolution unanimously adopted:

"RESOLUTION 2

"Whereas the general high American living standards and public health are directly proportionate to this Nation's livestock economy, and a prosperous agriculture is coincident to a prosperous nation;

"Whereas the higher labor costs, feed and equipment costs, the sanitary requirements placed upon our dairymen make it imperative that his product cannot compete with foreign products not subject to these costs and limitations;

"Whereas other provisions of the law, such as section 7, Trades Agreement Act, and section 22, Agricultural Adjustment Act, have not proved adequate to safeguard our dairy interests: Now, therefore, be it

"*Resolved*, That we insist on the keeping of the provisions of section 104 (commonly called the Andresen amendment) in the Defense Production Act to reasonably insure against the uncontrolled importation of butter, cheese, and other dairy products. The importation of these would be ruinous to our dairy farmers, and eventually to our entire economy if unrestricted. We believe the limitations as set forth in this present statute are not unreasonable or oppressive."

Yours sincerely,

TRUMAN TORGERSON,
*General Manager, Lake to Lake Dairy Cooperative.*

## ST. LAWRENCE SEAWAY—LETTERS FROM WISCONSIN ORGANIZATIONS

Mr. WILEY. Mr. President, on Tuesday, April 22, the Senate Foreign Relations Committee will vote on the subject of the Great Lakes-St. Lawrence seaway, Senate Joint Resolution 27, approving the agreement between the United States and Canada relating to the development of the resources of the Great Lakes-St. Lawrence Basin for national security and continental defense of the United States and Canada; providing for making the St. Lawrence seaway self-liquidating; and for other purposes. We who favor the seaway confidently anticipate a majority vote to send this long-delayed bill to the Senate floor.

At this time I send to the desk several additional letters, which I have received from grass-roots Wisconsin organizations, emphasizing the need for completion of the Great Lakes seaway.

I ask unanimous consent that the letters be printed in the body of the RECORD at this point.

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

SUPERIOR COOPERATIVE ASSOCIATION,
*Superior, Wis., April 1, 1952.*

Senator ALEXANDER WILEY,
Senator JOSEPH MCCARTHY,
Congressman ALVIN O'KONSKI.

GENTLEMEN: This is to let you know that it is the strongest possible wish of our board of directors that our representatives in Washington leave no stone unturned to make that long talked-about St. Lawrence seaway project an early reality. The sooner the better. It has been held up already much longer than looks good.

For your information our association speaks for upwards of 2,500 individual members and families in Superior and the adjoining rural area.

Since this project was first proposed, more than a quarter of a century ago, countless millions of individual letters, newspaper editorials and articles, petitions from large groups, etc., involving possibly trainloads of paper, urging construction, must have been received by those in a position, such as yourselves, to do something about it. There has been infinitely more than ample evidence to prove that this project would be to the best interests of our Nation as a whole, and that the overwhelming majority of the people are for it and have been for many years.

Still nothing happens. And this is a democracy?

Why?

Do too many of our lawmakers ignore the common good, and instead give a more sympathetic ear to a little handful of selfish obstructionists?

Don't we have anyone, or group of individuals, in Washington big enough to give this much-needed project the kind of leadership that it takes to get it approved?

There has been much more than enough talk on the subject. For goodness sakes, fellows, get some action in the matter.

Action, action, action.

Most sincerely yours,

ARNOLD J. RONN,
*General Manager and Treasurer in behalf of the Board of Directors of the Superior Cooperative Association.*

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CITY OF BRILLION, WIS.,
*April 3, 1952.*

Hon. ALEXANDER WILEY,
*United States Senate,*
*Senate Office Building,*
*Washington, D. C.*

DEAR SENATOR WILEY: We earnestly solicit your support and influence in promoting the St. Lawrence seaway and power project. We have been watching the papers while this project was up for debate some time ago, and we note that there are some powerful interests opposed to the project. We know it will take a determined effort and a great deal of work to bring this matter to completion in both Houses of Congress.

We believe that we should join with Canada in developing the great St. Lawrence in which we share with them the historical and legal sovereignty.

We believe it would be of most material benefit to the inland States enclosed by the Great Lakes if they have an outlet to the sea through the St. Lawrence.

Yours very truly,

CITY OF BRILLION,
D. A. PAGEL,
*Mayor.*

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BURLEIGH STREET BUSINESSMEN'S ASSOCIATION, INC.,
*Milwaukee, Wis., April 5, 1952.*

Senator WILEY, Wisconsin,
*Washington, D. C.:*

At a recent meeting of the membership of this association it was recommended the wishes of this membership be conveyed to you.

We as members of the Burleigh Street Businessmen's Association, and voters in your district desire your cooperation in favor of immediate development of the St. Lawrence Waterway program.

It is our feeling that materially this will be of a great advantage to the city of Milwaukee, the State of Wisconsin and the country as a whole.

We also feel that some of our membership may be able to benefit from the ease of operation it will create in the transportation from Milwaukee to foreign lands in both material and person.

It would be appreciated if your actions on this project as presented will be forwarded on to the secretary of this association from copies of the official record for presentation to the membership.

Sincerely yours,

CHESTER A. HAMMOND,
*Secretary.*

## PURCHASE OF ADDITIONAL LAND FOR EXPANSION OF CAMP DETRICK, FREDERICK, MD.—LETTER FROM COUNTY COMMISSIONERS OF FREDERICK COUNTY

Mr. O'CONOR. Mr. President, I present for appropriate reference and ask unanimous consent to have printed in the RECORD, a communication signed by the county commissioners of Frederick County, Md., protesting reported proposals of the Federal Government to purchase certain additional land at Frederick for the expansion of facilities at Camp Detrick.

Admittedly, the Federal Government must have the right to procure the land necessary for its defense activities. However, in justice to the communities and areas where Federal facilities are located it is urgent that Federal authorities wherever possible make use of less desirable areas and avoid taking over the very best farm lands and most desirable potential residential areas.

In this instance, as the Frederick County Commissioners note, the land proposed to be taken over by the Federal Government would include some of the very best farm land in the country, and an area which would be the logical direction for the extension of Frederick City residential developments. It would have a serious effect on the finances of the county through elimination of valuable properties from the assessment rules.

I join with the county commissioners in asking that the interests of the city

and county be given every possible consideration in this matter.

There being no objection, the communication was referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

COUNTY COMMISSIONERS OF
FREDERICK COUNTY,
*Frederick, Md., April 8, 1952.*

Hon. HERBERT R. O'CONOR,
*United States Senator,*
*Washington, D. C.*

DEAR SENATOR O'CONOR: It has come to our attention several days ago through the public press that the Federal Government proposes to purchase 529 acres of land adjoining Camp Detrick located at Frederick, Md., for the expansion of its present facilities. It is also our understanding that the proposed plan calls for the acquisition of lands north of the Seventh Street Pike in Frederick.

We desire to register our opposition to the present proposed plan if it will result in the further expansion of a Government development north of the Seventh Street Pike. We feel that this site is the best potential spot for the expansion of Frederick City for a residential section, and that the proposed plan, if we understand it correctly, would seriously handicap the growth of our city.

Then too, it will result in the acquisition by the Federal Government of some of the best farm land in Frederick County, will reduce substantially the taxable basis of Frederick County, and cause serious inconvenience to the traveling public on account of the necessity of constructing new roads for diverting traffic. The plan would divert the traffic northward away from Frederick, which we feel would be quite a disadvantage.

We will very much appreciate your efforts in opposing this proposed plan.

Very truly yours,
U. GRANT HOOPER,
SAMUEL H. YOUNG,
ROBERT R. RHODERICK,
*County Commissioners of Frederick County, Md.*

## REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JOHNSTON of South Carolina, from the Committee on Post Office and Civil Service:

H. R. 5609. A bill to amend section 1716 of title 18, United States Code, to permit the transmission of poisons in the mails to persons or concerns having scientific use therefor, and for other purposes; without amendment (Rept. No. 1453).

## BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. JOHNSTON of South Carolina (by request):

S. 2990. A bill to prohibit the transmittal of communistic propaganda matter in the United States mails or in interstate commerce for circulation or use in public schools; to the Committee on Post Office and Civil Service.

By Mr. MURRAY:

S. 2991. A bill to provide for the issuance of a patent in fee to certain lands on the Crow Indian Reservation; to the Committee on Interior and Insular Affairs.

By Mr. O'MAHONEY (for himself and Mr. CORDON) (by request):

S. 2992. A bill to provide a civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

By Mr. McCARRAN (by request):

S. 2993. A bill to amend paragraph (1) of section 1 of title 18 of the United States Code; to the Committee on the Judiciary.

(See the remarks of Mr. McCARRAN when he introduced the above bill, which appear under a separate heading.)

By Mr. ECTON:

S. 2994. A bill authorizing the Secretary of the Interior to issue a patent in fee to Frank (John) Takes Gun; to the Committee on Interior and Insular Affairs.

By Mr. MOODY:

S. 2995. A bill to amend the Social Security Act so that persons receiving insurance benefits under the Federal Old-Age and Survivors Insurance System can earn as much as $100 a month, in lieu of $50 a month, without forfeiting insurance benefits; to the Committee on Finance.

By Mr. KERR:

S. 2996. A bill to amend the Agricultural Act of 1949 and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. HOEY:

S. 2997. A bill for the relief of Ching Lai Chung; and

S. 2998. A bill for the relief of Linda Ann Ramsey; to the Committee on the Judiciary.

By Mr. MORSE:

S. 2999. A bill to amend the Labor Management Relations Act, 1947, so as to provide a more effective method of dealing with labor disputes in vital industries which affect the public interest; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above bill, which appear under a separate heading.)

By Mr. O'MAHONEY (for himself and Mr. CORDON):

S. J. Res. 149. Joint resolution to provide for a continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

## AMENDMENT OF CODE RELATING TO DEFINITION OF A FELONY

Mr. McCARRAN. Mr. President, by request, I introduce for appropriate reference a bill to amend paragraph (1) of section 1 of title 18 of the United States Code. I ask unanimous consent to make a brief explanatory statement of the bill.

The VICE PRESIDENT. The bill will be received and appropriately referred, and, without objection, the Senator from Nevada may proceed.

The bill (S. 2993) to amend paragraph (1) of section 1 of title 18 of the United States Code, introduced by Mr. McCARRAN (by request), was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McCARRAN. Mr. President, the bill which I have introduced proposes amendment of the definition of a felony, as presently stated in section 1 of title 18, United States Code. That section now provides that any offense punishable by death or imprisonment for a term exceeding 1 year is a felony. The proposed amendment would add a proviso to the effect that when a person is convicted of a felony, as now defined, but the sentence actually imposed does not provide for imprisonment for a term exceeding 1 year, then, after the conviction has become final and the term of imprisonment has expired, such person shall be deemed to have been convicted of a misdemeanor only; and he shall not suffer any disability or disqualification which would otherwise result from conviction of a felony.

In other words, the proposed change in the law would test a felony by the punishment actually imposed, rather than by the punishment which might be imposed, which is the standard under the existing law.

At first glance this proposed legislation may seem to call for only a minor change in the criminal code. That is not the case. This amendment is proposed by the judicial conference of the United States, a group which is composed of the chief judges of the judicial circuits and the chief justice of the United States. I am advised by Mr. Henry P. Chandler, director of the administrative office of the United States Courts, who requested introduction of this bill on behalf of the judicial conference, that this matter has been considered by the judicial conference since 1943, and the recommendation that it be considered by the Congress results from careful and extensive study during the intervening period of 9 years.

As many of my colleagues are aware, I am sure, the classification of offenses in our criminal law is widely important. The word "felony" is a generic term, as derived from common law, which serves to distinguish certain crimes such as murder, arson, and robbery from other minor offenses known as misdemeanors. Aside from that distinction, however, the statutory definition of the term serves as a standard, so to speak, to which the legislatures of the several States have related certain civil disabilities and disqualifications which are imposed upon persons convicted of crimes embraced within the definition.

For instance, in Massachusetts a person convicted of a felony cannot serve as a juror or be appointed as a police officer; in Missouri he becomes incompetent to serve on a jury and is disqualified from voting or holding public office; and it has been held in New York that a convicted felon sentenced to life imprisonment could not marry in that State because he was considered civilly dead.

It is settled law today, by legislative enactment and judicial interpretation, that the grade of an offense is determined by the maximum penalty that may be imposed, and not by the penalty actually imposed. This bill, then, would have the effect, to a large extent, of removing from the legislative branch and transferring to the judicial branch the function of determining whether persons convicted of crimes presently designated infamous have, in fact, committed felonies, or have committed mere misdemeanors. Obviously, enactment of the proposed legislation might serve to mitigate the deterring effect of the disabilities and disqualifications which attach incidentally to commission of a felony under existing law. Also, since the proposed legislation would provide for a determination in the future of whether a convicted person was a felon

or a misdemeanant, it is apparent that until after the sentence of punishment had been imposed and served, the civil rights of the convicted person, in some cases at least, might be indeterminate in the meantime.

Furthermore, there is a real problem presented in reconciling enactment of the proposed amendment to the provision generally obtaining under State laws to the effect that commission of an infamous crime, to which attaches certain disabilities and disqualifications previously mentioned, is determined by the maximum punishment which may be awarded and not by the punishment actually imposed and served.

I submit, therefore, that the bill poses a very substantial question, meriting careful consideration of the Congress. In addition, I wish to explain that I have introduced this bill with some reservations in my own mind regarding the merits of the proposed amendment, which can be resolved only in the light of considerable research; but in view of the fact that the legislation is recommended by the eminent representatives of the judiciary who comprise the Judicial Conference of the United States, I feel it is only proper that the bill be introduced, in order to give it the test it deserves in the legislative process.

Mr. GREEN. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I am glad to yield.

Mr. GREEN. May I ask whether the recommendation of the Judicial Conference was unanimous?

Mr. McCARRAN. So far as I know it was unanimous. It came to me from Mr. Chandler, who is the administrative director of the courts.

Mr. GREEN. I believe it is quite important to know whether the recommendation was unanimous or whether there was a diversity of views as to the recommendation.

Mr. McCARRAN. I shall have to determine that fact. The bill undoubtedly will be referred to the Judiciary Committee. It will be studied by a subcommittee of the Judiciary Committee and by the whole committee. A very vital question is involved, and in view of the fact that the bill came to the chairman of the Judiciary Committee from such an eminent body as the Judicial Conference, it is the chairman's duty to introduce the bill, for action by Congress.

Mr. GREEN. The recommendation might well be the expression of the majority view.

Mr. McCARRAN. It may very well have been. I believe it was; otherwise the bill would not have come to me. I thank the Senator from Rhode Island.

## ADDITIONAL EXPENDITURES BY COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Mr. JOHNSON of Colorado submitted the following resolution (S. Res. 302), which was referred to the Committee on Rules and Administration:

*Resolved*, That the Committee on Interstate and Foreign Commerce is authorized to expend from the contingent fund of the Senate, during the Eighty-second Congress, for the purposes specified in section 134 (a) of the Legislative Reorganization Act of 1946, $10,000 in addition to the amount authorized in such section.

## HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H. J. Res. 426) making temporary appropriations for the fiscal year 1952, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

## MINERAL LEASES ON CERTAIN SUBMERGED LANDS—PRINTING OF SENATE JOINT RESOLUTION 20, WITH AMENDMENT OF HOUSE

Mr. O'MAHONEY. Mr. President, several days ago the Senate passed the so-called submerged lands joint resolution (S. J. Res. 20) to confirm and establish the titles of the States to lands beneath navigable waters within State boundaries and to the natural resources within such lands and waters, and to provide for the use and control of said lands and resources, and conferees were appointed on the disagreeing votes of the two Houses on the joint resolution. However, the usual practice of having the joint resolution printed, with the amendment, has not been followed. Therefore, I ask unanimous consent that the joint resolution may be printed, with the amendment of the House.

The VICE PRESIDENT. Without objection, it is so ordered.

## ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. MUNDT:

Address delivered by him before the Mississippi Economic Council at Jackson, Miss.

By Mr. CAPEHART:

Address delivered by Senator JENNER before Indiana Republican editorial meeting at Indianapolis, Ind., on April 5, 1952.

Statement by William J. Grede, president of the National Association of Manufacturers, in connection with the Government's seizure of the steel industry.

By Mr. WILEY:

Statement prepared by him relative to Citizens' Crime Commissions.

Article entitled "Spies Against Crime," written by A. E. Hotchner, and published in This Week magazine of April 6, 1952.

By Mr. MONRONEY:

Tribute to Dr. Henry Garland Bennett by John A. Hannah, president of Michigan State College, at the National Conference on International Economic and Social Development, at Washington, D. C., on April 8, 1952.

By Mr. DIRKSEN:

Addresses by citizens of Chicago, Ill., on March 4, 1952, at ceremony placing on sale a stamp commemorating fiftieth anniversary of the American Automobile Association.

Editorial entitled "The Waste of Rent Control," published in the Washington Times-Herald of April 3, 1952.

By Mr. IVES:

Editorial entitled "Want Their Money Back," published in the Utica (N. Y.) Daily Press of April 5, 1952.

By Mr. MARTIN:

Editorial entitled "The Truman Legacy," written by Kermit McFarland and published in the Washington Daily News of April 7, 1952.

By Mr. BRICKER:

Editorial entitled "Seizure," published in the New York Times of April 9, 1952.

Editorial entitled "Better Sift the Motives," published in the Stars and Stripes of April 3, 1952. Article entitled "Congress Gets Legislation Asking Preservation of Rights of People," published in the Stars and Stripes, and relating to treaty rights and a proposed amendment to the constitution.

Article entitled "Butler Denies Maryland GOP Will Back Ike; Pledge By McKeldin False, He Says," published in the Washington Times-Herald of April 8, 1952.

## CLAIMS FOR DAMAGE TO PRIVATE PROPERTY ARISING FROM ACTIVITIES OF THE ARMY

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2157) to authorize payment of certain claims for damage to private property arising from activities of the Army, which was, to amend the title so as to read: "An act for the relief of John L. Bauer, Ernest Bohna, and William E. Dollar."

Mr. McCARRAN. Mr. President, this is a private claim bill. The beneficiaries are three individuals who reside, respectively, in New York, Oregon, and Georgia. The total amount involved in the bill is $198.50.

The House has amended the title of the bill, without disturbing the text of the bill in any way.

I move, Mr. President, that the Senate concur in the amendment of the House.

The motion was agreed to.

## SUSPENSION OF THE DEPORTATION OF ALIENS

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 63) favoring the suspension of deportation of certain aliens, which was, on page 24, after line 14, insert:

A–5780358, Dhoot, Bishan Singh.
A–5899216, Hall, Gwendolyne Elizabeth.

Mr. McCARRAN. Mr. President, this is one of a series of Senate concurrent resolutions dealing with the adjustment of status of aliens. This resolution has been passed by the Senate. In the House of Representatives, two names were added.

The staff of the Senate Judiciary Subcommittee on Immigration and Naturalization has checked these cases; and I can report to the Senate that the individuals whose names have been added appear to be worthy of approval, equally with those whose names already have been approved by the Senate.

I therefore move, Mr. President, that the Senate concur in the amendment of the House to Senate Concurrent Resolution 63.

The motion was agreed to.

## ECONOMY IN GOVERNMENT—ARTICLE FROM BALTIMORE (MD.) EVENING SUN

Mr. O'CONOR. Mr. President, when an outstanding public official has advo-

cated consistently for a period of 25 years the maintenance of a sound fiscal program it is, indeed, noteworthy. But when the course of events has shown the principles stressed by this official to have been well-founded and economically sound, then it is apparent that the public officer is entitled to our respect and approbation.

Such a proven well-informed statesman is the senior Senator from Virginia, [Mr. BYRD]. There has just been published in the Baltimore Evening Sun an article containing a reprint from its news columns of 25 years ago giving accounts of the affairs of that year, 1927.

In reviewing the developments of just a quarter of a century ago this newspaper finds that the significant event of the year was the work of the then Governor of Virginia, HARRY FLOOD BYRD, in striving for economy and efficiency in the State government. He was putting forth his best efforts for the elimination of waste and of duplication of governmental functioning.

How commendable is it that throughout the span of 25 years this distinguished Virginian has been unceasingly devoting his mind and actions to the desirable end of having our economy maintained as secure. More important, how desirable it is that we avail of this ripened experience and sound judgment and follow his proposals and recommendations. Today more than ever we need economy and efficiency in government and well might we give increasing attention to the leadership of one who has been proven to be right.

I ask unanimous consent that the article from the Baltimore Evening Sun be printed at this point in my remarks.

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

In Virginia, Gov. HARRY F. BYRD was pressing an extraordinary session of the general assembly to accept a program for reorganization of the State government. It called for the abolition of 30 bureaus and the merging of 50 more into less than a dozen departments. It promised to save Virginia $500,000 annually.

Governor BYRD carried his plan through. And he is still at it, though on a much vaster scale and with rather less success than he enjoyed at Richmond. In Washington the senior Senator of Virginia has long been trying to bring about economies beside which 1927's half a million can be seen only with a strong magnifying glass. Among his latest proposals is the dropping of 231,000 from the Federal employment rolls. According to the Senator's reckoning, that alone would save nearly $2,000,000,000 a year in salaries and expenses.

## BATAAN DAY

Mr. LEHMAN. Mr. President, today is Bataan Day, which has been officially recognized by the passage of a joint resolution which I was proud to introduce Monday. I now ask unanimous consent that there be printed at this point in the RECORD two editorials, one from the Washington Post and one from the New York Times, calling further attention to this observance, which is so symbolic of the unity and friendship between the peoples of our country and of the Philippine Republic.

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

[From the Washington Post, April 9, 1952]

BATAAN DAY

The Lehman and McCormack resolutions passed by the Senate and House provide fitting commemoration of an event 10 years ago that was both a bitter defeat and a rallying point for the forces of freedom. A decade ago today the Bataan Peninsula in the Philippines fell to the Japanese invaders. This was perhaps the most stinging military reversal the United States suffered during the Second World War. Yet, as President Quirino of the Philippines observed in setting aside the day as a national holiday, "Bataan sealed in blood the permanent tie of friendship and cooperation between the Philippines and the United States."

The loyalty of the Philippines in the United States cannot be explained by the previous association of the two countries as mentor and ward; it is something born of comradeship in arms in defense of common ideals. Today Filipino soldiers are fighting at the side of Americans in Korea, and the Philippines are an outpost both of free institutions and of military strength in the Pacific. Bataan Day, by recalling defeat, can serve as an appropriate reminder for both countries to keep their friendship and their guard in constant repair.

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[From the New York Times of April 4, 1952]

BATAAN DAY

Today is Bataan Day, the tenth anniversary of the fall of the peninsula in the Philippines and the beginning of the "death march." It has been proclaimed a day for national observance by President Quirino in Manila, and in Washington it has been commemorated by a resolution of Congress. There will be appropriate ceremonies in this country at various points.

The reason for this observance, however, is not merely commemoration. Its purpose is to give testimony to the bonds of friendship that were forged in the crucible of Bataan. In that ordeal Filipinos and Americans made an unconscious compact of brotherhood and it was sealed in their blood. They fought together for a good cause because they knew it was a good cause. Theirs was the same aspiration, the same sense of value, the same last full measure of devotion.

We can never pass over lightly what was done on Bataan. We shall remember. We will do well, also, to realize that out of the travail of that woeful defeat there was born a victorious understanding. Out of the heroism of Bataan came the inspiration for later triumphs. Out of the sharing of disaster came an even larger measure of the mutual respect and affection that binds us to our good comrades and our faithful friends.

Bataan Day should become a permanent part of Philippine-American relations. It should be celebrated there and here as a recurring reminder.

## BREAKDOWN OF NEGOTIATIONS IN THE STEEL INDUSTRY

Mr. IVES. Mr. President, as a result of the breakdown in negotiations in the steel industry, the country is faced with an extremely grave crisis. Not only is the principle of free collective bargaining jeopardized, but the extinction of the profit motive in our system of free competitive enterprise dangerously threatens.

I am constrained to observe that this whole unhappy mess is due largely to the failure of the President properly to administer the Defense Production Act.

In this connection, I ask unanimous consent to have printed in the body of the RECORD at this point in my remarks the texts of an editorial entitled "The Public Loses," which appears in today's Washington Post, and an article entitled "The Deadlock on Steel Wages and Prices," by Elinore Morehouse Herrick, which appears in today's New York Herald Tribune.

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

[From the Washington Post of April 9, 1952]

THE PUBLIC LOSES

The steel dispute is a sad lesson in Government bungling. The goat, of course, is the public. Not only must the country put up with what, despite the window dressing in the President's demagogic appeal last night, amounts to a break in the stabilization pattern; it faces at least a temporary curtailment in the steel supply. In order to get the industry to settle on the basis of the Government-inspired wage boost, as the President demanded, the administration is going to have to permit some price relief. In view of the administration's panicky reaction at the prospect of a strike, one of the mysteries is why it did not do what was necessary before the seizure.

There were, to be sure, mistakes enough to go around—ranging from the adamant stand by the steel companies to brash statements by former Defense Mobilizer Wilson and the failure of the administration to keep the lid on the stew it had cooked. With due respect to the last-minute efforts by Chairman Feinsinger of the Wage Stabilization Board to settle the dispute, three of the major errors, in our opinion, are attributable to the Board itself.

In the first place, the Wage Stabilization Board recommendations which ultimately would permit wage and fringe benefit increases of 26.1 cents an hour were released simultaneously to the President and to the press. The Wage Board, of course, was under great time pressure. But the method of the public announcement made impossible any prior review of the final recommendations within the administration. For all practical purposes they became the basis for discussion. The subsequent attempt to get Philip Murray and the united steelworkers to agree to less were a little like trying to persuade a lion, having scented meat, that he really ought to become a vegetarian.

Second, the wage increase recommendation, beginning at 12½ cents an hour for the first half of 1952 and progressing to 17½ cents next January, was unnecessarily high. Under the Stabilization Board's own regulations the usual base for figuring increases is the January 1951 cost-of-living index. That would have allowed the steelworkers 9 cents an hour. But the Board used its discretionary power to go back to the October 1950 index and thus justify 3½ cents more.

Third, the recommendation of the union shop seems to us outside the proper province of a Government body. Whether or not the union shop is justified on its own merits, it is not directly related to wage stabilization. The WSB presented the steelworkers with a gift which, in ordinary collective bargaining, they would have had to pay for with reciprocal concessions.

Unquestionably the Stabilization Board made a conscientious effort to be fair to the steelworkers, and for the companies it did recommend a long-term contract. But this is one of the instances in which it is not possible to be completely fair to the workers, to industry, and to the public. Anyway, any public policy which subordinates

the public interest is wrong. The fact is that under the WSB recommendations the steelworkers would obtain a more generous settlement than they ever had obtained on their own under collective bargaining.

Much of the fault, it seems to us, lies in the stabilization formula itself. It is about as water-tight as a sieve; the stabilization regulations, in practice, are what the WSB wants them to be. Inevitably the "catching up" formula for wage increases results in the kind of leapfrogging in which no one is ever caught up.

In a broader sense, the whole stabilization system is to blame. It is an economic absurdity to consider wages in a vacuum without reference to prices. Yet this is exactly what was done, and Economic Stabilizer Putnam, whose job it is to balance wages and prices, was presented with virtually a fait accompli. Since then Mr. Putnam has been proceeding on the confiscatory theory that industry should absorb the whole cost beyond the recovery possible under the Capehart amendment. No one is arguing that the steel industry should recover more than actual cost; but Mr. Putnam's stand amounts to a decree that steel stockholders must pay the governmentally inspired increase out of their own pockets.

This sort of one-sided intervention is perhaps the inevitable result of consideration at the White House level. Whenever there are superboards, the ordinary processes of collective bargaining are discouraged and the normal mediation machinery is bypassed. White House settlements, as in the railroad dispute, have been almost uniformly sour.

Indeed, the whole sorry procedure raises the question of whether controls as now administered are actually operating in the public interest. Perhaps that interest would be better served by allowing collective bargaining free rein, with economic checks exercised through tighter credit controls and strict raw material allocations. Then, if plant seizure should become necessary, it ought to be done under a law which would maintain existing wages and confiscate profits—in other words, a law which would serve as an inducement to both sides to settle their differences beforehand. Certainly Government intervention in the steel case seems to have frustrated rather than promoted settlement.

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[From the New York Herald Tribune of April 9, 1952]

THE DEADLOCK ON STEEL WAGES AND PRICES—ONE ERROR AFTER ANOTHER HAS LED NATION TO A DISASTROUS STRIKE

(By Elinore Morehouse Herrick)

One fatal error after another has led the Nation to a disastrous steel strike. The story begins with the CIO national convention in New York City last fall. Eric Johnston, then the Director of Economic Stabilization, and Michael DiSalle, who was in charge of price stabilization, warned the convention of the dangers of adding to the inflationary pressures if labor were to set off a new round of wage increases. Their words were unheeded and the convention passed a blistering resolution condemning the weakness of the price-control program and stating bluntly that therefore labor refused to accept the discriminatory wage-stabilization program.

I do not mean to imply that I think the industry did all that it might have done toward reaching a settlement before going to Washington. It seems to me that a modest increase might have been offered and absorbed, but I have no illusion that it would have been accepted by the union. In the past few days the industry has made an offer calculated at 14.4 cents an hour. Such an offer made before going to the WSB would have strengthened the moral position of the industry. Finally, 22 union demands—actually the entire contract—were sent to the Wage Stabilization Board.

The first great error by the Government was to give this Board authority to handle dispute cases. This was a concession to bring labor back into the defense organization after their walk-out. The people who must hold the line on stabilization policies cannot do that job properly when subjected to the pressures inherent in any labor dispute.

The industry members of the WSB urged that the Board consider a 9-cents-an-hour increase, which the Chairman of the WSB, Nathan P. Feinsinger, in his report concedes the companies could have granted under existing WSB regulations without even getting the Board's prior approval. Instead, the public and labor members of the Board recommended a total of 17½ cents distributed in three installments over an 18-month period. This was 1 cent less than the union's original demand. On fringe issues the Board majority granted benefits which they estimated brought the total cost of the package up to 29.8 cents an hour. And the public members yielded to the demand for a union shop.

After careful reading of the WSB's report, the supplementary statements of Mr. Feinsinger, of the labor and industry members, I think the latter are correct in saying that "the recommendations as a whole reflect a conscious and admitted effort to recommend terms of settlement which the union would accept. No similar effort was made to assure that the terms would be acceptable to the companies involved." The industry members also warned that the recommended settlement on many issues exceeded the amounts permitted by existing Board regulations. Mr. Feinsinger attempts to justfy the recommendations by saying that "the initial increase (12½ cents) is clearly justified under existing policies." To gloss over the excesses Mr. Feinsinger writes: "In either a voluntary or dispute case, the Board is free to take whatever action it deems to be fair and equitable and not unstabilizing, whether that involves merely an interpretation of its regulations or requires an exception to or a general modification of such regulations." At several points in his statement Mr. Feinsinger seems to have uncritically accepted union statements, as, for example, when he writes, "as the union interprets Board regulations, the maximum increase possible is 34 cents. * * *" But who should interpret the regulations—Mr. Feinsinger or Mr. Murray?

The board majority further bolsters its position by citing the union argument that an 8.8 percent rise in the cost of living since October 15, 1950, the date of the union's last increase, warranted an increase of 16 cents for this factor alone under WSB regulations. But the industry members point out that since August 1948, steelworkers' earnings have increased more than the cost of living. The Bureau of Labor Statistics shows average hourly earnings increased by 14.9 percent while the Consumers' Price Index rose 8.4 percent.

Looking at the fringe adjustments recommended (some are in line with WSB policy), I was appalled at the recommendation to give extra pay—premium pay—for working on Sunday. Although this type of premium has existed for a number of years in manufacturing industries, it has never been characteristic of continuous processes where Sunday work is recognized as necessary and normal and unavoidable. Holidays, for which the board granted double pay, generally must be worked in a continuous operation also. So it was sheer nonsense for Mr. Feinsinger to say: "The companies should avoid, so far as practicable, the scheduling of work on holidays."

The inability of the WSB to come to grips with a wage question is implicit in the framework within which it operates. The WSB is not authorized to consider price relief. This is vested in the Office of Price Stabilization. But certainly the financial picture presented by the industry has been ignored. No prudent or responsible executive handling collective bargaining agrees to wage increases without having a reasonable expectation that by some means or other he will be able to pay them.

The industry has received a brush-off from all officials, including President Truman. The latter, in acknowledging the resignation of Charles E. Wilson over this issue, wrote: "* * * their profits amount to a good many times as much as any increased costs they would incur under the recommendations of the WSB." This is precisely the line that Philip Murray takes.

Maybe the heads of the steel industry are profiteers and price gougers as the union says, but I was impressed by the presentation on costs made by R. C. Tyson, vice president and comptroller of United States Steel Corp. Maybe he is a liar or had made his figures lie—but somehow I doubt it. An increase in wages to their own employees is historically followed by a corresponding increase in the costs of the goods and services they buy. On this basis the industry is confronted not with a package costing 29.8 cents an hour, but one that will cost 59.6 cents when the impact of the wage increase hits the economy. Another point the industry makes is that if it bears the full burden of the costs up to the point where there are no excess profits—or even any profits—to be taxed, the Government's income would be lowered and higher personal income taxes would have to be assessed.

I don't know whether industry is right or wrong on the issue of its ability to absorb the costs of the WSB package. But I do believe it wrong for the Government to refuse to give objective consideration to price relief before a strike occurs. If time proves that the industry deserves price relief, will such an increase be any better public policy after the economy has suffered the damage of the strike? I think not.

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## POLICY AND PROCEDURE WITH RESPECT TO DISALLOWANCES FOR VIOLATION OF TITLE IV OF THE DEFENSE PRODUCTION ACT, AS AMENDED

Mr. BRICKER. Mr. President, I ask unanimous consent that I may read into the body of the RECORD at this time one paragraph of about eight lines from the Government report on Federal controls?

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Ohio may proceed.

Mr. BRICKER. The paragraph to which I refer is in section 6 of the Report of the Economic Stabilization Agency, title 32A, National Defense, chapter III, Economic Stabilization Agency—General Order No. 15. Paragraph 6 reads as follows:

Transmittal of determination to appropriate governmental agencies.

This deals with the disallowances of overage payments in the consideration of income taxes by the Bureau of Internal Revenue.

I read further from section 6:

The Director of Price Stabilization, the Wage Stabilization Board, the Office of Salary Stabilization, and the Railroad and Airline Wage Board shall certify and forward their final determination in each case to the appropriate governmental agency or agencies. Any such determination shall be conclusive on all executive departments and agencies of the Government, and they shall disregard and disallow the amounts thus certified.

Any determination made pursuant to this authority under the Defense Production Act, as amended, shall be final and not subject to review by the Tax Court of the United States or by any court in any civil proceeding.

Mr. President, I merely desire to bring this to the attention of the Senate to exemplify the arrogant and autocratic orders which are being issued under the authority of the Wage Stabilization Board and of the Price Control Board under the defense production law.

## MEMORANDUM REGARDING THE JAPANESE PEACE TREATY BY FRANK E. HOLMAN

Mr. JENNER. Mr. President, I ask unanimous consent to reprint in the CONGRESSIONAL RECORD a memorandum on the Japanese Peace Treaty, prepared by Frank E. Holman, the very distinguished former president of the American Bar Association.

Mr. Holman finds that by approving the treaty with its references to the objectives of the U. N. Declaration of Human Rights, and article 55 and 56 of the U. N. Charter, the Senate "indirectly and morally ratifies them for the United States and thus by this indirect form of 'treaty law' takes a long step in the direction of not only transforming the Government of Japan, but the Government of the United States into a completely socialistic state."

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

MEMORANDUM RE JAPANESE PEACE TREATY

(By Frank E. Holman, past president, American Bar Association)

The occasion of this memorandum is that several friends in various States have asked me for a brief statement indicating exactly how the Japanese Peace Treaty as written constitutes a "back door" attempt to secure approval of the socialistic and dangerous features of the United Nations bill of rights program, including the dangerous features of the Declaration of Human Rights, the Genocide Convention, the draft Covenant, etc.

The basic consideration or premise upon which the treaty rests is:

"Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in articles 55 and 56 of the Charter of the United Nations and already initiated by postsurrender Japanese legislation."

This commits Japan specifically (1) to the principles of the Charter of the United Nations, (2) to the objectives of the Universal Declaration of Human Rights, and (3) to the broad provisions of articles 55 and 56 of the Charter of the United Nations under which the United Nations Human Rights Commission has for 4 years been engaged in setting up a world welfare state concerned with the domestic matters of all nations, including the United States.

The so-called principles of the United Nations Charter include the whole vast program of the Economic and Social Council to reform the world by setting up in every nation completely socialistic forms of government. The Economic and Social Council consists of 18 members (see ch. X of the Charter) most of whom will always be foreigners with different concepts of freedom and government. It is an international commission which may sit continuously without limitation as to what it can investigate and recommend as to anything in the world and as to any nation anywhere touching economic, social, cultural, educational, health, and related matters. It can propose practically any kind of a treaty or convention on any subject touching the internal affairs of any nation. It has already attempted to do this in the Declaration of Human Rights and the Genocide Convention; also in the draft Covenant on Human Rights and in the Convention on Freedom of Information, etc. Its powers rest on the grandiose theory that by meddling in economic, social, humanitarian, cultural, and educational matters of the various nations and peoples, it will somehow produce peace throughout the world. Senate approval of Japan's commitment to this program indirectly and morally commits the United States to the program. For example, the Genocide Convention has not yet been ratified by the United States Senate and probably on its own account will not be, but since it has been ratified by the requisite number of the other nations to make it effective as a United Nations document, it has become one of the principles of the United Nations to which Japan is to be committed. (The State Department says there is no commitment by Japan to conform to the principles of the United Nations, but how can it be anything else so long as the present language in the treaty constitutes the primary or basic premise of the treaty?)

What are the "objectives of the Declaration of Human Rights" to which Japan is also to be committed? Inter alia, the following: Article 22 of the declaration provides that everyone has the "right to social security"; article 23, that everyone has the right to "just and favorable conditions of work and to protection against unemployment" and that everyone has the right to "just and favorable remuneration." Article 24 provides that everyone has the "right to rest and leisure" and "periodic holidays with pay." Article 25 provides that everyone has "the right to food, clothing, housing, and medical care, and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age," without any provision that he shall work for it or help establish a fund to pay for it. When the Senate of the United States ratifies these "objectives" as to Japan, it indirectly and morally ratifies them for the United States, and thus by this indirect form of "treaty law" takes a long step in the direction of not only transforming the Government of Japan but the Government of the United States into a completely socialistic state.

The treaty drafters were not content to have Japan agree to join the United Nations and "in all circumstances conform to its principles." They selected articles 55 and 56 of the Charter of the United Nations, which specifically provide for the achievement of the social and economic revolution to be carried out through the agency of the Economic and Social Council. This would commit Japan to the regimented educational program of UNESCO, and again, by indirection, morally commit the United States to this plan, which would mean running the schools by the state and for the state as definitely as Hitler ran the German schools.

Article 55 also carries the direct provision that so-called "human rights" shall be respected without distinction as to race, sex, language, or religion. Under this doctrine, the California courts have already held that aliens may own land, California State law to the contrary notwithstanding; and that mixed marriages are proper, California State law to the contrary notwithstanding.

More serious than that of land ownership or mixed marriages, look at the situation America faces with respect to our right to freedom of speech and freedom of press. Our wise forefathers knew that the mind and spirit of man could not be controlled and regimented by government or by the officers of government so long as freedom of speech and of press were preserved. Thus, the first provision of our Bill of Rights provided that "Congress shall make no law * * * abridging freedom of speech or of the press * * *."

Under article 14 of the proposed Covenant on Human Rights, the right to seek, receive, and impart information and ideas is subject to such penalties, liabilities, and restrictions as are provided by law and are necessary for the protection of national security, public order, safety, health, or morals, or of the rights, freedoms, or reputations of others. National security, public order, safety, health, and morals constitute the whole gamut of human activities and human relationships; so that under this language any administration in power with a majority vote in the Congress could provide by law such restriction or abridgment of freedom of speech or of press as it asserted were necessary.

But this is not all. Under an earlier article, article 2 of the Covenant, it is provided that "in the case of a state of emergency officially proclaimed by the authorities or in the case of public disaster, a State may take measures derogating from its obligations" to preserve freedom of speech and of press and derogating from other freedoms like the right of peaceable assembly and the right to petition. In other words, the whole right to freedom of speech and of press may be suspended by a state of emergency officially declared by the authorities in power. Well, we have lived in a state of officially declared emergencies frequently during the last 20 years and are still doing so. We had all our banks closed by a decree of a President. In the same way a President, by declaring a state of emergency as provided in the Covenant, could close all the newspapers in the United States, or such of those and in such places as he thought it wise to close. This proviso in article 2 ratifies and approves the practice that has been followed in dictatorships from earliest times of suppressing by Executive decree the freedoms which in our country, under own Bill of Rights, are not subject to suppression. Under this provision in an international treaty we could no longer complain or point the finger at Stalin and the Politburo or at Mr. Franco in Spain or Mr. Peron in Argentina for closing the newspapers by executive decree on the basis of a "declared emergency."

What is to happen to our immigration laws under this blanket declaration of equality? Our Constitution vests full power in Congress to control immigration but by article 14, section 1, of the declaration of human rights "everyone has the right to seek and enjoy asylum from persecution." This is one of the objectives of the declaration which the Senate is being asked to approve. Under this objective the right of asylum would be to all nationals of all nations of the world (several thousands from Cuba, India or elsewhere when some revolution occurs in these countries). If this objective becomes "treaty law," what right have we under our present immigration laws to prevent such persons from entering the United States to seek and enjoy asylum? "Enjoy" means to stay.

One of the objectives of article 21, section 2, of the Declaration is "everyone has the right to equal access to public service in his country" but under our Constitution only native born citizens can aspire to the office of President or Vice President of the United States. Under article 21, section 2, of the Declaration of Human Rights, Australian-born Harry Bridges could aspire to the presidency of the United States. Thus it would seem obvious that the State Department, by indirection through the ratification of the Japanese treaty would be securing approval

of so-called "principles" and "objectives" which are contrary to the American concept of government and to the Constitution of the United States and to our American Bill of Rights. If Japan, after peace is established, wishes to apply for membership in the United Nations, well and good, but if she does so, then in common honesty she should be in the position of other members. She should have the right to determine for herself whether she wants to ratify conventions, declarations and pacts which are completely socialistic, or to ratify "objectives" that might open her to unrestricted immigration (right of asylum) from China, India and elsewhere, or that might compel her to permit non-Japanese to aspire to public office, etc., etc.

The only safe way to eliminate all argument in the future that the language regarding the United Nations in the preamble to the treaty is not a commitment by Japan or an indirect approval by the United States of the socialistic and un-American program of the United Nations in the field of so-called human rights is to have the questionable references thereto omitted from the treaty.

## CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HILL. Mr. President, I ask unanimous consent that the order for the call of the roll be rescinded and that further proceedings in connection with the order be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

## COMMITTEE REFERENCE OF THE PRESIDENT'S MESSAGE ON SEIZURE OF THE STEEL MILLS

Mr. BRIDGES. Mr. President, I should like to address the Chair for a moment in regard to his reference to the Committee on Labor and Public Welfare of the President's message on the seizure of the steel mills.

All proposed control legislation having to do with prices or wages in connection with the current emergency has been handled by the Banking and Currency Committee. So I could readily conceive that on that ground the message would be referred to the Banking and Currency Committee; or I could conceive that the message would be referred to the Judiciary Committee, on the legal ground of the authority of the President to seize the steel mills. It seems to me that reference of the message to either of those committees would be very logical.

I do not know the attitude of the members of those two committees or of their chairmen; but I point out to you, Mr. President, that, for instance, Mr. Sawyer, the Secretary of Commerce, has been placed in charge of the steel mills; they were not placed in charge of the Secretary of Labor.

I am raising the point at this time in order to have an explanation from the Chair or to have comment from the committees in question as to the reason for the reference of the message by the distinguished Vice President, who was then in the Chair.

The VICE PRESIDENT. Is the Senator from New Hampshire addressing an inquiry to the Chair?

Mr. BRIDGES. I am.

The VICE PRESIDENT. The President's message in the main is one apprising Congress of the step the President has taken, growing out of a labor dispute between employers and employees in the steel industry. The Chair consulted the Parliamentarian before the Chair referred the message to the Committee on Labor and Public Welfare. The Chair decided that the message does not request the enactment of legislation involving a constitutional question or legislation regarding the control of prices or wages or anything of that sort.

The present situation grows out of a labor dispute, pure and simple, arising from a disagreement over wages between employers and employees in the steel industry.

The Chair thinks that if the Senator from New Hampshire will refer to the jurisdiction of the Committee on Labor and Public Welfare and the jurisdiction of the Committee on Banking and Currency, the latter involving quotas, controls, and prices, and also the jurisdiction of the Committee on the Judiciary, he will conclude that a message involving a labor dispute should be referred to the Committee on Labor and Public Welfare.

In his message the President intimated to Congress that it might wish to take some steps to settle the labor dispute. Therefore, certainly the message should be referred to the Committee on Labor and Public Welfare.

As the Chair views the President's message on this subject, it does not involve any proposed legislation regarding controls, prices, or stabilization. Although the message affects those things in a general way, it does not relate directly to them, but relates directly to a labor dispute growing out of a disagreement.

Mr. HICKENLOOPER. Mr. President, will the Senator from New Hampshire yield to me?

Mr. BRIDGES. I yield.

Mr. HICKENLOOPER. Is the Senator from New Hampshire raising the question or discussing the issues involved in this matter?

Mr. BRIDGES. No. The distinguished Vice President has said that the message relates to a situation growing out of a labor dispute, pure and simple. However, in my view that is not the point at issue. I believe the point at issue is the authority of the President of the United States to seize the steel mills.

Jurisdiction over matters relating to wage and price control has always been exercised by the Banking and Currency Committee. Therefore, my point was that the President's message should properly have been referred to the Banking and Currency Committee, in view of the relationship of the message to wage and price control, or should have been referred to the Judiciary Committee, from the point of view of the legality of the proceedings.

Mr. HICKENLOOPER. Mr. President, if the Senator from New Hampshire will yield further, I should like to say that I have the utmost respect for the Vice President's discretion and judgment, but I am bound to say that I agree with the Senator from New Hampshire that the question before the Senate at the moment is not fundamentally one of a wage dispute. The wage dispute is between the management and the employees; and that field has normally and customarily been considered one for private settlement, although in this instance the parties have been unable to settle the dispute.

It seems to me there can be no question whatever that the President's action, which is the basic subject matter of the message, constitutes an unprecedented seizure of private property by the President of the United States in what I believe to be an unwarranted and an unauthorized manner. It appears to me that such a question as that should certainly go either to the Judiciary Committee or the Banking and Currency Committee.

I agree with the Senator from New Hampshire that this is an unusual situation; but it is fundamental; it goes to constitutional powers, and whether they have been usurped in this particular instance, in a matter which started as a dispute between management and labor regarding the question of wages and other benefits in the operation of the steel business.

The VICE PRESIDENT. The Chair would like to state that the President's message asserts his constitutional power to take over the steel industry. There is nothing in the proposed legislation which the Committee on Banking and Currency is now considering which extends the authority of the President to certain fields of industry in regard to prices, controls, and one thing and another. There is nothing in it which may or may not involve the right of the President to take over the steel industry. He says also that the Congress might wish to take further steps in the way of settling this dispute, which is a labor dispute. As to whether the Congress wants to do that, the Chair has no information. But certainly if it is a constitutional question, it would not go to the Banking and Currency Committee, because that committee has no jurisdiction over constitutional questions.

The Chair does not know in what form legislation will come forth, questioning the constitutional authority of the President to take over the steel industry, or conferring upon the President the power to do so. Inasmuch as the message of the President states that, in addition to what he has done, the Congress might want to take some steps to settle this dispute, it seems to the Chair that the Committee on Labor and Public Welfare has jurisdiction. If the President were asking for specific legislation to settle this particular dispute, it would certainly go to that committee. He is not doing that, but he is suggesting that the Congress may of its own accord want to take some action along that line.

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

Mr. BRIDGES. I yield to the Senator from Alabama.

Mr. HILL. Under the rules, undoubtedly the jurisdiction in the case of labor-management disputes, so far as any legislation is concerned, is in the Senate Committee on Labor and Public Welfare. The Senator from New Hampshire will recall that the Labor-Management Act under which the Nation operates today is what we know as the Taft-Hartley Act. That act is very broad. It covers pretty much the entire field of labor and management, and labor-management disputes. I merely desire to call attention to the fact that the last section of that act, which we know as the emergency section, is the section which deals with the question of certain emergency conditions. I do not mean to say that that section applies to this particular dispute, but that section grants certain seizure powers, or lays the predicate for certain seizures on the part of the President.

Mr. BRIDGES. Will the acting majority leader tell me and tell the Senate whether it is under the Taft-Hartley Act that the President has seized the steel mills?

Mr. HILL. I should not think it was under the Taft-Hartley Act that he has seized the steel mills. I should not think it was under the emergency section. But I simply cite that section to illustrate the fact that it is contained in the Labor-Management Act, and that act is within the jurisdiction of the Committee on Labor and Public Welfare, which considered and reported the bill. It was from that committee that the Taft-Hartley bill came.

Mr. BRIDGES. Mr. President, will the acting majority leader, if he does not know about the Taft-Hartley Act, tell the Senate under what powers the President seized the steel mills?

Mr. HILL. I have not considered that question; I have not studied it, and I cannot answer that question. But I do say that the Committee on Labor and Public Welfare has jurisdiction of labor-management legislation, particularly labor-management legislation dealing with labor disputes.

The fact is that practically all of the decisions under the law have come into being as a result of labor-management disputes. The last section of the act, which is what we know as the emergency section, grants certain powers to the President under emergency conditions, including the power to make certain seizures.

Mr. CASE and Mr. LEHMAN addressed the Chair.

The VICE PRESIDENT. The Chair would like to read from the rules of the Senate regarding the jurisdiction of these committees, for the information of the Senate.

Mr. HICKENLOOPER. Mr. President, before reading from the rules, will the Chair kindly allow me to ask a question?

The VICE PRESIDENT. The Chair yields to the Senator from Iowa for that purpose.

Mr. HICKENLOOPER. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield.

Mr. HICKENLOOPER. Does the Senator from New Hampshire agree with me that the very fact that the President has made a categorical declaration or assumption of power in this message makes it a most pertinent part of the message, since it goes to the question of his power? The fact that he says he has the power does not give him the power, at least under our system of government, and there are a great many of us who believe that he does not have the power.

There arises immediately a constitutional and a legal question which might well be the subject of basic law on the question of the power of the President, either under the Constitution or under the law. It would seem to me that, from that standpoint, it is the Judiciary Committee which should consider the message.

I again submit that the question of a dispute between the management and labor is completely a matter collateral to the basic issue as to what is or is not the President's power. Does he have inherent power, or does he not? He has, of course, failed to use the clearly defined power which is open to him, to obtain a breathing spell in respect to this matter, under the provisions of the Taft-Hartley law. Why he is arbitrarily refusing to use that power, I do not know. There is a clearly defined and well-established procedure, which has been tested, I do not know how many times—probably 10 or 15 times. It has been tested in the courts and approved as a sound procedure which can be used. But in this case, for some reason, the President has reached out into the blue and dogmatically arrogated to himself a power which a great many Members of the Congress and many people in the United States feel he does not have, and which does not exist in the office of the President of the United States, under the present circumstances. I think it could be argued that it is primarily a question for the consideration of the Judiciary Committee, because of the fundamental principles involved.

The VICE PRESIDENT. The Chair has no interest one way or other in where the President's message goes. He is not interested in the controversy between committees as to jurisdiction. He is interested in making assignments of bills and messages to the committee which has jurisdiction of them, in order that the rules of the Senate may be observed.

In rule XXV of the Standing Rules of the Senate, it is provided that the Committee on Banking and Currency shall have jurisdiction of matters relating to the following subjects:

1. Banking and currency generally.
2. Financial aid to commerce and industry.
3. Deposit insurance.
4. Public and private housing.
5. Federal Reserve System.
6. Gold and silver, including the coinage thereof.
7. Issuance of notes and redemption thereof.
8. Valuation and revaluation of the dollar.
9. Control of prices and commodities, rents, or services.

That is all.

In the same rule it is provided that the Committee on Labor and Public Welfare shall have the jurisdiction over matters relating to the following subjects:

1. Measures relating to education, labor, or public welfare generally.
2. Mediation and arbitration of labor disputes.
3. Wages and hours of labor.
4. Convict labor and the entry of goods made by convicts into interstate commerce.
5. Regulation or prevention of importation of foreign laborers under contract.
6. Child labor.
7. Labor statistics.
8. Labor standards.
9. School-lunch program.
10. Vocational rehabilitation.
11. Railroad labor and railroad retirement and unemployment, except revenue measures relating to.
12. United States Employees' Compensation Commission.
13. Columbia Institution for the Deaf—

Of course, that has nothing to do with the question which has been raised.

14. Public health and quarantine.
15. Welfare of miners.
16. Vocational rehabilitation and education of veterans.
17. Veterans' hospitals, medical care, and treatment of veterans.
18. Soldiers' and sailors' civil relief.
19. Readjustment of servicemen to civil life.

The Chair feels that under the second paragraph, the rather categorical outline of the jurisdiction of the Committee on Labor and Public Welfare, "mediation and arbitration of labor disputes," which is the only thing the message of the President suggests in the way of legislation, gives the Committee on Labor and Public Welfare jurisdiction over the message.

The Chair is not passing on the constitutional question as to whether the President had a right to seize the steel industry. That question is not involved here.

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

Mr. BRIDGES. I yield.

Mr. BRICKER. I should like to ask the distinguished minority leader if he knows, from the President's message and from the statements which have been made, under what law the President assumes to have power to take over the steel mills?

Mr. BRIDGES. I do not know. I addressed that question to the acting majority leader [Mr. HILL], and the acting majority leader can speak for himself, but I understood him to say that he had no idea.

Mr. BRICKER. As I read the message of the President, I see in it no statement as to the source of the power that has been exercised. There are many fuzzy suggestions as to why he did it and as to what he hopes will come from it; but in the fourth and fifth paragraphs the President does refer to the sequence of differences which led up to his action, and states definitely that the "officials in charge of our stabilization agencies believed that this would have wrecked our stabilization program." He infers that he took the industry over in order to protect the stabilization program, which is clearly within the jurisdiction of the Banking and Currency Committee. That committee has jurisdiction over

prices and services, and this matter is certainly within that field. It was only the action of the Wage Stabilization Board, ranging in a field in which it had no jurisdiction, which brought on the strike, which I think would have been settled long ago without governmental interference if collective bargaining had been permitted to operate.

On the second page of the message the President suggests that there may be some legislation necessary in this field. Any such legislation must come through the Banking and Currency Committee.

Does the Senator from New Hampshire agree with the Senator from Ohio that that is wholly within the province of the Banking and Currency Committee?

Mr. BRIDGES. I will say to the Senator from Ohio that it is my belief, unlike that of the distinguished Vice President that it involves purely a labor dispute, that it is more basic than that. A labor dispute is collateral to it, but the basic issue is the seizure of the steel mills, a question which would come before the Judiciary Committee or under the program of the Stabilization Act to which the Senator has referred.

Mr. BRICKER. Is there any direct authority in either the Taft-Hartley law, the Defense Production Act, or any other act that expressly gives the President the power to take over the steel industry?

Mr. BRIDGES. Not so far as I know.

Mr. BRICKER. The implication in some of the dispatches sent over the country and in news releases is that the President has taken this action under his authority as Commander in Chief. Does the Senator from New Hampshire agree that there is no implied authority given to the Commander in Chief except in time of war to take over any industry?

Mr. BRIDGES. That is correct. That is my view.

Mr. CAPEHART. Mr. President, will the Senator from New Hampshire yield to me?

Mr. BRIDGES. I yield.

Mr. CAPEHART. Mr. President, I do not know just what the controversy is about——

The VICE PRESIDENT. It is about the Chair's reference of the President's message to the Committee on Labor and Public Welfare.

Mr. CAPEHART. I knew that, Mr. President, but I did not know why the President sent the message to Congress in the first place. He does not tell us anything that we could not have read in the newspapers. I should like to invite attention to the fact that at the bottom of the first page of his message he tells us he has taken over the steel mills and is now operating them. He says:

> It may be that the Congress will deem some other course to be wiser. It may be that the Congress will feel we should give in to the demands of the steel industry for an exorbitant price increase and take the consequences so far as resulting inflation is concerned.

Then he says:

> It may be that the Congress will feel the Government should try to force the steelworkers to continue to work for the steel companies for another long period, without a contract, even though the steelworkers have already voluntarily remained at work without a contract for 100 days in an effort to reach an orderly settlement of their differences with management.

He says, further:

> It may even be that the Congress will feel that we should permit a shut-down of the steel industry, although that would immediately endanger the safety of our fighting forces abroad and weaken the whole structure of our national security.
>
> I do not believe the Congress will favor any of these courses of action, but that is a matter for the Congress to determine.

Here is an interesting paragraph, Mr. President:

> It may be, on the other hand, that the Congress will wish to pass legislation establishing specific terms and conditions with reference to the operation of the steel mills by the Government.

I should like to read that again, Mr. President:

> It may be, on the other hand, that the Congress will wish to pass legislation establishing specific terms and conditions with reference to the operation of the steel mills by the Government.

He does not say for how long, but simply that the Congress may wish to pass some sort of socialistic legislation nationalizing the steel industry of America.

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

Mr. CAPEHART. Let me finish. I read further:

> Sound legislation of this character might be very desirable.

I want to read it again:

> It may be, on the other hand, that the Congress will wish to pass legislation establishing specific terms and conditions with reference to the operation of the steel mills by the Government. Sound legislation of this character might be very desirable.

Mr. President, I do not care to which committee the communication is referred, but I hope that the American people and every Senator will study the paragraph which I have just read, because, to me, it is a beginning leading up to the nationalization of industry in America.

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

Mr. CAPEHART. I shall be happy to yield.

Mr. BRIDGES. I have the floor, Mr. President. I agreed to yield to the Senator from Idaho [Mr. DWORSHAK] next.

Mr. DWORSHAK. Mr. President, I should like to call the attention of the Senator from New Hampshire to the Defense Production Act of 1950, one of the objectives of which is to provide for the settlement of labor disputes. Title 5 contains the heading "Settlement of labor disputes."

The Senate Committee on Banking and Currency, having jurisdiction over this particular phase of the Defense Production Act, drafted the act. Is it not proper to say that it would naturally follow that the Banking and Currency Committee would have jurisdiction over any legislation which might arise from any dispute engendered by the provisions of the Defense Production Act?

Mr. BRIDGES. I should assume so.

I now yield to the Senator from South Dakota.

Mr. CASE. Mr. President, in view of the fact that the President turned the matter over to the Secretary of Commerce, it occurs to me that one might also suggest that the message should be referred to the Committee on Interstate and Foreign Commerce.

But I should like to address a question to the distinguished minority leader. I listened last night to the President's speech, and I thought it was very intemperate and that it was the most bitter speech I have ever heard the President make. But, laying that aside, on the basis of what the President said as a reason for the seizure of the steel mills, does the distinguished Senator from New Hampshire know of any reason why the same logic might not be used to justify seizure of the textile mills so as to prevent an interruption of the flow of woolen goods to the boys at the front? Or, by the same token, could not the President similarly say, "I can seize the cattle on the farms of the Nation in order to prevent an interruption of the flow of meat to the boys at the front"? Or could he not follow the same course as to any other commodity in order to prevent interruption of its flow to the boys at the front?

Mr. BRIDGES. I think the distinguished Senator from South Dakota is correct. If steel mills can be seized, then cattle on farms can be seized in order to insure an uninterrupted flow of meat to the boys at the front. Likewise, the textile mills can be seized.

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

Mr. BRIDGES. I yield.

Mr. LEHMAN. It seems to me we are getting away from the subject pretty thoroughly. The question before the Senate is not the constitutional authority of the President to seize steel mills. Undoubtedly that is a question which will be debated for some time and at great length on the floor of the Senate.

As I view the matter, the whole question now before this body is in respect of the reference that has been made by the distinguished President of the Senate, the Vice President of the United States. It seems to me that the propriety of the reference is very clear from the message of the President. The very first paragraph of the message reads:

> The Congress is undoubtedly aware of the recent events which have taken place in connection with the management-labor dispute in the steel industry.

I do not think there possibly can be any question that the Committee on Labor and Public Welfare has sole jurisdiction, so far as the Senate is concerned, with regard to questions of management and labor disputes. The Senate has followed that assumption for a very long time. To my mind, that question was disposed of long ago. It is clear to me that the Committee on Labor and Public Welfare has jurisdiction of the question.

The only reference by the President to legislation is contained in the first para-

graph on the second page, reading as follows:

It may be, on the other hand, that the Congress will wish to pass legislation establishing specific terms and conditions with reference to the operation of the steel mills by the Government.

So far as I am aware, no committee other than the Committee on Labor and Public Welfare has ever concerned itself, or should concern itself, with the question of terms and conditions of operations within an industrial organization. The constitutional authority of the President in seizing the mills, as I have said, will undoubtedly be debated here at great length and for a long time to come; but, to me at least, the issue with regard to the reference of the message is perfectly clear. I think there can be no question in the minds of Members of the Senate, knowing the traditions of committees, and knowing the rules that have been laid down, that this message should be referred to the Committee on Labor and Public Welfare.

Mr. BRIDGES. Mr. President, in answer to the Senator from New York, I think it is not a labor-management dispute that is at issue. It is primarily the seizure of steel mills. The Stabilization Act, which includes the control of wages and similar matters, is within the jurisdiction of the Committee on Banking and Currency.

The Senate has before it today Senate Joint Resolution 148, Calendar No. 1379, to continue the effectiveness of certain statutory provisions until July 1, 1952. In other words, to continue in effect the War Powers Act. I read section 5, on page 12, of the joint resolution as reported by the Committee on the Judiciary as follows:

SEC. 5. Nothing contained herein shall be construed to authorize seizure by the Government, under authority of any act herein extended, of any privately owned plants or facilities which are not public utilities.

The Senate Committee on the Judiciary only yesterday reported to the Senate a joint resolution on this very subject, so the question is not moot by any manner or means. It is a very open, definite question.

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

Mr. BRIDGES. I yield.

Mr. BRICKER. I call the attention of the Senator to the wording by which the President assumed authority:

By virtue of the authority vested in me by the Constitution and the laws of the United States, and as President of the United States and Commander in Chief of the Armed Forces of the United States.

I ask the Senator whether in his judgment that does not sound like totalitarian philosophy and a dictatorship idea.

Mr. BRIDGES. It certainly does.

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

Mr. BRIDGES. I yield to the Senator from North Carolina.

Mr. HOEY. Does the Senator recall that in 1950, when the Senate was considering a bill proposing amendments to the Taft-Hartley Act, which bill had been reported by the Committee on Labor and Public Welfare, the Senate defeated a provision to grant to the President power to seize a plant when a strike was threatened?

Mr. BRIDGES. I thank the Senator from North Carolina. I remember the occurrence very well. There was a definite act by the Senate in turning down specifically a provision which would have given the President the right to seize.

We are faced with an accomplished fact. The President has seized the steel mills. He has done so under various guises, as stated by the Senator from Ohio [Mr. BRICKER].

That is a basic issue. It is more than a labor-management dispute. Speaking as one Senator, I believe the message certainly should go to one of two committees, the one which considers and reports to the Senate proposed legislation such as the National Production Act, or the Committee on the Judiciary, which handles the legal phases of proposals of various kinds.

The VICE PRESIDENT. The Chair wishes to state that this entire discussion is out of order. There is an order, previously entered, for a call of the calendar.

No Senator has appealed from the decision of the Chair in referring the President's message. The Chair would welcome such an appeal, if any Senator wished to make it. The Chair does not care what the Senate does about the reference.

Mr. BRIDGES. Very well, Mr. President, I appeal from the ruling of the Chair.

Mr. HILL. Mr. President, a parliamentary inquiry. Is the question to be discussed at this time in view of the previous order of the Senate?

The VICE PRESIDENT. The Chair thinks the question is privileged. Of course, the Senate should understand that if it overrides the Chair's decision referring the message to the Committee on Labor and Public Welfare that would not control any future reference of the message to another committee. The Chair holds that, under the rules, a Senator may make a motion to refer the message to another committee, but the Chair would still be free to refer it to any other committee that had jurisdiction.

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

Mr. BRIDGES. I yield.

Mr. McCARRAN. I respectfully request unanimous consent that the call of the calendar be deferred until 2 o'clock. In the order for the call of the calendar today, there is no hour fixed for the commencement of the call. Therefore, I respectfully request, in order that the hour may be made definite, that the call of the calendar be now deferred until 2 o'clock.

The VICE PRESIDENT. Is there objection?

Mr HILL. Mr. President, what does the Senator from Nevada have in mind?

Mr. McCARRAN. Simply that the Senate may proceed with the matter now under discussion and take up the question of the appeal, if that is desired. In that way, we will not interfere with the call of the calendar.

Mr. HILL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HILL. The difficulty with the suggestion of the Senator from Nevada is that, as I understand, there is no limitation of debate on an appeal. Is not that true?

Mr. McCARRAN. My recollection is that the Chair may accept debate or he may not.

The VICE PRESIDENT. The Chair has no jurisdiction or control over debate on an appeal from the Chair's decision.

Mr. HILL. It is not like arguments on a point of order. In that case the time is entirely in control of the Chair, and he may regulate it in any way he desires.

As I understand, the question now under discussion is subject to unlimited debate. If the Senate is going to discuss it at this time, perhaps there will be a great deal of debate, and I do not know that we shall accomplish anything by saying that we would proceed with the call of the calendar at 2 o'clock.

Mr. McCARRAN. Except that we might finish the call of the calendar. Under existing conditions, I do not see any likelihood of that now.

The VICE PRESIDENT. The Chair does not think he can control debate on an appeal from his decision. This is not one of the cases in which the rule provides there shall be no debate. The Senate would have to place its own restrictions on the time.

Therefore, the question before the Senate is, Shall the decision of the Chair referring the message of the President to the Committee on Labor and Public Welfare stand as the judgment of the Senate?

Mr. HUMPHREY. Mr. President, is it possible at this hour to discuss the decision of the Chair and the motion which has been made by the minority leader? Has the minority leader relinquished his right to the floor, or does he still maintain his right to the floor?

Mr. BRIDGES. I maintain my right to the floor.

The VICE PRESIDENT. The Chair wishes to admonish Senators that no Senator can maintain the floor indefinitely and parcel out the time for speeches. He may yield for a question.

Mr. BRIDGES. I will yield for a question. Then I will yield the floor.

Mr MAYBANK. Mr. President, I should like to ask the Senator from New Hampshire if it is not his understanding that the Wage Stabilization Board made recommendations on certain fringe benefits and the closed shop in connection with the steel dispute?

Mr. BRIDGES. It is.

Mr. MAYBANK. Is it not the Senator's opinion that in making that ruling insofar as it was based on the wage stabilization provisions of the Control Act, they went beyond their authority?

Mr. BRIDGES. I should assume so; yes.

Mr. MAYBANK. Is it not the Senator's opinion that labor relations should be dealt with under, say, the National Labor Relations Act?

Mr. BRIDGES. There are other acts, but, that particular act is properly designed for dealing with such questions.

Mr. MAYBANK. Does the Senator know that before the last Defense Production Act was drafted I personally wrote the Senator from Minnesota [Mr. HUMPHREY], stating that we were not invading the jurisdiction of the Committee on Labor and Public Welfare, and that what we were writing was a price-control law, not a law to affect conditions concerning which the Committee on Labor and Public Welfare operated. Is the Senator familiar with that fact?

Mr. BRIDGES. I was not familiar with it.

Mr. MAYBANK. Does the Senator recall that I wrote the Senator from Louisiana [Mr. ELLENDER], the distinguished chairman of the Committee on Agriculture and Forestry, that when we wrote the price-control law we would not seek to legislate with respect to certain recommendations concerning exchanges and parity.

Mr. BRIDGES. No; I am not familiar with that fact.

Mr. MAYBANK. Is the Senator familiar with the fact that among those who have been concerned with these so-called agreements was Mr. Charles Wilson?

Mr. BRIDGES. Yes.

Mr. MAYBANK. Does the Senator know that his nomination was recommended for confirmation by the Committee on Banking and Currency?

Mr. BRIDGES. I do.

Mr. MAYBANK. Does the Senator know that the nomination of Mr. Roger Putnam, of Springfield, Mass., to take the place of Mr. Eric Johnston, and that the nomination of Eric Johnston both were reported to the Senate after hearings before the Committee on Banking and Currency?

Mr. BRIDGES. I do.

Mr. MAYBANK. Is the Senator familiar with the fact that the nomination of Mr. DiSalle, who had charge of price controls, was reported to the Senate after extended hearings before the Committee on Banking and Currency?

Mr. BRIDGES. I am.

Mr. MAYBANK. Is the Senator familiar with the fact that the nomination of the former Governor of Georgia, Mr. Arnall, was referred to the Senate by the Committee on Banking and Currency, and that as chairman of the committee I reported his nomination favorably from the Committee on Banking and Currency?

Mr. BRIDGES. I am.

Mr. MAYBANK. Is the Senator familiar with the fact that the President in setting up the Wage Stabilization Board based his authority for so doing in the past, on his Wage Stabilization powers in title IV of the National Defense Production Act?

Mr. BRIDGES. I am.

Mr. MAYBANK. I thank the Senator.

Mr. President, as I previously stated, I believe that the Wage Stabilization Board has gone far beyond any powers which were conferred upon it under the authority contained in the Wage Stabilization provisions of the Defense Act.

Let me ask the Senator from New Hampshire one further question. If any bill is introduced to continue price controls, what committee will handle it?

Mr. BRIDGES. The Committee on Banking and Currency.

Mr. MAYBANK. I assure the Senate that if we are called upon to consider any legislation, it will be distinctly understood by me that any measure considered by the Committee on Banking and Currency will not invade the jurisdiction of the Committee on Labor and Public Welfare, the Committee on the Judiciary, the Committee on Agriculture and Forestry, the Committee on Interstate and Foreign Commerce, or any other committee. I also wish to have it distinctly understood that we shall negate anything the other committees may bring forth relating to the control of wages and prices by law.

I should like to ask the Senator from New Hampshire a final question. Does not the Senator from New Hampshire believe that it is the duty of the Committee on Banking and Currency to negate any effort to use a price-control measure on behalf of labor, agriculture, or management, or not to act with respect to any disputes beyond the scope of a price-control measure?

Mr. BRIDGES. I do.

Mr. MAYBANK. I thank the Senator.

Mr. WATKINS. Mr. President, will the Senator from New Hampshire yield?

Mr. BRIDGES. I yield.

Mr. WATKINS. Does the Senator consider that in the President's message he made any recommendations to the Congress for any particular line of action?

Mr. BRIDGES. No. The recommendations are rather fuzzy and vague. There are no specific recommendations.

Mr. WATKINS. He tells the Congress, "You may do this, or you may do that, or you may want to do something else."

Mr. BRIDGES. That is correct.

Mr. WATKINS. Does the Senator feel that this matter is of such importance that we ought to have a few minutes preparation before the question is finally decided?

Mr. BRIDGES. I should be very glad to follow that course, so far as I am concerned. We are ready for the call of the calendar. It has been suggested that we postpone further consideration of the appeal from the decision of the Chair until after the call of the calendar.

Mr. HILL. Mr. President, there is also another measure which we wish to consider. That is the joint resolution to which the Senator alluded earlier, which carries a provision which the Senator seemed strongly to approve. I refer to Senate Joint Resolution 148. If Senate Joint Resolution 148 does not pass on the call of the calendar, we wish to take it up for consideration later.

Is it agreeable to proceed with the call of the calendar, and if Senate Resolution 148 does not pass on the call of the calendar, to have the Senator from Nevada [Mr. MCCARRAN], chairman of the Committee on the Judiciary, move to take it up for consideration and action?

Mr. BRIDGES. So far as the Senator from New Hampshire is concerned, he understands that the request of the Senator from Alabama is that if the war-powers measure does not pass on the call of the calendar, it may be taken up afterward. I address my remarks to the Senator from Kansas [Mr. SCHOEPPEL] and the Senator from New Jersey [Mr. HENDRICKSON].

Mr. SCHOEPPEL. Mr. President, I will say to the distinguished minority leader that an objection was registered with the Senator from Kansas to the passage of this measure on the call of the calendar. Therefore, I assume that there will be objection to passing the measure on the call of the calendar, and that that issue will be raised on the floor of the Senate today.

Mr. HILL. Is the Senator referring to Senate Joint Resolution 148?

Mr. SCHOEPPEL. I am referring to Senate Joint Resolution 148.

Mr. MCCARRAN. Mr. President——

The PRESIDING OFFICER (Mr. STENNIS in the chair). The Senator from New Hampshire [Mr. BRIDGES] has the floor.

Mr. BRIDGES. Mr. President, I yield the floor.

Mr. MCCARRAN. Mr. President, I understand from the Senator from Kansas that there will be objection to passing Senate Joint Resolution 148 on the call of the calendar.

Mr. SCHOEPPEL. That is correct. There may be some question raised as to the reduction of the time from 60 to 30 days. Such an amendment might be agreeable. I think I should say that, in all fairness to the distinguished Senator.

Mr. MCCARRAN. The intention of the chairman of the committee was to call up the bill after the calendar had been disposed of.

Mr. HILL obtained the floor.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry——

The PRESIDING OFFICER. The Senator from Alabama [Mr. HILL] has the floor.

Mr. HILL. Mr. President, I understand that the distinguished Senator from Minnesota wishes to make a brief statement, with the idea that as soon as he has concluded we may proceed with the call of the calendar. Is that agreeable?

Mr. BRIDGES. Yes. We can return to the other question later.

Mr. HUMPHREY. My question is, Are we to return to the motion of the Senator from New Hampshire, the minority leader, with respect to the ruling of the Chair, immediately after the call of the calendar and the consideration of the joint resolution?

The PRESIDING OFFICER. Nothing definite has been decided in that regard. The Chair has not put any question. No Senator has made a unanimous-consent request.

Mr. HILL. Mr. President, I was about to ask that the Senate proceed at this time with the call of the calendar, as the Senate ordered yesterday, and that at the conclusion of the call of the calendar it may be in order for the Senator from Nevada [Mr. MCCARRAN], chairman of the Committee on the Ju-

diciary, to move to take up Senate Joint Resolution 148.

The PRESIDING OFFICER. Is there objection?

Mr. BRIDGES. Mr. President, is this a unanimous-consent request?

Mr. HILL. I am making a unanimous-consent request.

Mr. BRIDGES. I do not want the appeal from the decision of the Chair to be out of order at any time. May we understand that it will follow in logical sequence after the call of the calendar and after the consideration of Senate Joint Resolution 148? If so, I have no objection.

Mr. HILL. It is my understanding that after the conclusion of the call of the calendar and after disposition of Senate Joint Resolution 148, the appeal from the decision of the Chair will automatically be next in order.

The PRESIDING OFFICER. Not necessarily. Is that a part of the unanimous-consent request?

Mr. WATKINS. Mr. President, has a unanimous-consent request been made?

Mr. BRIDGES. Yes.

The PRESIDING OFFICER. There is a unanimous-consent request pending.

Mr. WATKINS. Reserving the right to object——

The PRESIDING OFFICER. Had the Senator from Alabama finished his statement?

Mr. HILL. The Senator from Alabama had asked that the Senate proceed with the call of the calendar, as the Senate ordered yesterday, and as the Senate anticipated would be the business today, and that at the conclusion of the call of the calendar it be in order for the distinguished Senator from Nevada [Mr. McCARRAN], the chairman of the Committee on the Judiciary, to call up Senate Joint Resolution 148.

Mr. BRIDGES. Mr. President, reserving the right to object, I wish to have the situation fully understood. I ask the distinguished Senator from Alabama if he will amend his unanimous-consent request so as to include the consideration of the appeal from the ruling of the Chair.

Mr. HILL. Mr. President, I will incorporate the Senator's suggestion in my unanimous-consent request.

The PRESIDING OFFICER. Is there objection?

Mr. HUMPHREY. Mr. President, reserving the right to object, I wish to know whether under the unanimous-consent request as now proposed I shall still be permitted, prior to the call of the calendar, to say a few words with reference to the referral of the President's message.

The PRESIDING OFFICER. That point is not included in the unanimous-consent request.

Mr. HILL. May I inquire how much time the distinguished Senator from Minnesota would require?

Mr. HUMPHREY. About 8 or 10 minutes.

Mr. WATKINS. Mr. President, I raise a point of order.

The PRESIDING OFFICER. The Senator from Utah will state the point of order.

Mr. WATKINS. If the Senator from Minnesota desires to make some remarks, can he not take advantage of some time under the 5-minute rule in which to make them?

The PRESIDING OFFICER. Five minutes for debate by a Senator is allowed on each measure on the calendar.

Mr. HILL. The Senator from Minnesota wishes from 8 to 10 minutes to speak on the referral of the President's message. I hope the Senator from Utah will not object to the request. Accordingly, I modify my unanimous-consent request by asking that before the Senate proceeds to the call of the calendar, the Senator from Minnesota may be permitted to proceed for 10 minutes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Alabama? The Chair hears none, and the order is entered.

Mr. HUMPHREY. Mr. President, the referral by the Chair of the message of the President of the United States to the Committee on Labor and Public Welfare is surely proper since the subject of the message is certainly within the jurisdiction of the committee as outlined under Public Law 601, Seventy-ninth Congress, known as the Legislative Reorganization Act.

I should like further to buttress the jurisdictional right of the Committee on Labor and Public Welfare by stating that the committee has a standing subcommittee known as the Subcommittee on Labor and Labor-Management Relations. Further than that, a bill known as the seizure bill, which was introduced in the Eighty-first Congress by the distinguished Senator from Oregon [Mr. MORSE], was considered by the Subcommittee on Labor and Labor-Management Relations and by the full Committee on Labor and Public Welfare. After consideration it was reported to the Senate. It was voted on, in the form of an amendment, in the Eighty-first Congress.

The present steel situation involves wages, hours, prices, and the action of the Government in terms of the seizure.

The message of the President refers in the first paragraph to a management-labor dispute. It appears to me that if any problem of semantics is involved it should be resolved in favor of the Committee on Labor and Public Welfare.

Furthermore, Mr. President, the issue of the union shop is involved in the labor-management dispute in the steel industry. Union-shop bills have been processed by the Committee on Labor and Public Welfare. I may say in that connection that union-shop bills have passed the Senate unanimously.

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

Mr. HUMPHREY. I yield.

Mr. TAFT. I am a member of the Committee on Labor and Public Welfare. There is only one point which occurs to me. It is that the seizure involved was not made under any labor law whatever. It was apparently made, first, under some claim of constitutional power, which I do not think exists; second, under the Defense Production Act; or, third, under the Selective Service Act. Those are the only laws which could be relied upon by the President.

The Committee on Labor and Public Welfare has refused to give the President any power to seize on the basis of a labor dispute. No such power has been given by the Committee on Labor and Public Welfare.

Therefore, it seems to me that some ambiguity exists as to the legislation under which the President claims the power to seize. He cannot claim the power under any labor-management legislation or under any labor law. He has refused to use the means given to him under the Labor-Management Relations Act. Apparently he is acting under some other theory of government; he is acting under the Selective Service Act, the Defense Production Act, or under some claimed constitutional power.

Therefore, it seems to me to be rather dubious whether under the circumstances initial jurisdiction lies in the Committee on Labor and Public Welfare.

Mr. HUMPHREY. Mr. President, I am not debating what right or power the President may have had or where he may have obtained the power. I would refresh the recollection of the Senator from Ohio by saying that not only has the Subcommittee on Labor-Management Relations studied the matter of seizure but that the subject was studied by the full committee as well; that recently several pages of a report of the Committee on Labor and Public Welfare were devoted to the subject of seizure; that there is now before the Committee on Labor and Public Welfare a bill, introduced by the distinguished chairman of the committee, the Senator from Montana [Mr. MURRAY], which relates to the subject of seizure; and that five members of the Committee on Labor and Public Welfare in the Eighty-first Congress were cosponsors of the seizure bill.

Whether or not the President has the power of seizure I do not believe is an issue at the present time. Undoubtedly it will be an issue as we progress with the debate. The powers of the President were discussed at length at the time the amendments to the Taft-Hartley law were being debated and at the time the so-called Thomas bill was being debated. I recall very distinctly the eloquent remarks of the Senator from Illinois [Mr. DOUGLAS], when he quoted at length one of the most famous American constitutional lawyers, Mr. Corwin, in his great book on the constitutional powers of the Executive.

All I am saying is that under the Reorganization Act the powers and jurisdiction of the various committees are set forth. What do they include? The powers and duties of the Committee on Labor and Public Welfare include jurisdiction over measures relating to education and labor generally; mediation and arbitration of labor disputes; wages and hours of labor; labor statistics; and labor standards.

What is involved in this dispute? Hours, wages, and mediation. Surely

the general problems of labor and labor-management would be a subject matter properly within the jurisdiction of the Committee on Labor and Public Welfare.

Mr. President, I am making this record so that when the vote is taken upon the appeal from the ruling of the Chair we may clearly understand what we are doing. I furthermore note in the RECORD that the chairman of the Committee on Banking and Currency, the able Senator from South Carolina [Mr. MAYBANK], by letter to the chairman of the Committee on Labor and Public Welfare and to the chairman of the Subcommittee on Labor and Labor-Management Relations acknowledged our jurisdiction in the field as it pertains to the Wage Stabilization Board; and by Executive order the President of the United States empowered the Wage Stabilization Board to handle certain aspects of labor-management disputes which affect the public welfare and the national security.

There was a clearance of jurisdiction between the Committee on Banking and Currency and the Committee on Labor and Public Welfare. In fact, the chairman of the Committee on Labor and Public Welfare appointed the distinguished Senator from Illinois [Mr. DOUGLAS] and the distinguished Senator from New York [Mr. IVES] as liaison officers between the two committees so that we would not get into each others hair with respect to jurisdictional problems.

In this instance jurisdiction lies in the Committee on Labor and Public Welfare. Although it is not a matter of life and death as to which committee should handle the subject, it is a matter of experience. The Committee on Labor and Public Welfare traditionally has had responsibility for labor-management law and labor-management relations.

I believe that the ruling of the Chair is fair. I believe it is within the traditions of the Senate. I believe it is within the meaning and purpose of the legislative reorganization act, and certainly it is within the intent and purpose of the exchange of correspondence between the Committee on Banking and Currency and the Committee on Labor and Public Welfare with respect to the jurisdiction of the respective commmittees pertaining to the Wage Stabilization Board.

## CALL OF THE CALENDAR

The PRESIDING OFFICER. Under the order previously entered the next order of business is the call of the calendar. There are four measures which, under a previous unanimous-consent agreement, were carried over to this call of the calendar. They will be called first. The clerk will call the first of the four measures.

## BILL PASSED OVER TO NEXT CALL OF THE CALENDAR

The bill (S. 1331) to further implement the full faith and credit clause of the Constitution was announced as the first measure in order.

Mr. McCARRAN. Mr. President, I understand that further study of this bill is desired. As the author of the bill, I am very glad to have further study of it made. I ask that the bill may be passed over to the next call of the calendar.

The PRESIDING OFFICER. Unanimous consent is requested that the bill be passed over to the next call of the calendar. Is there objection?

Mr. HENDRICKSON. Mr. President, does the distinguished Senator from Nevada refer to Calendar No. 1088, Senate bill 1331?

Mr. McCARRAN. That is correct.

## THE UPPER COLORADO RIVER STORAGE PROJECT

Mr. WATKINS. Mr. President, reserving the right to object, I should like to make a statement. Last Friday I pointed out to the Senate that the Secretary of the Interior and the President were responsible for the delay in sending the Bureau of Reclamation report on the Upper Colorado River storage project to the Bureau and to the Congress.

In that statement I pointed out that the Secretary of Interior had approved the Bureau of Reclamation report on June 26, 1951, but that because of some interdepartmental rivalries and criticisms of the report, the Secretary had decided that he would not send the report to the Bureau of the Budget or to the Congress until all the criticisms and questions raised had been resolved.

I also pointed out that the Secretary had held a hearing at which all of the interested parties presented their points of view on the project, which of course included the criticisms raised by other departments and bureaus; and that having made that decision, he was obligated to stand by it and to proceed to comply with the reclamation law in the sending of the report to the Congress, ewen though there was some objection.

At almost the same time the Secretary was refusing to take favorable action on the upper Colorado River storage project, he has been making strong arguments in favor of the Hells Canyon power project on the Snake River in Idaho, even though many of the people of that State, including its two United States Senators and its Governor, were opposing the Bureau of Reclamation's recommendation with respect to that project. The people of Utah and the people of the other upper Colorado River Basin States are astounded at the Secretary's inconsistency in urging the Idaho project, to which the people of the State are very much opposed, and at the same time refusing to go ahead with the Colorado River project, although the people of the four States involved are unanimous in support of the project.

In the April 4 issue of the Salt Lake Tribune, published in Salt Lake City, Utah, appears a very able editorial on this question, entitled "Why Not Colorado River?" This editorial pointedly presents the case of the inconsistency in the stand of the administration on the two projects, and at the same time voices the suspicion that the Government agency, in favoring Idaho over Colorado, is doing so because it is more interested in beating private enterprise to a project than it is in getting started on a project which is safe from private intrusion. A project of the latter sort is, of course, the Upper Colorado project, which is so immense that private enterprise has never seriously considered its construction. It is generally agreed that that project is one in which Government financing and construction could be justified both as a matter of economics and as a matter of the desirability of the project.

Mr. President, I ask unanimous consent that the editorial from the Salt Lake City Tribune to which I have referred may be printed at this point in the RECORD, as a part of my remarks.

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

WHY NOT COLORADO RIVER?

The apparent lack of enthusiasm of the Department of Interior for pushing the Colorado River storage project and participating projects in the upper Colorado Basin is being accentuated by its obvious enthusiasm for the big Hells Canyon power project on the Snake River in Idaho.

One of the reasons given by the Secretary of Interior Oscar L. Chapman for delay in submitting the Colorado River planning report to the Bureau of the Budget and Congress is that he wants to resolve all conflicts before taking that step.

We do not pretend to know how many people in Idaho are opposed to the Hells Canyon project or how many are in favor of it. But certainly all the conflicts in that State were not resolved before that proposed project was submitted to Congress.

Another interesting aspect of the two proposed projects is their status with respect to governmental versus private enterprise development. Even the most avid advocates of governmental action in the development of natural resources have always contended that the primary responsibility of government is to do those things which private enterprise is unwilling or unable to undertake.

In the case of Hells Canyon, a private utility does want to develop power resources with private funds. But no private interests are clamoring for an opportunity to build power and storage projects on the upper Colorado River and its tributaries. It is a reasonable assumption that the Colorado Basin developments will be carried out by government or they will not be undertaken at all and that Hells Canyon power will be developed by private industry if it is not done by government.

The position of the Department of Interior on the two proposals might therefore give rise to a suspicion that the Government agency is more interested in beating private enterprise to a project than it is in getting action on developments which are safe from private enterprise intrusions.

## ADJUSTMENT OF CONFLICTS IN DIVORCE DECREES IN VARIOUS STATES

The PRESIDING OFFICER. Unanimous consent has been requested that Senate bill 1331, Calendar No. 1088, be passed over at this time and be called at the next call of the calendar. Is there objection to the request? The Chair hears none, and it is so ordered.

The next measure included in the special order will be called at this time.

## BILLS PASSED OVER

The bill (H. R. 646) for the relief of Mrs. Inez B. Copp and George T. Copp was announced as next in order.

Mr. HENDRICKSON. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 643) for the relief of Mrs. Vivian M. Graham and Herbert H. Graham was announced as next in order.

Mr. SCHOEPPEL. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

## EXCHANGE OF LANDS NEAR FEDERAL COMMUNICATIONS COMMISSION'S PRIMARY MONITORING STATION, PORTLAND, OREG.

The bill (H. R. 5369) to authorize the exchange of certain lands located within, and in the vicinity of, the Federal Communications Commission's primary monitoring station, Portland, Oreg., was considered, ordered to a third reading, read the third time, and passed.

## EXTENSION OF TIME FOR AUTHORIZATION OF LOCAL FLOOD-PROTECTION PROJECTS IN THE TENNESSEE RIVER BASIN

The joint resolution (S. J. Res. 112) to provide an extension of time for the authorization for certain projects for local flood protection in the Tennessee River Basin was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HENDRICKSON. Mr. President, reserving the right to object, may we have an explanation of the joint resolution?

The PRESIDING OFFICER. An explanation is requested.

Mr. McCLELLAN. Mr. President, a local flood-protection project consisting mainly of levees and flood walls in connection with the city of Chattanooga, Tenn., was authorized by Congress in the Flood Control Act of 1941. The authorization provided that local interests must give assurances that they would provide the necessary lands and rights-of-way for the project. The act also provided that the authorization for local flood-protection projects covered therein would expire within 5 years after notification of the local groups in regard to local cooperation, unless satisfactory assurances were furnished within that time.

It is my understanding that the local interests encountered some legal problems in connection with forming their districts, and were not able to give the required assurances within the 5-year period.

This joint resolution simply extends the time in which they may comply with the requirements of the law.

Mr. HENDRICKSON. I should like to ask the distinguished Senator from Arkansas whether any costs are involved in the joint resolution.

Mr. McCLELLAN. No cost to the Federal Government is involved.

Mr. HENDRICKSON. I thank the Senator.

Mr. McCLELLAN. The joint resolution merely extends the time and gives the groups in interest an opportunity to meet the obligations which were placed upon them under the law.

The PRESIDING OFFICER. The Chair observes that an identical joint resolution, House Joint Resolution 350, Calendar 1287, has come from the House of Representatives.

Mr. McCLELLAN. Yes. Mr. President, I now ask that the Senate consider the House joint resolution.

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

There being no objection, the joint resolution (H. J. Res. 350) to provide an extension of time for the authorization for certain projects for local flood protection in the Tennessee River Basin was considered, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 112 is indefinitely postponed.

## LAKE CUMBERLAND, AT WOLF CREEK DAM, KY.

The joint resolution (H. J. Res. 359) to designate the lake to be formed by the waters impounded by the Wolf Creek Dam in the State of Kentucky as Lake Cumberland was considered, ordered to a third reading, read the third time, and passed.

## RUFUS WOODS LAKE, CHIEF JOSEPH DAM, STATE OF WASHINGTON

The bill (S. 1989) to designate the lake to be formed by the waters impounded by the Chief Joseph Dam in the State of Washington as Rufus Woods Lake was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the lake to be formed by the waters impounded by the Chief Joseph Dam in the State of Washington shall hereafter be known as Rufus Woods Lake, and any law, regulation, document, or record of the United States in which such lake is designated or referred to shall be held to refer to such lake under and by the name of Rufus Woods Lake.

## EXTENSION OF SECTION 6 OF FLOOD CONTROL ACT OF 1944

The bill (S. 2521) to revive and reenact section 6 of the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved December 22, 1944, was announced as next in order.

The PRESIDING OFFICER (Mr. HUMPHREY in the chair). Is there objection to the present consideration of the bill?

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. McCLELLAN. Mr. President, I may say to the distinguished Senator from Kansas that by means of one of the bills previously reported by our committee, namely, an omnibus bill repealing a number of statutes which we thought were no longer active and needed, through error or inadvertance section 6 of the Flood Control Act 1944 was repealed.

This bill would revive section 6 of that act and would reenact it. The bill would revive legislation concerning the disposal of surplus water from dams constructed by the Corps of Engineers. That legislation was contained in section 6 of the Flood Control Act of 1944, which subsequently was repealed in Public Law 247, of the Eighty-second Congress.

While Public Law 247 was an act providing for the amendment or repeal of certain Government property laws, many of which had outlived their usefulness or were found to be unnecessary for other reasons, when the material for that act was being compiled, section 6 of the 1944 Flood Control Act was included therein, apparently upon the understanding that it dealt with a matter of surplus property of the Corps of Engineers. When the bill was considered by Congress, the Corps of Engineers raised objection to the repeal of section 6. However, through inadvertence that objection did not reach the Congress in time.

Let me state what this bill will actually do when it is enacted: At the present time, in the case of dams which were constructed by the Corps of Engineers, the Army engineers are authorized to contract with public interests and private interests for disposal of surplus water for industrial or consumer purposes. By repealing section 6 of the Flood Control Act of 1944, we now have placed that authority in the General Services Administration.

Therefore, the General Services Administration in order to dispose of the surplus water must take bids and must go through other proceedings, and that is not a satisfactory arrangement. The Corps of Army Engineers, which constructs and operates the dams, should have authority to dispose of surplus water which can be made available for industrial or domestic use.

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

Mr. McCLELLAN. I am glad to yield.

Mr. O'MAHONEY. Is it not a fact that the Army engineers are thoroughly equipped with personnel and equipment to do that work?

Mr. McCLELLAN. Yes, and they are on the ground.

Mr. O'MAHONEY. Yes; they are on the ground, making contracts which are needed in order to service States, municipalities, industrial users, and the like. On the other hand, the General Services Administration is not equipped to do that work.

Does not the Senator from Arkansas agree that that is the case, and that the repeal of section 6 of the 1944 Flood Control Act was an error, and that section should be reinstated?

Mr. McCLELLAN. That is correct, for if this matter is handled by the General Services Administration, the Corps of Army Engineers will have to tell the General Services Administration from time to time what to do in connection with these situations.

Mr. O'MAHONEY. In other words, the Corps of Army Engineers should have jurisdiction of matters dealing with the disposal of waters behind dams it has built. Is that correct?

Mr. McCLELLAN. Yes. It would be of great convenience to the public authorities and to others who wish to contract for the use of such waters, to have this section of the 1944 Flood Control Act reinstated.

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

Mr. McCLELLAN. I yield.

Mr. CASE. Mr. President, it occurs to me that I should state that the restoration of section 6 of the act of 1944 will again put the Secretary of Defense, formerly the Secretary of War, on all fours with the Secretary of the Interior with respect to their power to deal with dams and reservoirs under their control. Under the powers the Secretary of the Interior has, electrical power which is generated at Government-built dams, and which is surplus to the needs of the Government itself, may be sold through the agency of the Secretary of the Interior. Section 6 did not contain the term "surplus," but it provided that water which was surplus to the use of the Army engineers in regulating the flow of a channel, or matters of that sort, including the flow of water for the immediate purposes of the Army engineers, might be sold. I submit that section 6 should be restored.

There is another angle to this matter, which the senior Senator from Nebraska [Mr. BUTLER] has asked that I express in his behalf today. He was here a little earlier, but had to leave before we reached the call of the calendar. I should like to read a statement which the Senator from Nebraska prepared on this point, and which brings out the effect of this action upon the traditional concepts of water energy in the West. This is the statement of the Senator from Nebraska:

> The bill should be passed. I am not familiar with the reasoning behind the repeal of section 6 of the Food Control Act of 1944, but the effect of the repeal of this section was to place waters in the reservoirs constructed by the Corps of Engineers in the Western States in the category of surplus property of the United States. This is against all concepts of water laws because the waters do not become the property of the United States by virtue of the construction of reservoirs. The United States is merely an agent for the individual or the municipality, as the case may be, who can make beneficial use of the supply which may be created by the control of the waters flowing in the stream by means of storage. Section 6 merely provided that the Secretary of the Army and the Chief of Engineers must observe existing water rights and priorities. We want this policy continued and therefore the bill should be passed.

In that connection I call attention to the fact that the proviso in section 6 of the Flood Control Act of December 22, 1944, reads: *"Provided,* That no contract for such water shall adversely affect then existing lawful uses of said water."

The repeal of section 6, carrying with it the repeal of that proviso, would give no protection to the vested water rights, if the law were to be administered by the General Services Administration. Consequently, I also feel, for the reasons cited by the Senator from Nebraska, that this proviso should be reenacted in order to protect the prior rights to water. For that reason, as well as those previously cited, the pending bill should be passed and the validity of section 6 restored.

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

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

> *Be it enacted, etc.,* That (a) section 6 of the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes," approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 708), is hereby revived and reenacted.
>
> (b) Numbered paragraph (59) of the first section of the act entitled "An act to amend or repeal certain Government property laws, and for other purposes," approved October 31, 1951 (Public Law 247, 82d Cong.), is hereby repealed.

## DIKE TO PREVENT FLOW OF TIDE INTO NORTH SLOUGH, COOS COUNTY, OREG.

The bill (S. 2285) to authorize the construction of a dam and dike to prevent the flow of tidal waters into North Slough, Coos County, Oreg., was announced as next in order.

Mr. McCLELLAN. Mr. President, I desire to call up Calendar No. 1286, House bill 5652, and ask unanimous consent that it be considered and that the provisions of the Senate bill be substituted for those of the House bill since the Senate bill has amendments which will have to be considered by the House.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 5652) authorizing the Oregon State Highway Commission to construct, maintain, and operate a dam and dike to prevent the flow of tidal waters into North Slough, Coos County, Oreg.

Mr. McCLELLAN. Mr. President, I move to amend the House bill by striking out all after the enacting clause, and inserting Senate bill 2285 as reported by the Senate Committee on Public Works.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause of the House bill and in lieu thereof to insert the following:

> That authority is hereby granted to the State of Oregon, acting through its highway department, to construct, maintain, and operate, at a point suitable to the interests of navigation, a dam and dike for preventing the flow of tidal waters into North Slough in Coos County, in township 24 south, range 13 west, Willamette meridian.
>
> SEC. 2. Work shall not be commenced on such dam and dike until the plans therefor, including plans for all accessory works, are submitted to and approved by the Chief of Engineers and the Secretary of the Army, who may impose such conditions and stipulations as they deem necessary for the protection of the United States.
>
> SEC. 3. The authority granted by this act shall terminate if the actual construction of the dam and dike hereby authorized is not commenced within 1 year and completed within 3 years from the date of the passage of this act. The right to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Arkansas is agreed to.

Mr. CORDON. Mr. President, does the Senator from Arkansas also include in his request the amendment of the title, to conform to the amended title reported by the Senate committee?

Mr. McCLELLAN. I shall ask that the title be so amended.

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

The bill was read the third time, and passed.

Mr. McCLELLAN. I now ask that the title be amended as suggested.

The title was amended so as to read: "A bill to authorize the construction of a dam and dike to prevent the flow of tidal waters into North Slough, Coos County, Oreg."

The PRESIDING OFFICER. Without objection, Senate bill 2285 is indefinitely postponed.

## AUTHORITY TO CONSTRUCT AND EQUIP A GEOMAGNETIC STATION FOR THE DEPARTMENT OF COMMERCE—BILL PASSED TO NEXT CALENDAR CALL

The bill (H. R. 3830) to authorize the construction and equipment of a geomagnetic station for the Department of Commerce was announced as next in order.

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

Mr. SCHOEPPEL. Mr. President, may we have an explanation of this measure, particularly with reference to the costs? Following the explanation, I should like to propound certain questions.

Mr. JOHNSON of Colorado. Mr. President, at the present time, the Coast and Geodetic Survey has a laboratory in Maryland near a correctional institution, and there has been constant irritation, with damage caused by breaking into the laboratory. There is also a hogpen nearby. Moreover, this is a magnetic laboratory, and power lines in the vicinity are causing trouble. The agency has therefore made arrangements with the Army to lease a tract of ground in Virginia, which would be free from these objectionable features. The agency plans to move the laboratory to the Virginia site. There is a limitation on the cost which would be assumed, of $1,575,000, plus whatever additional costs may be contemplated, dating from January 1, 1951. But the costs will be very close to $1,575,000.

It is an important laboratory. It is not really an expensive one, but important work is done in it. As the Coast and Geodetic Survey is under the Department of Commerce, the Army has leased 174 acres of land to the Department of Commerce on a 5-year basis, and it is thought that there will be no trouble in the future in regard to having the lease extended. I think 5 years is as long as the Army is permitted to make the lease.

The Virginia site is advantageously located for the work of the laboratory, and it seems to me that it is very necessary that the laboratory be built and equipped after being transferred to the new location.

Mr. SCHOEPPEL. Mr. President, I note what the distinguished Senator from Colorado has said. The authorization under the bill is $1,575,000. I may say very frankly to the Senator from Colorado that I am somewhat reluctant to let a measure of this kind be acted upon on a call of the Consent Calendar, particularly in view of the fact that the Coast and Geodetic Survey has equipment at present which can be utilized.

Certain inquiries have been made in regard to this measure in the form in which it is presently on the calendar. So, unless the Senator from Colorado has some serious objection, and unless the bill is of such urgency that it could not be delayed for perhaps a matter of 2 or 3 weeks, I should like to have this bill go over to the next call of the calendar, during which time, there are possibly three questions which could and would be cleared up.

Mr. JOHNSON of Colorado. I am sure it could wait 2 or 3 weeks, and I, of course, could not object if the Senator insists upon such action. However, the present laboratory is a grain building 50 years old, and a fire hazard is connected with it, especially since it is located near a correctional institution. Within the building there are certain very valuable instruments, which naturally must be protected against the possibility of fire.

I presume those valuable instruments are insured, at least for a part of their value. But if the Senator wants the bill to go over, there could, of course, be no objection to that. The Department of Commerce favors the bill, as do the Bureau of the Budget, the Army itself, the Secretary of National Defense, and everyone else. But if there are any questions I am not able to answer in regard to the bill, of course, if the Senator wants it to go over, it will have to go over.

Mr. SCHOEPPEL. Mr. President, I should like to say that I will very much appreciate it if the bill can go over until next calendar call.

The PRESIDING OFFICER. As the request of the Senator from Kansas, the bill will be passed over to the next calendar call.

Does the Senator wish it included within the next calendar call?

Mr. SCHOEPPEL. I would say so, in all fairness to the Senator from Colorado that I should like to have it included in the next call.

Mr. JOHNSON of Colorado. I very much appreciate the Senator's request.

The PRESIDING OFFICER. The clerk will call the next bill on the calendar.

## TRANSFER TO THE NAVY OF CERTAIN LAND AND IMPROVEMENTS AT PASS CHRISTIAN, MISS.

The bill (H. R. 3995) to authorize the Secretary of Commerce to transfer to the Department of the Navy certain land and improvements at Pass Christian, Miss., was considered, ordered to a third reading, read the third time, and passed.

## TRANSFER TO NAVY DEPARTMENT OF MAGNESIUM FOUNDRY AT TETERBORO, N. J.

The bill (S. 2223) to authorize and direct the Administrator of General Services to transfer to the Department of the Navy the Government-owned magnesium foundry at Teterboro, N. J., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the Administrator of General Services is authorized and directed to transfer to the Department of the Navy, without reimbursement or exchange of funds, the facility at Teterboro, N. J., known as the Government-owned magnesium foundry, comprising plancors 8 and 132.

## BROADENING OF DEFINITION OF SABOTAGE

The bill (S. 1914) to amend section 2151 of title 18, United States Code, relating to sabotage, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the bill?

Mr. McCARRAN. Mr. President, this bill would amend the definitions of "war premises" and "national-defense premises" as presently contained in section 2151 of title 18, United States Code, so as to include places wherein war material or national defense material is being or may be produced.

The Department of Justice in urging enactment of this bill states that the definitions of war premises and national defense premises as presently existing reveal a loophole on the sabotage statute. Only those plants actually in use in connection with the production, manufacture, or storage of war material or national defense material are protected. If a plant is in the process of construction, or in the process of conversion from a civilian use to a war production use or is being maintained in reserve as a stand-by plant, the sabotage statute as presently existing would not apply to acts committed against it with intent to injure, interfere with or obstruct the national defense of the United States.

The committee is of the belief that these definitions should be amended so as to protect the many vital installations and facilities which are now without adequate protection because of the narrowness of the present definitions. The committee observes that the definitions of "war utilities" and "national-defense utilities" in this same chapter contain the broadened language.

The committee therefore recommends favorable consideration of this bill.

Mr. SCHOEPPEL. Mr. President, if the distinguished Senator from Nevada will yield, I should like to ask a question based on this statement:

It is suggested that enactment of this bill so as to include in the definition of war premises and national defense premises those which "may be" used for the production of war or national-defense materials might be challenged for vagueness in a case where the accused is charged with having had something short of an actual intent to impede or to obstruct the defense effort. Thus, the adequacy of the statute as amended by the pending bill might well be questioned in a case where the proof of a commission of a crime is limited to establishing that an accused had reason to believe that his act would injure or interfere with the war effort.

I am particularly concerned insofar as that goes to the intent phase of the matter. Does the Senator feel that if the bill were amended as suggested it would be too drastic, or would it be left to the sound discretion of the court as to the extent to which intent would have to be proved and actually shown?

Mr. McCARRAN. If the expression "may be" could be confused with "could be," then perhaps there might be some merit in the objection raised; but I think, by and large, the committee's report and this discussion, which becomes a part of the legislative history, will meet the situation.

Mr. HENDRICKSON. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. HENDRICKSON. Is it not true that the bill was approved unanimously by the Judiciary Committee?

Mr. McCARRAN. Yes.

Mr. HENDRICKSON. And that the subject of intent was thoroughly discussed, and the decision was that because of the fact that intent must be proved, we overlooked some of the very general provisions of the bill?

Mr. McCARRAN. That is correct.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.,* That the definition of "war premises" in section 2151 of title 18, United States Code, is amended to read as follows:

"The words 'war premises' include all buildings, grounds, mines, or other places wherein such war material is being or may be produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation."

SEC. 2. The definition of "national-defense premises" in section 2151 of title 18, United States Code, is amended to read:

"The words 'national-defense premises' include all buildings, grounds, mines, or other places wherein such national-defense material is being or may be produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States."

## DEBRA ELAINE EVANS

The bill (S. 2089) for the relief of Debra Elaine Evans was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, Debra Elaine Evans, shall be held and considered to be the natural-born alien child of Tech. Sgt. and Mrs. Charles E. Evans, citizens of the United States.

## RELIEF OF CERTAIN DISPLACED PERSONS

The bill (S. 2145) for the relief of certain displaced persons was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, notwithstanding those provisions of section 4 of the Displaced Persons Act of 1948, as amended, relating to date of application for an adjustment of immigration status, each of the following-named aliens may, at any time within 6 months following the effective date of this act, apply to the Attorney General for an adjustment of his immigration status, and notwithstanding those provisions of said section 4 relating to date of entry into the United States and status at the time of entry each such alien shall, if he is otherwise qualified under the provisions of said section 4, be deemed to be a displaced person within the meaning of said section 4:

Alfreds Dzerve, Zenta Dzerve, Elita Dzerve, Silvija Anite Dzerve, Artus Svede, Valija Svede, Ausma Svede, Ilgvars Svede, Aris Svede, Vilnis Svede, Janis Svede, Antons Sumskis, Laura Apse, Ivars Apse, Valija Bindemanis, Arthurs Ermansons, Anete Ermansons, Karlis Sturmanis, Harijs Sicevs, Andrejs Sicevs, Alide Sicevs, Lilija Sicevs, Benita Sicevs, Emma Langbergs, Alberts Langbergs, Ella Dankers, Vilis Dankers, Teodors Freimanis, Anna Freimanis, Marta Akmans, Aleksanders Grinups, Valdis Landmanis, Janis Liepa, Janis Zieds Kalupnieks, Arvids Berzins, Jekabs Snikers, Milda Snikers, Vilnis Snikeris, Janis Iesalnieks, Talivaldis Veinbergs, Imants Fridmanis, Aija Upite, Alfredsn Butlers, Anna Butlers, Taiga Butlers, Karlis Strelcs, Janis Freienbergs, Visvaldis Dzintarnieks, Augusts Stenclavs, Krists Stenclavs, Pauls Kurcbaums, Mirdza Kurcbaums, Rita Kurcbaums, Karlis Osis, Emma Osis, Andrejs Osis, Lisa Osis, Martins Arvids Innus, Haralds Zarins, Alfreds Ozolins, Valdis Feimanis, Fricis Paipals, Zenta Paipals, Eberhards Oskars Cesnieks, Mihkel Reinla, Maimu Reinla, Oie-Ingrid Reinla, Karl Peet, Laine Peet, Haarry Peet, Rudolph Kermon, Johanna Kermonn;

Mihkel Vesik, Anna Vesik, Arno Vesik, Ingra-Maij Vesik, Karli Salm, Mihkel Valm, Aleksei Valm, Theodor Valm, Jouzas Grigutis, Waylett Olsen, Marian Bierman, Zbigniew Bierman, Martin Roberts Brieze, Hermine Milda Brieze, Solveiga Daina Brieze, Rita Brieze, Dace Anna Brieze, Tekla Dikners, Gertrude Dikners, Janis Karlis Kleinbergs, Edite Kleinbergs, Milda Kleinbergs, Uldis Ozolins, Armins Ozolins, Adolfs Silins, Maija Silins, Adolfs Silins, Jr., Dagny Silins, Rudolfs Janis Skalbe, Irene Skalbe, Janis Uiktors Skalbe, Ilve Ingrida Skalbe, Juris Steinbergs, Marija Steinbergs, Edgars Steinbergs, Ilonce Gundega Steinbergs, Velta Steinbergs, Julija Zuks, Ernests Zandbergs, Milda Zandbergs, Aleksandre Vitols, Ludvigs Ulmanis, Vilmo K. Turauskis, Karlis Trusis, Zenta Trusis, Aivars Trusis, Anis Tipans, Gutav Friedrichs Sillers-Kanders, Janis Stendzis, Ilge Stendzis, Imanis A. Stendzis, Janis Stendzis, Nikolajs Samsonovs, Dzidra Samsonovs, Janis Ritums, Andrej S. Pukulis, Janis Pienups, Anna Pienups, Inars Pienups, Arvids Lipbergs, Rudolf Lidums, Edite Lidums, Olaf Lidums, Karin Lidums, Elvars Lans, Vilma Lans, Oktavija Linis, Arvids G. Kadegis, Edgar A. Kancans, Peteris S. Kazins, Janis Kripa, Alvine Krumins, Arvids L. Klavins, Ernests Kirkis, Elza Kirkis, Guntis Kirkis, Mikelis Kesteris, Ilse Kesteris, Andreus Kesteris, Antons Krievins, Vilma Krievins, Ilvija Zvirbulis, Paul Alexander Jankevics, Alise V. Jankevics, Imants Gorbanis, Peteris Galvanis, Ronald Aukstulevic, Kazimicrz Kiedyk, Waclaw Kobelis, Mieczyslaw Telingo, Pavel Petuhow (alias Vladimir Vaulin), Vladimir Bondarenko, Adolf Teder;

Edith Aniella Simson, Liidia Kunder, Eduard Kiss, Jans Voldemars Gaide, Kriss Eridenvald, Alida Eridenvald, Ivars Eridenvald, Gustava Eridenvald, Vesma Eridenvald, Arvids Freimuts, Alise Freimuts, Inara Freimuts, Elizabeth Amalija Freibergs, Valter Eidok, Hugo Evert, Aleksandra Evert, Mare Evert, Henn Evert, Alexanders Eizis, Jekaibs Dzintarnieks Emilijaz, Zuzanna Dzintarnieks, Ramons Ziguads Dzintarnieks, Nadina Dzirkalis, Eriks Arturs Bills, Andrejs August Bergmanis, Anastija Cakste, Anna Cakste, Katarina Cakste, Elisebeth Lidums, John Balikitis, Adolf and Lucia Gailitis, and their children, Edith, Ilga, and Rolands, Anis Greve, Robert Guth, Fritz and Lena Harbarts, and their child, Tabita, Sanis Krinkles, Mikalis Kervis, Peter Lacis, Jahnis and Armanda Lamberts, and their children, Arnis and Harold, Capt. John Rosenberg and wife, Mirdza, Arvis Strelis, Arnolds Strauntis, Kris and Eleanor Sudelis, and their child, Janis, Fanis Tisinish and wife, Olga, Valey Tipans, Mikolais Virdseneek, Adams Freimanis, Lisa Freimanis (his wife), and Lydia Ruta, and Marta (Martha) Freimanis (their minor children), Ants Altoja, Maria Altoja, August Kuigre, Aleksander August Liipa, August Maripuu, Heino Amandus Nomm, Mihkel Sutt;

Mihkel Tapp, Tatjana Tapp, Gorgi Tapp, Maria Tapp, Nikolai Tapp; Johannes Voortmann (Woortmann), Vilhelmina Voortmann (Woortmann), Helgi Voortmann (Woortmann), Agu Aas, Bernt Erland Anderson, Roman Evel, Aine Adele Edal, Theobold Esberg, Adele Esberg, Juta Esberg, Hala Feder, Valter Huva, Leili Huva, Zinaida Haakmann, Agate Hanslep, Felix A. Heht, Velitsia Heht, Rein Heht, Endel Hiiesalu, Enn Kalde, Roman Kaevando, Helmi Kaevando, Leopold Fritz, Kauniste, Salme Kauniste, Taime Kauniste, Juri Kangur, Elisaveta Kangur, Arno Kangur, Elmar Keerd, Varner Reinhold Kukk, Fronelly Kukk, Maimo Kukk, Harald Kukk, Aleksei Lepp, Johannes Loosmann, Helmi Loosmann, Jaan Loosmann, Rein Lepson, Helmi Lepson, Ants Lepson, Indrek Lepson, Evald Ohakas, Olga Ohakas, Harry Oja, Ruth Oja, Helge Olga, Edward Ounpuu, Alviine Ounpuu, Juli Peeters, Edward Peht, Liida Piht, Miralda Piht, Bruno Muni Rotikko, Ida Rosilda Ruut, Pritt Ruut, Alfred Sigus, Linda Sigus, Ludwig Sigus, Lembit Spuul, Voldemar Sooaar, Elmar Sepp, Albert Faagu Tischler, Vilma Tischler, Jaak Tischler, Juri Arnold Uustalu, Alice Uustalu, Ants Uustalu, Johan Uustal, Linda Uustal, Jaan Uustal, Herman O. Walter, Theodor Vaher;

Hermi Bataskov, Peeter Bataskov, Evald Eevola, Therese Eevola, Maks J. Kersna, Salme Kersna, Heino Kiremia, Bernhardt Kose, Liidia Kattai, Evy Lantov, Valdeko Liivat, Johannes Paul Luts, Arnold Puntsel, Elmar Savisaar, Armilda Savisaar, Atso Savisaar, August Tomson, Alma Tomson, Juhan Umbjarv, Rudolf Vooder, Roland Emmus, Leida Emmus, Toivo A. Kaaria, Lyyli Kaaria, Reijo T. Kaaria, Tuomo O. Kaaria, Tauno J. Kaaria, Yrjo Siermala, Kaisa V. Siermala, Kalle K. Siermala, Yrjo J. Haapanen, Esteri Haapanen, Seppo P. Haapanen, Anna-Liisa Haapanen, Timo J. Haapanen, Eira T. Haapanen, and Matti Viitala, Teodors, Austra, Imants, and Diana Kringelis, Janis Alberts Kruza, Janis Stepe, Peteris Licis, Eriks Maksimovs, Arturs Briedis, Karlis Treimanis, Michelis Maksimovs, Ernestine Savisaar, Arvi and Luise Maidra, George Madisum, Elmar Vaart, Felix, Aino, and Rein Keskula, Leonard, Hilda, Wello, and Hillard Weski, Heinrich and Elfrieda Redik, Elmar Alexander Kalme, Akulia Kalme, Alexis Kivi, Albert Valdamara Kampe, Albert V. Kaaria, Erkki J. Mannynvali, Eila I. Mannynvali, Martti T. Timonen, Maj-lis M. Timonen, Marja L. A. Timonen, Laina M. Puronen, and Sampo A. Santosalo.

## HARVEY T. GRACELY

The bill (S. 2463) for the relief of Harvey T. Gracely, was announced as next in order.

Mr. SCHOEPPEL. Mr. President, reserving the right to object, may we have an explanation of the bill, inasmuch as the amount involved is considerable?

Mr. McCARRAN. Mr. President, this proposed legislation would pay to Harvey T. Gracely the sum of $17,640.23, which Mr. Gracely paid in order to avoid suit in connection with an alleged violation of OPA regulations.

Mr. Gracely, who was in the business of selling high-grade sausage products at a higher price than most similar items were sold by other manufacturers, was induced to make his products available on a yearly basis rather than a seasonal basis, which practice he had for many years followed. In setting up this system, Mr. Gracely collaborated with and received the advice of the OPA officials at all times, and there is nothing in the record that indicates that the OPA at any time was ignorant of the business dealings of Mr. Gracely, including the price he charged for his products. The Department of Justice memorandum shows that there is some intimation that with the Cleveland and Columbus district offices of OPA becoming consolidated and the advent of new personnel, Mr. Gracely's prices were then questioned. Thereafter, a demand was made on him for the $17,640.23, which he paid in order to avoid suit.

Inasmuch as at all times Mr. Gracely conducted his business completely aboveboard and with the full knowledge of the OPA, it does not seem equitable or just that he should be penalized in the amount that he paid, and the committee is further of that opinion when the Justice Department memorandum indicates that there is a serious question as to whether or not the OPA regulations and the price schedules which they established were applicable to Mr. Gracely's products.

The committee therefore recommends that the claim be considered favorably.

## THE MORSE FORMULA IN THE TRANSFER OF FEDERAL PROPERTY

Mr. MORSE. Mr. President, I wish to direct my attention for 5 minutes to another item.

As Members of the Senate know, I watch very carefully each time the calendar is called for bills providing for the transfer of Federal property to States, municipalities, counties, and

other governmental bodies. I desire to make a statement today in regard to several bills on the calendar, because I want the RECORD to show that I have checked each number very carefully, and I find none violating the so-called Morse formula.

Calendar No. 1284, House bill No. 3995, involves a governmental transfer through the Secretary of Commerce to the Department of the Navy, and it therefore does not come within the principle which I have advocated for some years in regard to the transfer of Federal property.

Calendar Nos. 1325, 1326, 1327, and 1328 are all bills which involve land transfers reported by the Committee on Armed Services, a committee of which I am a member. We have gone into each of the cases in the committee, and they in no way violate the principle I seek to protect, whereby Federal property is not given away by the Congress for nothing.

Calendar No. 1266, House bill 5369, authorizes the exchange of certain lands located within and in the vicinity of the Federal Communications Commission's primary monitoring station, Portland, Oreg. Whenever a bill involves a transfer in the State of Oregon, I am particularly careful to see that it complies with the formula I have applied in regard to so many other bills. In regard to House bill 5369, I made exceedingly careful inquiry, and the information I elicited shows that on the estimate of the engineering personnel assigned to the Portland station on the part of the Federal Government, the lands to be exchanged are of equal value.

This bill allows for the construction of a highway by the State of Oregon over the land now owned by the Federal Communications Commission, and the exchange of land owned by the State of Oregon in lieu thereof, which land is stated to be of equal value and use to the Federal Communications Commission.

I close by stating that I wish to thank the Senator from Kansas [Mr. SCHOEPPEL], the Senator from New Jersey [Mr. HENDRICKSON], and their able staff, for the cooperation they have extended to me at all times in regard to the principle I have sought to apply in connection with the transfer of Federal property. Whenever in their research they have found any case in which my formula seems to be applicable, they have notified me, and they have always been very cooperative with me when I have not been on the floor of the Senate when the calendar was called, and have objected in my behalf. I thank them very sincerely for their gracious cooperation.

I am glad to report that I find no bill on the calendar today which violates the formula which I have sought to protect.

## HARVEY T. GRACELY

The PRESIDING OFFICER. The bill (S. 2463) for the relief of Harvey T. Gracely is before the Senate, and has been explained by the Senator from Nevada [Mr. MCCARRAN]. Is there objection to its present consideration?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harvey T. Gracely, the sum of $17,640.23, representing the amount paid by the said Harvey T. Gracely to the United States in settlement of liability for an alleged violation of Office of Price Administration regulations, the sales constituting such violations having been made in reliance upon assurances of the legality thereof given by district officials of the Office of Price Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

## DULCIE ANN STEINHARDT SHERLOCK

The bill (S. 2588) for the relief of Dulcie Ann Steinhardt Sherlock was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of section 201 (g) of the Nationality Act of 1940, as amended (8 U. S. C. 601 (g)), Dulcie Ann Steinhardt Sherlock, daughter of the late Ambassador Laurence A. Steinhardt and Mrs. Steinhardt, shall be held and considered to have been residing in the United States during all the time she was residing abroad with her parents during her minority when her father was an Ambassador in the Foreign Service of the United States.

## BARBARA ANN SHEPPARD

The bill (S. 2768) for the relief of Barbara Ann Sheppard was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted, etc.*, That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, the minor child, Barbara Ann Sheppard, shall be held and considered to be the natural-born alien child of Master Sergeant and Mrs. Gordon B. Sheppard, citizens of the United States.

## MR. AND MRS. THANOS MELLOS, MICHEL MELLOS, AND HERMINE FAHNL

The Senate proceeded to consider the bill (S. 897) for the relief of Mr. and Mrs. Thanos Mellos, Michel Mellos, and Hermine Fahnl, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 7, after the word "date", to strike out "of their last entries into the United States" and insert "of the enactment of this Act", so as to make the bill read:

*Be it enacted, etc.*, That, in the administration of the immigration laws, Thanos Mellos, his wife, Elena Mellos-Nikolaidi, his son, Michel Mellos, and the son's nurse, Hermine Fahnl, shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees and head taxes.

SEC. 2. The Secetary of State is authorized and directed to instruct the proper quota-control officer to deduct 4 numbers from the nonpreference category of the appropriate immigration quota for the first year such quota is available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MIDORI SUGIMOTO

The Senate proceeded to consider the bill (S. 1953) for the relief of Midori Sugimoto, which had been reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause and insert:

That, for the purposes of sections 4 (a) and 9 of the Immigration Act of 1924, as amended, and notwithstanding the provisions of section 13 (c) of that act, the minor child, Midori Sugimoto, shall be held and considered to be the natural-born alien child of Lt. and Mrs. Thomas H. Malim, citizens of the United States.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## REIMBURSEMENT FOR TRAVEL AND SUBSISTENCE EXPENSE

The Senate proceeded to consider the bill (S. 2545) to amend section 1823 (a) of title 28, United States Code, to permit the advance or payment of expenses of travel and subsistence to Federal officers or employees by one agency and reimbursement by another agency, which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 7, after the word "employee," to strike out "in attending court as a witness" and insert "summoned as a witness on behalf of the United States," so as to make the bill read:

*Be it enacted, etc.*, That section 1823 (a) of title 28, United States Code, be amended by the addition of a sentence reading as follows:

"In any case which does not involve its activity, any department or agency may advance or pay the travel expenses and per diem allowance of its officers or employee summoned as a witness on behalf of the United States, and later obtain reimbursement from the department or agency properly chargeable with such witness' travel expenses."

Mr. HENDRICKSON. Mr. President, for the purpose of the RECORD may we have an explanation of the bill?

Mr. MCCARRAN. Mr. President, section 1823 (a) of title 28, United States Code, provides for the payment of travel expenses and per diem allowances to employees of the Federal Government who are summoned as witnesses on behalf of the United States. This section permits the payment of these fees from the appropriation available for travel expenses if the appearance of the employee involves an activity in connection with which such person is employed. However, this section makes no provision for the advance of the expenses

of an employee of one agency who appears as a witness on behalf of the United States in a case which involves the activity of another agency. In addition, the Comptroller General has ruled that such a practice would be improper under the present law.

This bill would permit the advance of travel and subsistence expenses to Federal officers or employees by one agency and reimbursement by another agency when those persons are summoned as witnesses on behalf of the United States.

The Attorney General urges the adoption of the proposed legislation. As an example of the need for it he cites the cases arising under the Federal Tort Claims Act. The Comptroller General states that he has no objection to favorable consideration of the bill.

Mr. HENDRICKSON. Mr. President, I take it, from the Senator's explanation, that the bill has the full approval of all the agencies involved.

Mr. McCARRAN. It has; that is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### RONALD YEE

The bill (H. R. 607) for the relief of Ronald Yee was considered, ordered to a third reading, read the third time, and passed.

### LORETTA CHONG

The bill (H. R. 751) for the relief of Loretta Chong was considered, ordered to a third reading, read the third time, and passed.

### MRS. MICHI MASAOKA

The bill (H. R. 978) for the relief of Mrs. Michi Masaoka was considered, ordered to a third reading, read the third time, and passed.

### ISAO ISHIMOTO

The bill (H. R. 1158) for the relief of Isao Ishimoto was considered, ordered to a third reading, read the third time, and passed.

### DOROTHEA ZIRKELBACH

The bill (H. R. 1790) for the relief of Dorothea Zirkelbach was considered, ordered to a third reading, read the third time, and passed.

### HIDEO ISHIDA

The bill (H. R. 1815) for the relief of Hideo Ishida was considered, ordered to a third reading, read the third time, and passed.

### HISAMITSU KODANI

The bill (H. R. 1819) for the relief of Hisamitsu Kodani was considered, ordered to a third reading, read the third time, and passed.

### MRS. CARLA MULLIGAN

The bill (H. R. 1836) for the relief of Mrs. Carla Mulligan was considered, ordered to a third reading, read the third timc, and passed.

### KAZUYOSHI HINO AND YASUHIKO HINO

The bill (H. R. 2353) for the relief of Kazuyoshi Hino and Yasuhiko Hino was considered, ordered to a third reading, read the third time, and passed.

### CARL SCHMUSER

The bill (H. R. 2370) for the relief of Carl Schmuser was considered, ordered to a third reading, read the third time, and passed.

Mr. McCARRAN subsequently said: Mr. President, I ask unanimous consent that we may revert to Calendar 1309, House bill 2370, so that I may make a statement with reference to it. The bill has been passed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from Nevada may proceed.

Mr. McCARRAN. Mr. President, I move to reconsider the vote by which the bill was passed, and I wish to make a statement as to my reason.

This bill waives the racial barrier to admission into the United States in behalf of the half-Japanese husband of a citizen of the United States. The beneficiary is residing in China and his United States citizen wife is residing in Los Angeles with their daughter, also a citizen of the United States. In the absence of special legislation, the beneficiary of the bill will be unable to join his family in the United States for permanent residence. I am advised that the person involved has just departed this life, and the bill should go over.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nevada that the vote by which H. R. 2370 was passed be reconsidered.

The motion was agreed to.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

### LEDA TAFT

The bill (H. R. 2403) for the relief of Leda Taft was considered, ordered to a third reading, read the third time, and passed.

### MARK YOKE LUN AND MARK SEEP MING

The bill (H. R. 2404) for the relief of Mark Yoke Lun and Mark Seep Ming was considered, ordered to a third reading, read the third time and passed.

### MRS. AIKO EIJIMA PHILLIPS

The bill (H. R. 2634) for the relief of Mrs. Aiko Eijima Phillips was considered, ordered to a third reading, read the third time, and passed.

### ERIKA BAMMES

The bill (H. R. 4343) for the relief of Erika Bammes was considered, ordered to a third reading, read the third time, and passed.

### NAGAKUBO (ALSO KNOWN AS ROY MERVIN NELSON)

The bill (H. R. 4691) for the relief of Nagakubo (also known as Roy Mervin Nelson) was considered, ordered to a third reading, read the third time, and passed.

### ELEFTHERIOS G. KOKOLIS

The bill (H. R. 4774) for the relief of Eleftherios G. Kokolis was considered, ordered to a third reading, read the third time, and passed.

### JOHN MICHAEL JURECEK

The bill (H. R. 5297) for the relief of John Michael Jurecek was considered, ordered to a third reading, read the third time, and passed.

### KAZUMI YAMASHITO

The bill (H. R. 5322) for the relief of Kazumi Yamashito was considered, ordered to a third reading, read the third time, and passed.

### HANS WERNER BRISCO

The bill (H. R. 5460) for the relief of Hans Werner Brisco was considered, ordered to a third reading, read the third time, and passed.

### EUGENE KLINE

The bill (H. R. 5551) for the relief of Eugene Kline was considered, ordered to a third reading, read the third time, and passed.

### RUMI TAKEMURA

The bill (H. R. 5685) for the relief of Rumi Takemura was considered, ordered to a third reading, read the third time, and passed.

### KIMBERLY ANN CIBULSKI, ALSO KNOWN AS BELLE LEE

The bill (H. R. 5920) for the relief of Kimberly Ann Cibulski, also known as Belle Lee, was considered, ordered to a third reading, read the third time, and passed.

### JOSEPH YUKIO

The bill (H. R. 6026) for the relief of Joseph Yukio was considered, ordered to a third reading, read the third time, and passed.

### MAUDE S. BURMAN

The bill (H. R. 2962) for the relief of Maude S. Burman was announced as next in order.

Mr. SCHOEPPEL. Mr. President, because of the nature of the award sought to be covered in this enactment, may we have an explanation?

Mr. McCARRAN. Mr. President, this bill would pay to Mrs. Maude S. Burman, of Hamilton, N. Y., the sum of $5,000 as a gratuity for the death of her husband, Lt. Frank W. Burman, United States Naval Reserve, who died on July 14, 1942, while on active duty with the United States Navy.

Frank W. Burman was appointed a lieutenant, United States Naval Reserve, on July 6, 1942. He reported for duty July 10, 1942, at Norfolk, Va., and that same day put to sea. Lieutenant Burman died from natural causes at sea on July 14, 1942.

Claimant herein applied to the Veterans' Administration for payment of national service life insurance and was advised that Lieutenant Burman had not applied for insurance. Claimant was further advised that the serviceman's case did not meet the requirements for gratuitous insurance.

The committee is of the opinion that this claim is meritorious because Lieutenant Burman was not afforded proper opportunity to apply for national service life insurance. The committee emphasizes that this gratuity shall in no wise be construed as a general precedent for future cases, because the peculiar facts in this case are so unique as to avoid the establishment of a general precedent.

The committee therefore recommends favorable consideration of this bill.

The PRESIDING OFFICER. Is there objection to the consideration of House bill 2962?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Maude S. Burman, of Hamilton, N. Y., the sum of $5,000 as a gratuity for the death of her husband, Lt. Frank Winfield Burman, United States Naval Reserve, who died on July 14, 1942, while on active duty: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

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

The bill was read the third time and passed.

## NATIONAL DAY OF PRAYER

The joint resolution (H. J. Res. 382) to provide for setting aside an appropriate day as a National Day of Prayer was considered, ordered to a third reading, read the third time, and passed.

## CONVEYANCE OF CERTAIN LAND TO CITY OF MACON, GA.

The bill (H. R. 4444) to authorize the Secretary of the Navy to convey to the city of Macon, Ga., a parcel of land in the said city of Macon containing 2 acres, more or less, was considered, ordered to a third reading, read the third time, and passed.

## RETROCESSION TO NORTH CAROLINA OF JURISDICTION OVER HIGHWAY AT FORT BRAGG, N. C.

The bill (H. R. 4796) to retrocede to the State of North Carolina concurrent jurisdiction over a highway at Fort Bragg, N. C., was considered, ordered to a third reading, read the third time, and passed.

## CONVEYANCE TO COMMONWEALTH OF MASSACHUSETTS OF CERTAIN STREET ACCESS RIGHTS IN BOSTON

The bill (H. R. 4897) to authorize the Secretary of the Navy to surrender and convey to the Commonwealth of Massachusetts certain rights of access in and to Chelsea Street in the city of Boston, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

## SALE BY NAVY DEPARTMENT OF CERTAIN LAND AT SEAL BEACH, CALIF.

The bill (H. R. 4965) to authorize the Secretary of the Navy to sell and convey to Sam Arvanitis and George Arvanitis a parcel of land consisting of ¼ acre, more or less, situated at the naval ammunition and net depot, Seal Beach, Calif., was considered, ordered to a third reading, read the third time, and passed.

## BLANK AMMUNITION FOR VETERANS' ORGANIZATIONS

The bill (H. R. 4949) to amend the act of February 10, 1920, so as to provide free blank ammunition for veterans organizations for use in connection with funeral ceremonies of deceased veterans and for other ceremonial purposes, was announced as next in order.

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

Mr. SCHOEPPEL. Mr. President, I should like to have an explanation of the bill, and of the costs involved.

Mr. HUNT. Mr. President, to begin with, I call to the attention of the Senate the fact that the original report—Report No. 1400—failed to contain the comparision called for by the Cordon Rule; consequently a star print has been made, thereby fully complying with the Senate rules in this respect.

Since February 10, 1920, the War Department has had authority to issue obsolete Army rifles to veterans posts throughout the country. It has also had authority to sell to these posts blank ammunition for use in funerals, ceremonies, and so forth.

During the repatriation of our World War II dead who fell in overseas theaters, it was the custom to provide the individual serviceman accompanying the remains with the necessary blank ammunition for use at the graveside ceremonies, in case such ceremonies were held. When the remains arrived at their destination this ammunition was turned over to whoever was in charge of the firing squad.

The same procedure has been followed with respect to individuals returned from Korea. These ceremonies mean a great deal to our people and in cemeteries located in outlying districts, far removed from military posts and from our large national cemeteries, our veterans organizations perform a very splendid service in organizing firing squads and doing what they can to assure full military honors for the deceased.

It will be noted that the foregoing applies only to men who died in the service.

At the present time increasing numbers of veterans of World War I who have been out of the service for many years are coming to the end of their span of life. It is customary for our veterans' organizations to give to these excomrades-in-arms the same last honors they are giving to men who died in the service. Blank ammunition is not issued for this purpose. There is much misunderstanding brought about by this fact, because the average person in the community does not understand that the ammunition furnished is only for those who died in the service.

The Committee feel that the furnishing of a few rounds of blank ammunition at the graveside of our servicemen should not necessarily be predicated upon the man dying actually in the service. We feel that it would be entirely appropriate that blank ammunition for this purpose be furnished free except for the cost of packing, crating, and shipping. We also feel that in these troubled times the furnishing of this blank ammunition free for ceremonial purposes on our national holidays is little enough to encourage expressions of patriotism.

We therefore concur in the provisions of the bill which would permit this blank ammunition to be furnished without cost except that the veterans' organizations must themselves pay packing, handling, and shipping.

The estimated cost of this bill was between $100,000 and $150,000 annually. That estimate was based upon the original text of the bill, which required the Federal Government to bear the cost of packing, handling, and shipping. The Committee feel that the requirement that these costs be borne by the veterans' organizations will materially reduce requests made, and that the cost of the bill will be somewhere between the present annual sale cost of $28,000 under present law and the estimate of $100,000 to $150,000 furnished by the Government concerning the original draft of the legislation.

I may say further to the distinguished Senator from Kansas that we felt that this service should be considered a part of the Government's expense and obligation in connection with a burial ceremony. The committee was unanimous

in feeling that the bill should be reported favorably.

Mr. SCHOEPPEL. Mr. President, I should like to ask the distinguished Senator from Wyoming a question. As I understand, this proposed legislation will be applicable to all veterans' organizations which are approved by the Veterans' Administration in Washington. Is that correct?

Mr. HUNT. That is correct.

Mr. SCHOEPPEL. So that there will be no discrimination whatever?

Mr. HUNT. None whatever.

Mr. CASE. Mr. President, personally I wish that the bill had been reported in its original form. I should like to ask the Senator from Wyoming whether consideration was given to the problem with which some veterans' organizations are confronted. I refer particularly to a veterans' organization which is located near a national cemetery. I have in mind the situation of the American Legion post in the town of Sturgeon, S. Dak., which has a population of between 4,000 and 5,000. Many times it finds itself called upon to provide the guard of honor for burials in the Black Hills National Cemetery, which is located approximately 2 miles from Sturgeon, S. Dak. I may say that it is called upon to provide such a guard of honor for nearly all of the burials in the national cemetery.

Of course, the members of the American Legion post at Sturgeon are glad to take the time to perform that duty at the burials held in the national cemetery. Those buried there come from all over the State, and, I may say to the distinguished Senator from Wyoming, that some of them come also from the State of Wyoming, which is not very far from the Black Hills National Cemetery. The members of the Legion post provide the guard of honor and the ammunition which it is necessary to provide for the burials in order to render appropriate honors.

Necessarily, when several burials are held in a national cemetery during the course of a year a Legion post in a town of less than 5,000 inhabitants finds that it becomes quite a burden. I am wondering why the Government should not also provide the cost of packing and handling, as well as the cost of the ammunition, that is used at burials in national cemeteries.

Mr. HUNT. The committee felt that a slight check should be provided, in order to keep to a minimum the quantity of ammunition furnished and used. The charge for the handling and packing was thought to be small, and perhaps negligible. The committee thought this was the best way of handling the matter.

I agree with the Senator's idea, however. I am familiar with the case to which he referred. I would be very glad to accept an amendment covering the kind of situation which he has in mind, so as to provide ammunition free of all charges to the servicemen in that area for use in ceremonies to which the Senator has referred. Does the Senator wish to offer such an amendment?

Mr. CASE. Mr. President, I ask unanimous consent that the bill may be temporarily passed over in order that I may work out an amendment with the Senator from Wyoming along the lines discussed.

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

Mr. CASE subsequently said: Mr. President, under the unanimous-consent request previously entered I offer an amendment which I ask to have stated.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 2, line 5, after the word "but", it is proposed to insert a comma and "except where supplied for use in ceremonies at national cemeteries,".

Mr. CASE. Mr. President, the amendment which has just been stated is the amendment which was referred to in the colloquy with the Senator from Wyoming [Mr. HUNT] a few minutes ago. It provides that the charges for transportation and packing shall not apply where the use of the ammunition is for funeral ceremonies at national cemeteries.

Mr. HUNT. Mr. President, I agree wholeheartedly with the amendment offered by the Senator from South Dakota.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from South Dakota [Mr. CASE].

The amendment was agreed to.

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

The bill was read the third time and passed.

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## CHANGES IN LAWS RELATING TO GOVERNMENT REGULATORY AGENCIES

The bill (S. 1139) making certain changes in laws applicable to regulatory agencies of the Government so as to effectuate the recommendations regarding regulatory agencies made by the Commission on Organization of the Executive Branch of the Government, was announced as next in order.

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

Mr. SCHOEPPEL. Mr. President, may we have an explanation of the measure?

Mr. O'CONOR. Mr. President, the main purpose of the bill is to effectuate the recommendations of the Hoover Commission with respect to tenure of office of commissioners and board members of certain of the regulatory agencies.

It would permit the President to remove for cause only Commissioners of the Federal Power Commission, the Federal Communications Commission, and the Securities and Exchange Commission, thus making the practice uniform with respect to all regulatory agencies.

As Senators will recall, there have been separate reorganization plans proposed for certain other regulatory agencies, which plans have been passed upon by this body. None of these contained the proposals of the Hoover Commission with respect to tenure of commissioners.

This bill provides that the Commissioners shall be removed by the President only for cause. At the present time the commissioners may be removed at the pleasure of the President. The bill, if enacted into law, would take that power away and would establish uniformity in that respect by preventing removal of the commissioners in these agencies except for cause.

The bill further attempts to avoid disruption of the work of the various commissions.

As the law now stands, when the terms of office of the commissioners and board members of the agencies in question expire these officials automatically go out of office, and thus a vacancy is created. This bill, if passed, would provide that a commissioner or board member of one of these regulatory agencies, even though his term expires, could continue in his office until his successor has been appointed and has qualified, but in no event for more than 60 days.

Mr. HENDRICKSON. Mr. President, may I ask the distinguished Senator from Maryland if it is correct to say that the measure is opposed by the Bureau of the Budget?

Mr. O'CONOR. It is.

Mr. HENDRICKSON. May I ask the reasons for such opposition?

Mr. O'CONOR. I may say to the Senator from New Jersey that in some respects it is opposed. The whole bill is not opposed. We admit that the proposal does not go as far as it was originally intended that it should go. However, we have sought to establish a meeting point between presidential powers and senatorial powers, so as to have each preserved, without doing violence to either, and also to carry out the recommendations of the Hoover Commission.

In further answer to the Senator from New Jersey, I should like to say that the bill was approved unanimously by both the subcommittee and by the full committee.

Mr. HENDRICKSON. I understand that it has the approval of all the agencies affected. Is that correct?

Mr. O'CONOR. In one or two respects they would have preferred the original provisions, which would have assured them continuous service. However, generally speaking the agencies do recommend passage of the bill.

Mr. HENDRICKSON. I thank the distinguished Senator from Maryland.

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

There being no objection, the Senate proceeded to consider the bill (S. 1139) making certain changes in laws applicable to regulatory agencies of the Government so as to effectuate the recommendations regarding regulatory agencies made by the Commission on Organization of the Executive Branch of the Government, which had been reported from the Committee on Government Operations with an amendment to strike out all after the enacting clause and insert:

That this act may be cited as the "Regulatory Agencies Act, 1952."

SEC. 2. Notwithstanding any other provision of law, each of the Commissioners of the Federal Power Commission, the Securities and Exchange Commission, and the Federal Communications Commission shall be removable for inefficiency, neglect of duty,

or malfeasance in office, but for no other cause.

SEC. 3. Each of the Commissioners of the Federal Power Commission, the Securities and Exchange Commission, the Federal Communications Commission, the Civil Aeronautics Board and the National Labor Relations Board shall, upon the expiration of the term of office for which he was appointed, continue to serve until his successor is appointed and shall have qualified, but no person shall continue in office under this section for more than 60 days after the expiration of such term.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. O'CONOR. Mr. President, I ask unanimous consent to have printed in the body of the RECORD at this point an explanatory statement of the bill, which I have prepared, together with a statement prepared by the Senator from Arkansas [Mr. MCCLELLAN].

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

STATEMENT BY SENATOR O'CONOR

In connection with the bill, S. 1139, making certain changes in laws applicable to regulatory agencies of the Government so as to effectuate recommendations of the Commission on Organization of the Executive Branch of the Government, which has just been approved, I desire to submit the following statement for the information of the Senate. This bill was cosponsored by 13 Senators and introduced in the Senate at the request of the Citizens Committee for the Hoover Report. It is designed to carry into effect those recommendations of the Hoover Commission contained in its report on regulatory commissions on which action has not previously been taken by the Congress. The Subcommittee on Reorganization of the Committee on Government Operations, of which it is my privilege to be chairman, has been considering this measure for more than a year.

As originally introduced, S. 1139 would have (1) vested in the respective Chairmen of the National Labor Relations Board, the Interstate Commerce Commission, and the Federal Communications Commission all executive and administrative authority and functions, now vested in each of these agencies; (2) extended the principle of bipartisan representation to the National Labor Relations Board and the Board of Governors of the Federal Reserve System; (3) permitted the President to remove for cause only Commissioners of the Federal Power Commission, the Federal Communications Commission, and the Securities and Exchange Commission; and (4) provided for the continuation in office until the appointment and qualification of a successor, of Commissioners and Board Members of the Federal Power Commission, the Federal Communications Commission, the Securities and Exchange Commission, the National Labor Relations Board, and the Civil Aeronautics Board, whose terms had expired.

After careful consideration, the subcommittee and the full committee concluded that it would serve no useful purpose to resubmit to the Senate those provisions of the original bill which dealt with the vesting of executive and administrative authority in the chairmen, since they were virtually the same as the provisions of reorganization plans which had been rejected by the Senate during the Eighty-first Congress, by a substantial vote. With respect to the extension of bipartisanship, the committee concluded that partisanship should play no part in the work of either the National Labor Relations Board or the Federal Reserve System, and rejected this proposal. The provisions dealing with removal by the President for cause only were retained. The committee considered at length those sections of the original bill which dealt with the continuation in office of board members and commissioners whose terms had expired. Although, on its face, this proposal appears to be in the public interest, since it would serve to eliminate gaps in the membership of these agencies, a closer analysis revealed that its retention would seriously affect the Senate's authority to pass upon the fitness of members of these agencies, and might, under certain circumstances, result also in an undesirable interference with presidential prerogatives. Accordingly, the committee adopted a modified version which, it believes, will minimize the gaps in the membership of the regulatory agencies without doing violence to senatorial and presidential prerogatives. A detailed discussion and analysis of the problems raised by the original bill, and the basis for the committee's action, have been set forth fully in the report accompanying S. 1139.

S. 1139, as amended by the committee, will permit the President to remove for cause only (inefficiency, neglect of duty, or malfeasance in office) Commissioners of the Federal Power Commission, the Federal Communications Commission, and the Securities and Exchange Commission. This will bring these regulatory agencies into conformity with existing laws affecting the other six regulatory agencies. The bill also provides that members of the Federal Power Commission, the Securities and Exchange Commission, the Federal Communications Commission, the Civil Aeronautics Board, and the National Labor Relations Board, whose terms have expired, may continue in office until the appointment and qualifications of a successor, but in no event for a period of more than 60 days after the expiration of such term.

I also submitted on April 3, a report on another Hoover Commission bill, S. 1142, to expand the activities of the Department of Labor in accordance with the recommendations of the Commission on Organization of the Executive Branch of the Government, introduced at the request of the Citizens Committee for the Hoover Report by eight Senators.

This bill incorporated recommendations of the Hoover Commission made more than 3 years ago. The Subcommittee on Reorganization held full and complete hearings on this bill on February 1, 1952, at which time 11 witnesses appeared in opposition to it, including representatives of the Citizens Committee. This opposition was primarily due to a changed situation which affected the most important section of the bill, proposing to transfer the Selective Service System to the Department of Labor. The recommendation was made by the Hoover Commission at a time when this agency was performing a record-keeping service. However, now that the manpower problem is of paramount importance, all witnesses agreed that the Selective Service System should continue as an independent agency.

The second part of the bill would have transferred to the Department of Labor the determination of minimum wages of seamen on privately operated vessels, now performed as a routine function by the Maritime Administration. Although this action was proposed by the Hoover Commission, the hearings developed the fact that these activities were of real importance to operations of the Maritime Administration in connection with its differential-subsidy program, but of little consequence to the Department of Labor, and that it would not be advantageous to transfer it as proposed. The subcommittee, therefore, recommended against the approval of the first two sections which action was supported by the Citizens Committee during the hearings.

Concerning section 3 of the bill, which provided for a joint study of industrial hygiene functions by the Secretary of Labor and the Federal Security Administrator, the committee learned that administrative action had been initiated by these agencies shortly prior to the hearings. This action, which was apparently undertaken in anticipation of committee action, eliminated the need for further legislative action.

The Subcommittee on Reorganization submitted these recommendations to the full committee at an executive session held on February 20, 1952, and the action recommended was approved unanimously. Although the bill was tabled for the reasons I have given, the committee instructed me to file a report with the Senate in order that it might be informed on the basis for this action. This report I am submitting to the Senate at this time with the request that it be printed.

Mr. President, in view of the tremendous interest that has been expressed in the Hoover reports and the desire of the Committee on Government Operations to give full and detailed study to all legislation submitted to it which would carry these recommendations into effect, in addition to the action taken on the two bills above outlined, I wish to submit to the Senate a factual report relative to consideration heretofore given to these bills by the Subcommittee on Reorganization of the Committee on Government Operations. I also wish to submit for the record, detailed information relative to action on these bills on which hearings are now pending.

Of the 20 bills drafted by the Citizens Committee for the Hoover Report, and filed by various Senators who were desirous of seeing that all the Hoover Commission recommendations were adequately considered by the Congress, 13 were referred to the Committee on Government Operations. Just so that the record may be clear, I believe the Senate will be interested in the developments on these 13 bills. Some action has been taken on every one of the 13 bills referred to the Committee on Government Operations, resulting in final disposition of 8 of them, leaving only 5 on which the committee will yet have to complete hearings and action. Of these, the committee has held repeated hearings on somewhat related bills, proposing the creation of Departments of Health, Welfare, and Social Security and Education, in both the Eightieth and Eighty-first Congresses, and acted on three separate proposals then pending before the committee. All failed of approval in the Senate.

In order that the record of action may be clear as to the 13 bills referred to the Committee on Government Operations during the present Congress, I submit the following details as to the action taken to date:

S. 1134, management of the executive branch of the Government: In a letter addressed to the chairman by the Citizens Committee for the Hoover Report, it was stated that if the Expenditures Committee (now the Committee on Government Operations) suggested to the President that he resubmit new reorganization plans on the ICC, FCC, and NLRB, which had been rejected during the Eighty-first Congress, designed to overcome Senate objections to these plans, "the Congress would, in our opinion, have discharged successfully such responsibilities as it may have in respect to S. 1134." The Citizens Committee agreed with your committee, that the proposed recommendations affecting the internal operations of the executive office of the President, which were incorporated as legislative proposals in the bill, should be left to the President for implementation, particularly since some of the proposals were in conflict with other Hoover Commission recommenda-

tions. Thus, as to this bill, the committee completed all required legislative action.

Before I leave this bill, I just want to point out that the primary reason that the Senate rejected the original plans dealing with the three regulatory agencies, which I have also discussed earlier in my comments on S. 1139, was that these plans would have placed all administrative functions of these quasi-judicial and quasi-legislative agencies in the chairman, and given him complete administrative control over their operations. Had the plans been permitted to become effective, it was argued by a majority of the Senate, the Chairman, who is appointed by the President, could have controlled the decisions of these regulatory agencies by establishing an administrative set-up which would have been responsive to his will, and completely isolated the other members of the Commission. This, in the opinion of the Senate, might have destroyed the usefulness and impartiality of these important agencies.

S. 1136, to place in the Administrator of General Services responsibility for coordination of certain miscellaneous activities in the District of Columbia: The Citizens Committee wrote the committee that the transfer of certain functions of the Government of the District of Columbia, the Smithsonian Institution, the National Capital Park and Planning Commission, and the Commission on Fine Arts, would "bring recommendations in the field of General Services to 100-percent completion." The committee gave these proposals, incorporated in S. 1136, careful study. However, after hearing objections to the bill on the part of all the agencies concerned, to the effect that the proposed transfers were not conducive to improving the operations of these agencies—in fact, might prove to be detrimental in many respects—it was determined that this committee could not recommend favorable action to the Senate. Furthermore, it was the view of the committee that the functions proposed to be vested in the General Services Administrator could be transferred under authority already granted to the President, when the Congress approved a bill (also a recommendation of the Hoover Commission) to give him such authority.

However, there were certain questions of policy involved, and the Committee on the District of Columbia suggested that these issues were within its jurisdiction and should be considered by that committee. The Committee on Government Operations thereupon requested such rereference, which was agreed to by the Senate.

As far as the Committee on Government Operations is concerned, this constituted action on S. 1136, at least to the extent that your committee is willing to recommend action in the Senate.

S. 1146, to establish a temporary National Commission on Intergovernmental Relations; and S. 1166, to create a commission to make a study of the administration of overseas activities of the Government: These two bills were reported favorably by this committee. Hearings were held on S. 1166, and both bills passed the Senate under unanimous consent. They were recalled, however, by action of the Senior Senator from Louisiana [Mr. ELLENDER], who requested that the vote by which they were passed be reconsidered. Both are now pending on the Senate Calendar. (See Senate Reports Nos. 544 and 543).

S. 1147, Transfer of the Displaced Persons Commission and the War Claims Commission to the Department of State: The Subcommittee on Reorganization gave both of these proposals careful consideration. It reached a decision, however, that the recommendations of the Hoover Commission in respect to the transfer of these organizations to the Department of State, contained in its Concluding Report, while in conformity with its general objective of eliminating agencies reporting to the President wherever possible and placing them under a cabinet officer, were not such as to cause our committee to give approval. The facts developed in connection with the proposed transfer convinced the committee that none of the functions performed by these commissions had any direct relation to the activities of the Department of State. Since both commissions had been created originally by actions initiated by the Committee on the Judiciary, the Committee on Government Operations recommended rereferral of the bill to that committee, so that every possible consideration could be given to its proposals. As a matter of fact, to all intents and purposes, the objectives sought by the Hoover Commission will be attained when both complete their work. The Displaced Persons Commission will terminate on June 30, 1952 and the War Claims Commission is scheduled to wind up at a later date.

S. 1149, reorganization of the Department of Agriculture: The full committee held extensive hearings on this bill during August and September of 1951, and, after careful analysis and conferences with representatives of the Federal departments affected and representatives of farm organizations, a committee bill in the nature of a substitute for the original proposal was considered by the committee in executive sessions. Finally, the committee determined on Tuesday morning, April 1, that the bill contained so much substantive policy matter that it would be inappropriate to act, at least without consultation with the Committees on Agriculture in the House and Senate. It was also the view of the committee that the reporting of a bill which contained only certain minor aspects of the over-all Hoover Commission Report on Agriculture would not accomplish the real objective of bringing about a complete revision of the operations of the Department of Agriculture in line with the Hoover Commission's recommendations. The committee, therefore, instructed the chairman of the committee to submit the bill to the members of the Committee on Agriculture with a request that they advise the Committee on Government Operations as to what action they would recommend be incorporated in the policy field in order that the program may be properly integrated in any reorganization measure that the committee may approve.

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STATEMENT BY SENATOR MCCLELLAN

The committee, in executive session today, voted to defer action on S. 1149, to provide for the reorganization of the Department of Agriculture in accordance with the recommendations of the Commission on Organization of the Executive Branch of the Government.

The committee recognized the need for a reorganization of the Department of Agriculture, and the necessity for revising its present structure and operations. The action taken by the committee was due to difficulties encountered in drafting a bill which would overcome valid objections raised at the hearings held in 1951, by Federal officials and farm organizations, pertaining primarily to policy problems involved.

The chairman was instructed to submit the bill, as revised by the committee, to members of the Senate and House Committees on Agriculture in order that those committees might be afforded an opportunity to study the substantive matters coming within the jurisdiction of such committees. They will be requested to advise the Committee on Government Operations as to appropriate action that should be taken to conform to legislative policies established under their jurisdiction. These committees have had various aspects of the proposed legislation under consideration for many years, and any reorganization bill should accord with legislative policies established by the Congress.

The Committee on Government Operations held that, if it were to approve a bill, it would have primary jurisdiction only over reorganizational aspects. It was the view of the committee that the reorganizations proposed in the bill, as revised, closely conforms to the authority already vested in the Department, and that to approve the bill without adequately dealing with the more important aspects of the agricultural programs, which the committee felt also needed extensive revisions, would not accomplish the real objectives of reorganizing the Department of Agriculture.

It was the view of the committee that the approval of the reorganization aspects without a thorough and complete evaluation of the entire structure and operations of the Department and its field activities would not accomplish the objectives recommended by the Hoover report.

Five bills on which action is pending: This leaves a residue of five bills before the Senate Committee on Government Operations—all of which are highly controversial. These bills have been referred to the Subcommittee on Reorganization, of which I am chairman, and hearings have been in progress since February 29 on one of these measures, S. 1140, establishing a Department of Health. They were concluded on April 3 and all who indicated a desire to submit views that might be helpful to the committee have had an opportunity to testify.

This bill, S. 1140, and another Citizens Committee bill, S. 1145, establishing a Department of Social Security and Education, were the subject of extensive hearings during the Eightieth and Eighty-first Congresses. Various proposals designed to accomplish objectives closely related to these two measures, were given long and careful study at that time. The Subcommittee on Reorganization, in spite of the fact that the Congress has expressed itself on several previous occasions as being opposed to these bills, for numerous reasons, expects to again hold hearings on S. 1143 in addition to S. 1140, in order that there can be no foundation for any statement that the Congress, the committee, or the subcommittee has in any way neglected its duties or responsibilities.

The subcommittee on reorganization had previously scheduled tentative hearings on a bill, S. 1151, providing for the reorganization of the Veterans' Administration, to be held around the middle of February. The House Committee on Veterans' Affairs announced, however, that it was holding hearings on a companion bill, and the subcommittee, therefore, decided to defer action on this bill until it had disposed of some of the other measures and the House Committee had completed its hearings. It is expected that the subcommittee will hold hearings on S. 1151 as soon as it can dispose of S. 1140.

This leaves a residue of two bills, S. 1150, Department of the Treasury, and S. 1143, Department of the Interior. Many of the proposals made in the bill, S. 1150, have already been considered in detail by the Committee on Government Operations or by the Congress. These actions include the proposed creation of an Accountant General in the Treasury Department, the transfer of RFC, FDIC, and the Export-Import Bank to the Treasury Department, and the purchase of blanket or position schedule bonds for Federal employees by the Government. One aspect of another provision, relating to reorganization and the creation of a Revenue Service in the Treasury Department, combining the Bureaus of Internal Revenue and Customs, was also incorporated in Reorganization Plan No. 1 of 1952, to reorganize the Bureau of Internal Revenue which became effective on March 15, 1952. But despite the fact that many phases of the bill will have received previous consideration and will have been acted upon by this or some other com-

mittee, the Subcommittee on Reorganization expects to hold hearings on this bill in order that all its provisions may be fully considered and acted upon.

The final bill, S. 1143, relating to the reorganization of the Department of the Interior, contains one of the most controversial of all issues coming out of the Hoover Commission recommendations, the transfer of the civil functions of the Corps of Engineers from the Department of the Army to the Department of the Interior. There is widespread opposition to this proposal and indications are that extensive hearings will be necessary in order that the subcommittee may develop all of the facts. Particularly at this time, the administration of the civil functions of the Corps of Engineers, which is proposed to be transferred from the Department of Defense, must be carefully evaluated in relation to its operations under the defense program.

Other aspects of the proposed reorganization of the Department of the Interior are being or have been considered by the Committee on Government Operations and other committees, including the creation of a Water Development and Use Service and a Buildings Construction Service. Since the subcommittee is of the opinion that this bill is of such magnitude in its coverage, involves so many extraneous issues which overlap the jurisdiction and policy determinations of other committees in the Congress, such as Interior and Insular Affairs and Public Works, and will conflict with other proposed construction and water resources and development programs, the Subcommittee and the full Committee on Government Operations will find it necessary to devote a great deal of time and study to the bill before final action may be taken.

As will be seen from the above facts, the Committee on Government Operations has devoted much of its time and efforts toward a full evaluation of all the recommendations contained in the Hoover reports and legislation referred to it which would give legislative sanction to these reorganizations. The committee will continue these studies and expects to give all agencies, organizations, and individuals a full opportunity to have their views recorded for or against all reorganization proposals now pending before the committee.

I am submitting this preliminary report to the Senate in order that Members of this body may have the facts regarding action taken insofar as the jurisdiction of the Committee on Government Operations is concerned up to this time. I have also endeavored to outline the remaining proposals dealing with this important work and wish to assure Members of the Senate that the Subcommittee on Reorganization will continue, as it has in the past, to devote its efforts toward the activation of desirable reorganizations in the executive branch based on the recommendations of the Hoover Commission.

Your committee's objective is to fully evaluate all those proposals of the Hoover Commission, and to take action on its recommendations when, in the opinion of the committee, they will improve the administration and efficiency of the Federal Government, or effect economies in its operations.

## DIRECT HOME AND FARMHOUSE LOANS TO ELIGIBLE VETERANS

The bill (H. R. 5893) to make additional funds available to the Administrator of Veterans' Affairs for direct home and farmhouse loans to eligible veterans under title III of the Servicemen's Readjustment Act of 1944, as amended, was announced as next in order.

## THE SEIZURE OF THE STEEL INDUSTRY

Mr. IVES. Mr. President, I should like to take opportunity thus afforded to me to make a very brief statement on an aspect of the steel industry seizure which I do not believe has received the attention to which it is entitled.

There are hundreds of thousands of workers in the steel plants, many of whom are in my own State of New York. These steel workers and other employees of the steel companies have, under State laws, enjoyed down to last midnight the protection of workmen's compensation for injuries they incurred in the course of their employment. In New York State, as also in California and New Jersey, the workers enjoy also the protection of insurance benefits for nonoccupational temporary disabilities.

Under Presidential seizure during World Wars I and II, there was confusion with regard to the workmen's compensation rights of workers in the seized plants with respect to accidents that occurred after the seizure became effective. When Montgomery Ward was seized in 1944, the Federal Government took out a policy of workmen's compensation insurance on a voluntary basis, and the insurance companies in that policy waived the issue of State jurisdiction with respect to workmen's compensation claims. This prompt action of the Federal Government in the Montgomery Ward situation helped to avoid confusion, so that employees did not find themselves helpless in asserting their State workmen's compensation claims under Federal operation.

Unless the Secretary of Commerce has already done so, Mr. President, I believe that he should very promptly take out voluntary insurance coverage for workmen's compensation in the seized plants; and, with respect to the States with cash sickness benefit laws, he should bind coverage for those claims, as well. Unless he does this, there is certain to be confusion among the workers in the steel plants and needless deprivation of social insurance rights to which they have become accustomed and to which they are morally entitled, notwithstanding legal barriers that may be raised under the seizure.

Under our New York State laws the sickness benefits of the steel workers are, for the most part, benefits that have been negotiated through collective bargaining with their employers. These benefits are insured with insurance companies on such terms that the question as to whether the carrier is liable, if the employees are indeed now employees of the Federal Government, naturally arises.

Workmen's compensation is a program with which I was much concerned when I was a member of the New York Legislature. This form of insurance and the newer disability benefits in force there constitute sound methods of social insurance for workers. No hasty action by the Chief Executive should be permitted to impair them.

## DIRECT HOME AND FARMHOUSE LOANS TO ELIGIBLE VETERANS

Mr. HENDRICKSON. Mr. President, I renew my request for an explanation of House bill 5893, Calendar 1331.

The PRESIDING OFFICER. Is there present in the Chamber a Senator who can give an explanation of this bill?

Mr. HENDRICKSON. If no Senator who can explain this bill is present at this time, under the circumstances I ask that the bill go to the foot of the calendar. I hope some Senator will ultimately be present to explain the bill.

The PRESIDING OFFICER. That will be done, and we shall await an explanation.

The Chair sees the Senator from South Carolina [Mr. MAYBANK], chairman of the Banking and Currency Committee, entering the Chamber. Does the Senator from New Jersey wish to ask at this time for an explanation of House bill 5893?

Mr. HENDRICKSON. Yes, Mr. President; I ask for an explanation of the bill at this time.

The PRESIDING OFFICER. Very well; the Chair recognizes the Senator from South Carolina.

Mr. MAYBANK. Mr. President, I am sorry that I was not in the Chamber when the request for an explanation was made. I was in the Appropriations Committee in connection with its action on the supplemental appropriation bill.

I may say to the Senator from New Jersey that House bill 5893 was unanimously reported by the Banking and Currency Committee at its last meeting, last Tuesday.

The bill would make available additional funds not to exceed $12,000,000 to provide for the making of additional direct loans under the Servicemen's Readjustment Act in areas where VA-guaranteed 4-percent loans are not available from private sources.

The stand-by direct loan program of the Veterans' Administration was originally recommended by your committee when it reported the Housing Act of 1950. The program was authorized in recognition of the fact that many World War II veterans, particularly those living in smaller towns and in semirural areas, were unable to find private lenders willing to make VA-guaranteed 4-percent home loans. The strictly stand-by and supplemental character of the direct-loan program was underscored by requirements in the law that the Administrator could make direct loans available only in those areas where private capital is not available for GI 4-percent loans, and that the veteran show that no private lender in the community is willing to make him a GI 4-percent loan. The basic purpose of the law has been faithfully administered and has fulfilled a real service in meeting the needs of veteran home buyers who do not live in the larger urban sections of the country where private capital for VA-guaranteed 4-percent loans has been relatively in better supply.

The present resources of the fund are virtually exhausted and the Veterans' Administration is unable to meet the demand for direct loans in the areas now

designated as eligible. The Senator from South Carolina is hopeful that the additional funds provided by this bill will serve to meet most of the expected demand for direct loans in the designated areas.

This bill does not provide for making available the full $125,000,000 immediately. It would employ a method which would spread the funds out over the life of the direct-loan program which expires June 30, 1953. The sum of $25,000,000 would be made immediately available between the date of passage of the bill and July 1, 1952, and thereafter a maximum of $25,000,000 per calendar quarter would be made available. However, the $25,000,000 which is made available each quarter is to be reduced by the dollar amount of sales of direct loans made in the preceding quarter. Thus, the amount of new borrowing from the Treasury will be directly reduced below the $25,000,000 per quarter maximum to the extent that the Veterans' Administration is successful in selling direct loans previously made to private lending institutions in the preceding quarter.

In the wording of the bill (H. R. 5893) as referred to the committee, there was some question as to whether the initial $25,000,000 to be made available between the date of passage and July 1, 1952, is to be reduced by direct-loan sales in the preceding 3-month period. We considered that question and believe that the phrasing of the bill is sufficiently clear to express the legislative intent that the initial $25,000,000 sum should not be made subject to the deduction of previous sales.

I wish to emphasize that the additional direct loans which would be made possible by this bill, as are those heretofore made, will be confined generally to the nonmetropolitan areas of the country so that nearly all direct loans will be made in the smaller towns and rural areas of the country.

I should like to point out, Mr. President, that the record of defaults on loans made has been less than one-tenth of 1 percent—in fact it may be as low as one-one hundredth of 1 percent.

I should like further to point out that when the Government makes a loan under these circumstances, there is a profit to the Government, in view of the fact that the interest rate charged on the loan by the Government is greater than the interest rate the Government has to pay on money it borrows.

The situation is that in various rural areas and semirural areas and other communities the banks do not have the funds available for making such loans.

As I have said, the record of repayment has been virtually perfect.

The committee was unanimously in favor of the bill. While the committee did not hold any hearings on this bill, the chairman received representations from the veterans' organizations, including the American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and other interested groups. They urged very strongly that such loans are necessary for those veterans in areas where no GI mortgage funds are available.

I have previously stated that the record will show that less than one-tenth of 1 percent of the loans which have been made are in default.

Mr. HENDRICKSON. I thank the Senator from South Carolina, and I believe the bill is a good one.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 5893, Calendar No. 1331?

There being no objection, the bill—H. R. 5893—to make additional funds available to the Administrator of Veterans' Affairs for direct home and farmhouse loans to eligible veterans, under title III of the Servicemen's Readjustment Act of 1944, as amended, was considered, ordered to a third reading, read the third time, and passed.

## PAULA SLUCKA (SLUCKI) AND ARIEL SLUCKI

The Senate proceeded to consider the bill (S. 997) for the relief of Paula Slucka (Slucki) and Ariel Slucki, which had been reported from the Committee on the Judiciary with an amendment on page 1, line 10, after the word "deduct", to strike out "one number from the appropriate quota for the first year that such quota is available" and insert "the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available," so as to make the bill read:

*Be it enacted, etc.*, That, for the purposes of the immigration and naturalization laws, Paula Slucka (Slucki) and Ariel Slucki shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this act, upon payment of the required visa fees and head taxes. Upon the granting of permanent residence to each such alien as provided for in this act, the Secretary of State shall instruct the proper quota officer to deduct the required numbers from the appropriate quota or quotas for the first year that such quota or quotas are available.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## DR. NICOLA M. MELUCCI—BILL PASSED OVER

The bill (S. 1324) for the relief of Dr. Nicola M. Melucci was announced as next in order.

Mr. LONG. Mr. President, are the reports on the remaining bills on the calendar on our desks? I do not find the reports on my desk.

The PRESIDING OFFICER. The Chair understands that the bills appearing on the calendar at this point were reported only yesterday, and the reports on them are not available.

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

Mr. LONG. I yield.

Mr. MAYBANK. I ask unanimous consent that I may return at this time to the Appropriations Committee, where we are writing up the supplemental appropriation bill. In case an explanation is requested for any other measure which has been reported from my committee, I ask that I be called from the Appropriations Committee. Meantime, I ask unanimous consent that I may be excused to return there.

The PRESIDING OFFICER. Without objection, it is so ordered. Any bills pertaining to the Banking and Currency Committee will, if an explanation is requested, be placed at the foot of the calendar, and the chairman of the committee will be notified.

Mr. MAYBANK. I thank the Chair.

Mr. SCHOEPPEL. Mr. President, will the Senator from Louisiana yield to me?

Mr. LONG. I yield.

Mr. SCHOEPPEL. I may say to the Senator from Louisiana that the Members on the minority side who are serving on the minority committee in connection with the call of the calendar today, have had before them the advance sheets and the reports on these bills. I understand that on some of these measures the reports have been obtainable only since yesterday evening. I think that explanation should be made.

However, I know that some Members of the Senate have not had access to the reports, by reason of the fact that these measures were placed on the calendar so late.

Mr. LONG. I am one of those Members. Therefore I must ask for an explanation of the bill which has been reached at this point, Mr. President.

The PRESIDING OFFICER. The Chair wishes to state that all bills following Calendar 1331, House bill 5893, and beginning with Calendar 1332, Senate bill 997, were reported as of yesterday or this morning. Therefore, printed reports on the bills are not available to Members of the Senate, except for reports which have been available to the committees, and are in the hands of the committee chairmen.

Mr. McCARRAN. Mr. President, I understand that the Senator from Louisiana wishes to have an explanation of the bill; is that correct?

The PRESIDING OFFICER. Yes.

Mr. McCARRAN. Mr. President, this is Senate bill 1324, Calendar 1333, a bill for the relief of Dr. Nicola M. Melucci. This bill grants the status of permanent residence in the United States to a 29-year-old native and citizen of Italy. He last entered the United States in 1948, to attend the Graduate School of Medicine of the University of Pennsylvania. He completed his studies, and served a 2-year residency at the Graduate Hospital in Philadelphia. He is presently serving a residency in New York City for further studies.

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

Mr. LONG. Mr. President, reserving the right to object, let me say that it seems to me it is rather out of order for the Senate to proceed to consider bills on which no committee reports are available or on which Senators have to obtain advance sheets from the printer in order to know what the bills are about.

I do not know the amount of relief provided for in the bill or in the remaining bills of this type.

Mr. McCARRAN. This is an immigration bill. I hold the committee report in my hand.

Mr. LONG. No committee report on the bill is on my desk. I do not know whether a report on the bill is available to other Senators.

The PRESIDING OFFICER. Let the Chair state that the reports on the bills appearing at this point on the calendar were received too late for the pages to place them in the regular file of each Senator.

Mr. McCARRAN. Mr. President, I desire to be fair with the Members of the Senate. The bills which we now have before us were approved by the Senate Judiciary Committee at noon yesterday, and were approved by a unanimous committee; otherwise they would not be here. But if Members of the Senate believe that they would like to have the printed reports in their hands, I certainly, for one, will not insist upon consideration of the bills at this time. I want the Senate to know what we are doing with reference to every bill with which I have anything to do. So far as I am concerned, I am only trying to clear the calendar. I would like to have the calendar cleared, if it is agreeable to all Members of the Senate; but if it is not, the whole category of bills from this point on the calendar may go over.

Mr. LONG. Mr. President, based upon that explanation, I must object to consideration of the remainder of the bills on the calendar. It simply seems to the junior Senator from Louisiana that it is a responsibility of Senators who are not on the committees to inform themselves as to what these bills are; and, although there is no reason, to the best of my information and understanding, why these bills should not be passed, nevertheless I believe that, as a matter of sound procedure, it is not desirable or wise for the Senate to pass on bills, the reports on which are not available to Senators. Therefore, I must object.

Mr. McCARRAN. Mr. President, I should like to say to the Senator from Louisiana there is one bill I would like to have the Senate consider. It is calendar No. 1344, Senate bill 2696, conferring jurisdiction upon the Court of Claims of the United States to consider and render judgment on the claim of the Cuban-American Sugar Co. against the United States. What is done in that bill is to approve the right of the parties to execute action in the United States Court of Claims. I desire to make a brief statement about it, Mr. President.

This bill confers jurisdiction upon the Court of Claims to hear, determine, and render judgment on a claim for refund of overpaid income taxes.

The committee based its favorable recommendation on the fact that the claimant, while conducting negotiations on the administrative level with the Commissioner of Internal Revenue, hoping to obtain a refund without resort to the courts, and acting in good faith, finally was put in a position where the statute of limitations prevented a court determination of the dispute on the merits. This bill would permit such a determination.

This is a case in which the Commissioner of Internal Revenue made a formal finding that certain taxes had been overassessed, but never took formal action for refund or abatement, continuing negotiations until the statute had run. The committee felt a court should decide the case on its merits.

Mr. LONG. Mr. President, may I ask the Senator what the position of the Government agency involved in this matter was?

Mr. McCARRAN. The Government agency is opposed to it.

Mr. LONG. If the Government agency were favorable to it, I would not insist upon seeing a committee report on the bill. However, since the Government agency is opposed to it, I believe Senators should have available to them the committee report before acting on this bill. Therefore I must object.

Mr. McCARRAN. Mr. President, may I inquire whether the report on Senate bill 2696, Calendar No. 1344, is now available in the Senate Chamber? I have a copy of it. That is one bill I should like to have passed.

Mr. LONG. Mr. President, I shall ask unanimous consent that the Senate may revert to this bill at some later time this afternoon. In the meantime, I shall be glad to make a study of the report, for my own satisfaction.

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

Mr. WILEY. Mr. President——

The PRESIDING OFFICER. The Chair wishes to say to the Senator from Louisiana that, after other bills which have gone to the foot of the calendar and other measures which were included in the unanimous-consent request have been disposed of, the Senate may then return to this bill. Is not that correct?

Mr. LONG. Yes.

The PRESIDING OFFICER. There is the bill affecting war powers, there is also a joint resolution, and an appeal from the ruling of the Chair, all of which would have to be considered before this bill could be considered under the unanimous-consent request.

Mr. McCARRAN. Mr. President, my understanding is that the Senator from Louisiana objects to the consideration of all the bills on the calendar, from this point on.

The PRESIDING OFFICER. That is correct.

Mr. McCARRAN. However, I ask the Senator's further consideration as to this one bill, and then I shall move that the Senate proceed to the consideration of Calendar 1379, Senate Joint Resolution 148, to continue the effectiveness of certain statutory provisions until July 1, 1952.

The PRESIDING OFFICER. The Chair will state to the Senator from Nevada that the joint resolution was included in the original unanimous-consent agreement. The Senate will proceed to the consideration of that measure at the conclusion of the call of the calendar. If there are no measures to be considered at the foot of the calendar, the call of the calendar is concluded.

Mr. HENDRICKSON. Mr. President, which measure on the calendar are we to consider at the conclusion of the call of the calendar?

The PRESIDING OFFICER. Order No. 1379, Senate Joint Resolution 148, extending the War Powers Act.

Mr. HENDRICKSON. That is the unfinished business.

The PRESIDING OFFICER. That is correct. The question before the Senate at this time is the unanimous-consent request of the Senator from Louisiana. Is there objection?

Mr. HENDRICKSON. I did not hear the request.

The PRESIDING OFFICER. The unanimous-consent request was that, at the conclusion of the consideration of Calendar 1379, Senate Joint Resolution 148, and an appeal from a ruling of the Chair, which was included in the original unanimous-consent request of the acting majority leader, the Senate consider Calendar 1344, Senate bill 2696.

Mr. HENDRICKSON. Mr. President, reserving the right to object, I would like to say that I have an objection to that bill, unless it is to be made the unfinished business. If there is a motion to make it the unfinished business, then my objection would not be necessary.

The PRESIDING OFFICER. There has been no such motion.

Mr. LONG. Mr. President, am I to understand that the Senator from New Jersey also objects to the consideration of Calendar No. 1344, Senate bill 2696?

The PRESIDING OFFICER. The Senator from New Jersey objects to that bill.

Mr. LONG. Then, Mr. President, that settles it, and I withdraw my unanimous-consent request.

Mr. HENDRICKSON. Mr. President, for the RECORD, I should like to say that I concur wholeheartedly in the objection entered by the distinguished Senator from Louisiana. Yesterday I made the announcement that I would object on the call of the calendar to the consideration of any bills on which the committee reports were not available. So I wholeheartedly approve of the objection entered.

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## ANNUITIES UNDER FOREIGN SERVICE RETIREMENT SYSTEM—BILL PASSED OVER

Mr. WILEY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1154.

The PRESIDING OFFICER. The clerk will state the bill by its title.

The LEGISLATIVE CLERK. A bill (H. R. 3401) to make certain increases in the annuities of annuitants under the Foreign Service retirement and disability system.

Mr. WILEY. Mr. President, I may say there is no opposition to this bill. It went over because a Senator, as I recall, the Senator from South Dakota [Mr. CASE], wanted to read a statement. This

is a bill of considerable concern to the few people who are interested, and I am sure there will be no objection to it.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent that the Senate return to the consideration of Calendar No. 1154, House bill 3401. Is that correct?

Mr. WILEY. That is correct.

Mr. McCARRAN. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARRAN. Is there not a unanimous-consent agreement that, immediately upon the conclusion of the call of the calendar, it shall be in order for the senior Senator from Nevada to move that the Senate proceed to the consideration of Calendar No. 1379, Senate Joint Resolution 148?

The PRESIDING OFFICER. The Chair may say to the Senator from Nevada that that was included in the original unanimous-consent request of the Senator from Alabama, the acting majority leader.

However, the request of the Senator from Wisconsin is in the nature of an amendment of that request, or is another unanimous-consent request for special consideration of Calendar 1154, House bill 341, at this time. In other words, the original unanimous-consent request has been granted. Another unanimous-consent request is now before the Senate, namely, the request to return to Calendar 1154, which in no way sets aside the business of the Senate which was agreed upon, namely, the joint resolution concerning war powers.

Mr. McCARRAN. Mr. President, it is my understanding that it would be necessary to reconsider the consent given the original unanimous-consent request.

The PRESIDING OFFICER. That is correct. That is what the Senator from Wisconsin is requesting. Is there objection?

Mr. WILEY. Mr. President, I should like to say to the distinguished Senator from Nevada that if there is any objection to that, I, of course, shall have nothing further to say. It is simply a matter of doing equity, which should have been done long ago. I placed in the RECORD a statement, and the Senator from South Dakota [Mr. CASE] wanted time to read that statement.

Mr. SCHOEPPEL. Mr. President, I might say to the distinguished Senator from Wisconsin that, according to the unanimous-consent request of yesterday, we were to start where the last call of the calendar ended, with the exception of those measures which were placed upon this calendar call. There were a number of Senators who wondered whether they could go back in this calendar call to calendar numbers preceding No. 1276, and they were told that they could not do so. I fear that to do otherwise now would be a breach of faith, and I object.

Mr. WILEY. Mr. President, I cannot follow the argument, but I recognize the validity of what the Senator from Kansas has said. This is an autonomous body. There appears at page 2738 of the CONGRESSIONAL RECORD of March 24 last what occurred when this bill was called on that occasion. It would have been a matter of seconds to have it acted on and it would not have interfered with the procedure. It is not a question of breaking faith; it is a question of getting business done.

The PRESIDING OFFICER. The Senator from Kansas has objected.

Mr. SCHOEPPEL. Mr. President, if the Senator from Wisconsin will refer to page 3708 of the CONGRESSIONAL RECORD he will see that it was the specific understanding that we were not to go back. Certain Senators in the Chamber desired to go back. If that is permitted at this time, I fear it would not be quite fair to those Senators who would have liked to open up the calendar to at least seven or eight calendar numbers.

## LIMITATION OF LIABILITY OF THE TOWN OF MILLS, WYO., TO FURNISH SEWERAGE SERVICE

Mr. O'MAHONEY. Mr. President, there is on the desk a message from the House transmitting House bill 5698. That bill was passed by the House on the 3d of March 1952. The House had before it an almost identical bill passed by the Senate, Senate bill 2658. According to information which I have received, the Senate bill more nearly meets the needs of the situation than does the House bill, and if the House bill can be considered now I propose to move to strike out all after the enacting clause of the House bill and to substitute the Senate bill and request a conference.

The PRESIDING OFFICER laid before the Senate the bill (H. R. 5698) to amend the act of September 25, 1950, so as to provide that the liability of the town of Mills, Wyo., to furnish sewerage service under such act shall not extend to future construction by the United States, which was read twice by its title.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent for the immediate consideration of House bill 5698.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. O'MAHONEY. Mr. President, I move that all after the enacting clause of House bill 5698 be stricken, and that there be substituted in lieu thereof the language of Senate bill 2658, so as to make the bill read:

That the act entitled "An act to authorize the Secretary of the Interior to transfer to the town of Mills, Wyo., a sewerage system located in such town," approved September 25, 1950, is amended by inserting immediately before the period at the end thereof a colon and the following: "*Provided*, That the liability of the town to furnish sewerage service to the United States hereunder shall be limited to the continued use by the United States of that specific capacity in the sewerage system which is in use on the date of enactment of this proviso, and the liability of the town shall not extend beyond the useful life of the existing sewage-disposal facilities. The town of Mills and the Secretary of the Interior shall mutually agree to standards of maintenance for the sewerage facilities transferred to the town in keeping with recognized standards genally employed for maintenance of similar facilities."

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

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

The bill was read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate bill 2658 is indefinitely postponed.

Mr. O'MAHONEY. Mr. President, I move that the Senate insist on its amendment to House bill 5698, ask a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. O'MAHONEY, Mr. MURRAY, and Mr. BUTLER of Nebraska conferees on the part of the Senate.

## AMENDMENT OF FEDERAL CREDIT UNION ACT

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2447) to amend the Federal Credit Union Act, which was, on page 1, line 5, strike out "31," and insert "31."

Mr. MAYBANK. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the suggestion of the absence of a quorum may be withdrawn, that the order for the call of the roll may be rescinded, and that further proceedings under the call be suspended.

The PRESIDING OFFICER (Mr. LEHMAN in the chair). Without objection, it is so ordered.

## SEIZURE OF STEEL PLANTS—MESSAGE OF THE PRESIDENT

Mr. MAYBANK. Mr. President, would it be in order at this time for me to make a short statement in connection with the message of the President, in view of the fact that, as I understand, a joint resolution is to be introduced?

The PRESIDING OFFICER. The Chair advises the Senator that such a statement would be in order.

Mr. MAYBANK. Mr. President, several Senators and other persons have asked me the attitude of the Committee on Banking and Currency in connection with the committee to which the message of the President should be referred. Speaking only for myself, I may say it is immaterial to the chairman of the Committee on Banking and Currency

where the message is sent. Furthermore, I wish to make it equally clear that if any legislation connected with the price-control law or the wage-stabilization law, relative to renewal of controls should be proposed, I would naturally expect and urge Members of the Senate to have it referred to the Committee on Banking and Currency, which has been considering such matters.

I have worked on similar legislation and its renewal since 1950, when it first began. Also, in 1941 I was a member of the Committee on Banking and Currency when the first control bill was introduced by Senator Wagner and cosponsored by Senator Prentiss Brown.

In my opinion, the ability of the Committee on Banking and Currency to handle matters pertaining to price and wage controls is perhaps greater than that of any other committee. On the other hand, I feel certain that Members of the Senate know that it has never been the desire of members of the committee to have jurisdiction taken away from other committees.

Mr. President, so far as the Wage Stabilization Board is concerned, I speak frankly, as I have always spoken, when I say that I believe the Board exceeded its authority insofar as it was derived from the National Production Act in going into matters of fringe benefits and the closed shop. It was the duty of the Board to recommend increased wages in keeping with the increased cost of living. However, I am certain that when the Committee on Banking and Currency reports to the Senate a measure providing for an extension of the act, it will not leave the door open for any agency operating under the authority of the National Production Act to legislate its own extensions of that act or any other act.

I have made this statement merely to have it understood that while I am not particularly interested in where the message might be referred, I would naturally desire that proposed legislation which may follow as a result of the message from the President should be referred to the Committee on Banking and Currency, which has been handling such matters since 1941.

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

Mr. MAYBANK. I yield.

Mr. SALTONSTALL. As I understand the Senator's position, it is simply that if no legislation is to result from the message of the President, the Senator does not care where the message is sent.

Mr. MAYBANK. My statement pertains to the National Production Act, and also to the freezing of wages and prices. I believe such matters should be referred to the Committee on Banking and Currency. I hope the Senator agrees with me, because that is the procedure that was established by the Reorganization Act.

Mr. SALTONSTALL. I would think that what the Senator has said is entirely logical.

Mr. HUMPHREY. Mr. President, I wish to say to the Senator from South Carolina that the Committee on Labor and Public Welfare deeply appreciates the cooperation it has had from the chairman of the Committee on Banking and Currency. There has been a most pleasant relationship between the two committees. I think the Committee on Banking and Currency has been very wise in not recommending legislation in the field of labor-management disputes and the powers of the Wage Stabilization Board.

Mr. MAYBANK. The Senator from Minnesota is correct. I wish to say that he and I have always cooperated in the handling of these matters.

Mr. HUMPHREY. The Defense Production Act, in section 401, provides that—

> It is the intent of Congress to provide authority necessary to * * * prevent economic disturbances, labor disputes, interferences with the effective mobilization of national resources, and impairment of national unity and morale.

Section 402 (a) provides as follows:

> In order to carry out the objectives of this title the President may encourage and promote voluntary action by business, agriculture, labor, and consumers.

It was under the general intent that the President issued the executive order.

Mr. MAYBANK. My good friend from Minnesota is giving a rather broad interpretation to the intent stated in section 402 if he holds that under that language the President had the right to say, "We are going to take over all the steel mills."

Mr. HUMPHREY. I am not arguing about the question of seizure. What I am saying is that the President, by Executive order, did vest with the Wage Stabilization Board dispute powers and functions.

Mr. MAYBANK. That is correct.

Mr. HUMPHREY. The Banking and Currency Committee wisely did not seek to legislate in that field.

Mr. MAYBANK. That is correct; and the Banking and Currency Committee does not intend to seek to legislate in that field. Labor disputes and other labor matters have been handled under the National Labor Relations Act, through agencies duly established by law. It is not our intention to seek to invade that field by means of a Defense Production Act, which calls for greater production of steel, copper, and aluminum, and which calls for an effort to freeze prices and wages along reasonable lines for the good of the economy.

Mr. HUMPHREY. It was on the basis of the Senator's own observations as to the jurisdiction of the Banking and Currency Committee and its legislative function that the Senate Committee on Labor and Public Welfare, once the President had acted by Executive order to organize the Wage Stabilization Board with certain powers in settling disputes, moved in and took jurisdiction in that field, as a matter of review.

Mr. MAYBANK. I am talking about the closed shop, and about fringe benefits. We have no intention ever to handle any such legislation in the committee of which I have the honor to be chairman. That is not our jurisdiction. I would never have attempted to deal with that question in a bill calling for sacrifices on the part of everyone in an effort to keep wages and prices down, and to make allocations evenly among the people of the entire country.

Mr. HUMPHREY. I commend the Senator. If the Senate should sustain the ruling of the Chair in regard to reference of the President's message to the Committee on Labor and Public Welfare, the Senator can rest assured that as chairman of the Subcommittee on Labor and Labor Management Relations, I shall work closely with the Committee on Banking and Currency. Our subcommittee will cooperate with the Committee on Banking and Currency whenever there is any dispute as to jurisdiction. Two of our most able Members, the Senator from Illinois [Mr. DOUGLAS] and the Senator from New York [Mr. IVES] are also members of the Committee on Banking and Currency. There has always been a close liaison between the two committees. I do not think the Senator from South Carolina need worry over whether we shall be getting in each other's way. We will go out of our way to make sure that we work together, without cross currents of jurisdictional problems.

Mr. MAYBANK. I thank the Senator. I certainly hope there will be no cross-currents of jurisdictional problems. If it were not for such cross-currents among the executive agencies, I do not think the President would have had to seize the steel plants; and I doubt whether we would now be in the state of confusion in which we are at present. We have a National Stabilizer to fix prices, and another to fix wages. From what I have seen, it is my opinion that those gentlemen are trying to do the best they can. Of course, there are situations with respect to which they have never reached any agreement.

Mr. HUMPHREY. I can assure the Senator that we will have no such difficulty in the Senate, because of the cooperative attitude of the Committee on Banking and Currency. We have nothing but praise for such cooperation.

Mr. SCHOEPPEL. Mr. President, I wish to say to the distinguished Senator from South Carolina that I associate myself with him in the remarks which he has made with respect to the Committee on Banking and Currency. I wholeheartedly approve the action which was suggested by the chairman and other members of the committee today, to defer any action whatever until further clarification of many of these questions which are presently up in the air, so to speak.

Mr. MAYBANK. We are a legislative committee, and not an administrative committee. It was our duty to recommend legislation, and we performed that duty well. It is the duty of the gentleman at the other end of Pennsylvania Avenue to administer. Before we go further, I want to find out how he is administering.

Mr. SCHOEPPEL. I agree 100 percent. If I thought that jurisdiction was assumed on the part of the Chief Executive in a case where some of the functions of the Banking and Currency Committee were involved, I would be one of the first to say, "Let us take another look."

## EXTENSION OF CERTAIN WAR POWERS OF THE PRESIDENT

The Senate resumed the consideration of the joint resolution (S. J. Res. 148) to continue the effectiveness of certain statutory provisions until July 1, 1952.

Mr. McCARRAN. Mr. President, a parliamentary inquiry. It was understood, was it not, that the argument regarding jurisdiction over the President's message should be taken up after the Senate disposed of the pending question?

There are now pending in both Houses of Congress measures to prolong certain phases of the war powers of the President. One such measure has been pending for some weeks in the Judiciary Committee of the Senate. It is in the hands of a very capable and competent subcommittee under the chairmanship of the Senator from Mississippi [Mr. EASTLAND]. The question has been under study in the House for some time.

There is involved in this measure the retention of some 60 war powers of the President. About 100 or more have been dropped, but there are certain phases of the measure which are so important that they should be carefully considered before being presented to this body.

The question now before the Senate is, Shall the war powers of the President continue for a period of approximately 60 days, or until the 1st day of July? The House has passed a joint resolution, which is on the desk, continuing the war powers of the President for 60 days. The Judiciary Committee of the Senate yesterday approved a similar joint resolution, with a proviso which is found in section 5, on page 12. The following is the language in the Senate joint resolution:

> Nothing contained herein shall be construed to authorize seizure by the Government, under authority of any act herein extended, of any privately owned plants or facilities which are not public utilities.

In that language the Senate joint resolution differs from the House joint resolution, and in that respect only.

There are certain phases of the War Powers Act which should of necessity be continued. How many there are is a question for the respective committees to determine. All this joint resolution would do would be to continue the matter in its present status until the 1st day of July. As I have pointed out, the Senate joint resolution differs from the House joint resolution in that it makes provision in section 5 that—

> Nothing contained herein shall be construed to authorize seizure by the Government, under authority of any act herein extended, of any privately owned plants or facilities which are not public utilities.

The question is before the Senate and some action must be taken.

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

Mr. McCARRAN. I yield.

Mr. CAIN. If the proviso to which the distinguished Senator from Nevada has just made reference had been in the Emergency War Powers Act, would the President have been able to seize the steel plants as he has done so recently?

Mr. McCARRAN. I do not know that it would have made any difference, for the reason that, as I understand, the President did not go to any particular act for his authority. He stated that he was taking the step which he took as President of the United States, and as Commander in Chief of the Army and Navy.

He could have proceeded under the Taft-Hartley Act, or perhaps some other act. He did not do so. I do not know of any language, therefore, which would have deterred him from taking the action which he took.

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

Mr. McCARRAN. I yield.

Mr. CAIN. The effect of the Senator's amendment, then, is that if in the future the Chief Executive seeks to exercise such extended emergency powers he would not be able to seize any private enterprise.

Mr. McCARRAN. That is as correct a statement as any statement can be construed to be correct.

I believe that the Taft-Hartley law gives him certain powers which he did not seek to exercise. Instead he exercised the power of seizure as the Commander in Chief and as President of the United States, under what he terms inherent powers, which in my judgment he did not have. Let me say that if that practice is to prevail in this country we have lost the democracy we have so long loved, and we have gone to the point where the President of the United States can set himself up over all law.

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

Mr. McCARRAN. I yield.

Mr. FERGUSON. It was the intention, was it not, of the Committee on the Judiciary—and the Senator from Michigan feels responsible for the provision in the bill, because he foresaw that there might be an order to seize the steel mills—that if the Senate were to pass the bill to extend the war powers acts it would not in words or figures or in spirit authorize the seizure of these plants? Is it not a fact that the committee was anxious to see to it that nothing under this bill could be interpreted by the President or anyone else as authority to act in the manner in which the President acted last evening? Was that not the purpose of the amendment?

Mr. McCARRAN. The amendment was offered, as I recall it, by the Senator from Michigan, and the Senator from Michigan has stated the purpose of it as he stated it yesterday before the Committee on the Judiciary.

Mr. FERGUSON. Does the Senator from Nevada know of anyone who can state exactly under what provision of law—and let us say that the Constitution is the supreme law of the land—which gives to the President the authority which he assumed last night to seize the steel plants?

Mr. McCARRAN. No one has stated such a law to me up to the present time, and I have no knowledge of any law under which the President acted, excepting his statement, which to my mind carries no cogency, that he acted as Commander in Chief of the Army and Navy and as President of the United States.

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

Mr. McCARRAN. I yield further.

Mr. FERGUSON. If that is the President's authority, would he not be able to seize any other private property under that same authority?

Mr. McCARRAN. Yes; regardless of what legislation might be passed, too.

Mr. DIRKSEN. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. Does the Senator from Illinois wish to take the floor? I shall be glad to yield the floor.

Mr. DIRKSEN. I should like to ask one or two questions of the distinguished chairman of the Judiciary Committee.

Mr. McCARRAN. I yield.

Mr. DIRKSEN. First, I wish to say that I am disinclined to vote for this proposal, because it is alleged that we are not at war, and it seems to me to be an anomaly that we should extend the War Powers Act when we are not at war.

Mr. McCARRAN. At that point may I interrupt the Senator from Illinois?

Mr. DIRKSEN. Yes.

Mr. McCARRAN. More than 100,000 casualties have come out of a place called Korea. Does not the Senator recognize that as a war?

Mr. DIRKSEN. That is why I used the word "alleged," because the affair in Korea is still being referred to as a police action, and the Government still refuses to note it as a war on the headstones of soldiers who have died in Korea. I think it is one of the greatest pieces of sham and hypocrisy I have ever heard of. However, that is beside the point so far as consideration of the pending joint resolution is concerned. I was going to suggest to the Senator from Nevada that, since it is proposed to extend the war powers until the 1st of July, at about that time Senators will be thinking in terms of adjournment, and we will be piled up with appropriation bills. If a further continuing bill or joint resolution were to come before the Senate at that time it would probably receive wholly inadequate consideration. Therefore, I would be inclined to put it out of its misery right now rather than wait until later.

Is there some intimation that the Judiciary Committee will recommend a longer extension when the subcommittee headed by the distinguished Senator from Mississippi [Mr. EASTLAND] concludes its deliberations?

Mr. McCARRAN. There are some phases of the 60 war-powers acts which are carried over that I am confident will be recommended for continuation. Let me give the Senator from Illinois a few illustrations:

Death or disability of United States employees after restraint by an enemy, deemed to result from performance of duty.

Veterans preferences. It is provided that service during the emergency shall carry the same benefits as service during the war.

Photographing military installations regardless of intent.

Delivering defense information with intent or reason to believe that it will be harmful to the United States or benefit a foreign nation.

Mr. President, I have selected a few instances. The committees having the measure in hand in both Houses probably will find other instances. I have skimmed through the list rather haphazardly.

The joint resolution would continue the War Powers Acts for only 60 days. If the Senate passes the resolution and if the House agrees with the Senate we will have accord as to the items involved. I agree that on the 1st of July we will be thinking—and I underscore the word "thinking"—about adjournment.

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

Mr. McCARRAN. I yield.

Mr. DIRKSEN. It occurs to me that if the date were made June 1, instead of July 1, there would be that much more pressure to get a bill before the Senate for adequate consideration. Undoubtedly there will be a log jam when we get toward the end of the fiscal year.

Mr. McCARRAN. Excepting that the subject is one of study now in both Houses and before both Committees on the Judiciary. If the date is made June 1 a bill would have to be on the calendar by the 1st of May. I do not think it can be done, because we cannot get around to it that fast.

Mr. DIRKSEN. However, the joint resolution calls for July 1.

Mr. McCARRAN. That is correct.

Mr. DIRKSEN. That is at the end of the fiscal year.

Mr. McCARRAN. That is correct.

Mr. DIRKSEN. I should like to look at the matter in a rather practical way. I am not insensible to the fact that the national political conventions will start around the 7th of July. Members of the Senate will probably want to go out in the field. This subject is of such high importance that I would rather dispose of it by simply voting against it now, if I thought we were going to have inadequate consideration of it later. Would the Senator from Nevada object to an amendment to make the date June 1 instead of July 1? Of course I know he would not want to undertake to speak for all the members of the Committee on the Judiciary.

Mr. McCARRAN. I could not do so, because the joint resolution was ordered reported yesterday by the committee, and the period of 60 days was unanimously agreed to in committee. I would have no authority to accept an amendment to shorten the time.

Mr. DIRKSEN. Would the Senator from Nevada yield so that I may propose such an amendment?

Mr. McCARRAN. I shall yield the floor. First, however, I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I should like to ask a question of the distinguished chairman of the Judiciary Committee. I have looked at the text of Senate Joint Resolution 148 as it appears on our desks today. May I assume that the Committee on the Judiciary, of which the Senator from Nevada is the distinguished chairman, has gone over very carefully all the acts set forth in the joint resolution and that he is convinced that it is necessary that they be continued?

Mr. McCARRAN. No, sir; I wish to answer the question in the negative. We did not go over all the acts. By means of the joint resolution we simply continued certain war powers in the President for a period of 60 days because we did not have time to make a study regarding which ones should be eliminated.

Mr. SALTONSTALL. So all the acts which are to be continued are based on wartime measures which now are in effect. Is that correct?

Mr. McCARRAN. Yes; they are now the law.

Mr. SCHOEPPEL. Mr. President, will the Senator from Nevada yield for a question?

Mr. McCARRAN. I yield.

Mr. SCHOEPPEL. If the war powers covered by this measure are continued until July 1, could certain actions be taken under the emergency powers, perhaps extending for months and months or perhaps for 2 or 3 years?

Mr. McCARRAN. That is correct; the Senator has correctly stated that such actions could be taken.

However, if this joint resolution terminates on July 1, we shall have to enact other legislation to continue from July 1.

Mr. SCHOEPPEL. Then am I correct in assuming that if we were to pass some type of legislative measure or series or measures on that subject, by that means we could nullify those powers, so far as concerns the period following July 1, if both Houses concurred in action to that effect?

Mr. McCARRAN. Yes; certainly that would be the case.

Mr. CASE. Mr. President, will the Senator from Nevada yield to me for a question?

Mr. McCARRAN. I yield.

Mr. CASE. The Senator from Nevada said he was without authority to accept an amendment which would shorten the time.

Mr. McCARRAN. I consider myself without authority to accept such an amendment. I cannot prevent the submission of such an amendment.

Mr. CASE. Is the Senator from Nevada also without authority to accept an amendment extending the time or the life of the joint resolution? It occurs to me that perhaps Congress might adjourn early in July. If we were to extend the life of these measures to the first of August, and then let them die, we would be through with them.

Mr. McCARRAN. I would not consider myself as having authority to accept an amendment either to extend or to curtail the life of the measure.

Mr. President, if there are no other questions, I yield the floor.

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

Mr. McCARRAN. I yield.

Mr. FERGUSON. I wonder if the Senator from Nevada will accept the date of June 1 as an amendment. I am sure the Committee on the Judiciary can prepare another measure at a fairly early date, even though there is quite a bit of labor involved in looking over the war powers acts.

I think that would satisfy the Senator from Illinois [Mr. DIRKSEN] who was speaking on this question. Does the Senator accept that date?

Mr. McCARRAN. I will accept that date, but it muct be remembered that the House resolution provides for the date of July 1.

Mr. FERGUSON. I appreciate that fact.

Mr. CASE. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. CASE. It seems to me it should be understood that that will be the position of the Senate in the conference.

Mr. FERGUSON. That is the understanding of the Senator from Michigan, that we will take June 1 as the date and insist upon it in the conference.

Mr. McCARRAN. That would be my position if I were a member of the conference committee.

Mr. FERGUSON. Mr. President, I move that wherever the date July 1 appears in the resolution it be changed to June 1.

Mr. HILL. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. HILL. What does the Senator from Nevada think about shortening the date? He knows that it is almost impossible for the Senate to move with very much expedition, because a number of appropriation bills will be coming up for consideration. What would be the effect of moving the date to June 1? June 1 will be here in a very short time.

Mr. McCARRAN. The matter is in the hands of a subcommittee of the Committee on the Judiciary. That subcommittee has been studying the question for some time. The Senator from Mississippi [Mr. EASTLAND] thought he could have a bill ready for the full committee in 1 week.

Mr. HILL. I understand the full Committee on the Judiciary may not meet for a couple of weeks.

Mr. McCARRAN. It will meet again on May 1.

Mr. HILL. When the bill comes before the Senate it will have to be debated, and I imagine the debate will be a good deal more extensive than it has been today. Then it must go to the House Judiciary Committee and be acted on in the House—

Mr. McCARRAN. The House is now working on the bill.

Mr. HILL. The House is taking a recess today for a period of some 10 days. Of course, the distinguished Senator from Nevada is in charge of the bill and is representing his committee, but I wondered whether he wanted to accept the amendment of the Senator from Michigan.

Mr. McCARRAN. I am willing to accept the amendment for the reason that if the committee should not be able to report a bill satisfactory to the Senate, there can be a further extension for another 30 days of the war powers acts.

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

the Senator from Michigan [Mr. FERGUSON].

Mr. DIRKSEN. Mr. President, do I correctly understand that the amendment strikes the date of July 1 in both the title and the body of the bill, and makes the date June 1?

Mr. FERGUSON. That is correct.

Mr. HUMPHREY. Mr. President, the view expressed by the acting majority leader [Mr. HILL] is one which should be given considerable thought. It is entirely probable that we may find ourselves in such a situation, as we have many times previously, that we cannot give proper consideration to another measure of this kind in the hurried moments which will be available. We are living in a very precarious period. I have asserted repeatedly that there is a war going on in Korea. It would appear to me to be prudent not to limit ourselves to too short a period of time. I know that a resolution to extend the time for another 30 days can be presented, but if we retain in this measure the July 1 date we give the committee adequate time to act upon and report the proposal which is needed. I personally shall vote against the date of June 1. I think we are playing with fire and taking a chance. I do not know why we should take such a chance.

Mr. McCARRAN. May I say to the Senator that the thought I have may not be worth while expressing, but it is that when we shorten the time we accelerate the action of the committee?

Mr. HUMPHREY. I appreciate the Senator's observation, but I was under the impression that the Judiciary Committee was not going to meet for a considerable period of time.

Mr. McCARRAN. That is true.

Mr. HUMPHREY. I just had some experiences on a subcommittee. What is the justification for making the date June 1? What is the logic in making it June 1 instead of July 1? I wish the Senator from Michigan would tell me why he selected June 1.

Mr. McCARRAN. Mr. President, let me make another observation. The House must accept this afternoon the joint resolution we passed with such amendments as may be attached to it, or there will be no legislation at all on the subject, because the House is about to recess for a period of 2 weeks. That being true, I am anxious to have the joint resolution passed so that the House may act on it this afternoon.

Mr. HUMPHREY. Mr. President, Congress is not known for its speed. I think that in view of the situation we should take the extra precaution of having an additional month.

Mr. DIRKSEN. Mr. President, will the Senator from Nevada yield?

Mr. McCARRAN. I yield.

Mr. DIRKSEN. I should like to respond for a moment to my good friend from Minnesota. He says Congress is not noted for its speed. Believe me, Congress is noted for speed when it approaches the June 30 deadline. We come here year after year with proposed legislation of high moment, and much of it has to be jammed through on the same day in order to meet the deadline. Bills are inadequately considered, and that is where we see the speed of Congress when it should not be speedy. I can almost prophesy what will happen. The resolution will come back and some Senator will say, "This is of the greatest urgency and it must be passed tonight," and some very faulty legislation will find its way to the books. The Senator from Nevada has seen that happen many times, and I have seen it happen many times.

Mr. President, in view of the momentous character of what is involved here, I for one do not propose to agree to an extension for more than 30 days.

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

Mr. DIRKSEN. Let me make one other observation. Then I will yield the floor.

The Senator from Minnesota says this is a critical period, and that everybody knows a war is going on. That is correct—everybody except 1600 Pennsylvania Avenue. The President of the United States has not, to this good hour, after 21 months of casualties in Korea, admitted to the country that a war is going on.

On the news ticker today I read the casualty list. The number of casualties is now more than 107,000, and that figure applies only to American troops. Evidently the White House does not know a war is on, but everybody else does.

So I simply say that we are going to get order out of sham, hypocrisy, and subterfuge, or else I for one certainly am not going to go along with this proposed legislation.

Mr. HUMPHREY. Mr. President, I must say to the Senator from Illinois, first, that with reference to the date of July 1 or June 1, I have great confidence in the Committee on the Judiciary, and I think they will report a bill before June 1. I simply feel the committee ought not to be under the whiplash of a time limit. I would suggest to the Senator, based upon the legislative history of this resolution, that if we call on the Committee on the Judiciary to report a bill before June I, the committee is not going to work any faster if the date be June 1 or July 1, because they have a calendar to handle and they are a busy committee.

With reference to the second item, I am glad the Senator agrees with me that there is a very critical international crisis. I have tried to be frank by saying that there is a war in Korea. However, the Senator apparently did not listen to the President last night. I have in my hand a copy of his address.

In it he said:

> All around the world, we face the threat of military action by the forces of aggression.

At another place in his address the President said:

> These are not normal times. These are times of crisis. We have been working and fighting to prevent the outbreak of world war. So far we have succeeded. The most important element in this successful struggle has been our defense program. If that is stopped, the situation can change overnight.

It seems to me the President is cognizant of aggression and military action, and it seems to me that we in Congress would be derelict in our responsibilities unless we legislated in such terms.

I do not wish to make a political speech about this subject, but the fact is that there is trouble in Korea, the fact is that there may be trouble in North Africa, and, in my view Congress is flying in the face of destiny if it does not pass legislation giving the President sufficient war powers.

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

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DIRKSEN. I will yield to the Senator in a moment. I merely wish to quote the words of Shakespeare, who said:

> Suit the action to the word, the word to the action.

The President has refused to do that, and until he does, how can it be assumed he is dealing honorably with the country?

Mr. HUMPHREY. I may say to the Senator from Illinois, accepting my colleague's judgment—and I have great respect for his judgment—that as long as he feels a war is going on in Korea, then Congress should legislate as though there is a war, and not argue with 1600 Pennsylvania Avenue.

All I say is that even if everything is as the Senator from Illinois says it is, there is no justification shown for making the date June 1. It should be July 1.

Mr. DIRKSEN. Then, I simply say, if we make it consonant with the President's action, and strike out the word "war," I will still not go along with it.

Mr. FERGUSON. Mr. President, I should like to ask the Senator if the President used the word "war" in his speech last night or his message today.

Mr. DIRKSEN. The speech and the message speak for themselves.

Mr. FERGUSON. The President did not use the word "war"; he used only the word "peace."

Mr. DIRKSEN. No, this is just a controversy. These military actions may be only controversies, but one is just as dead when he is killed in a controversy as when he is killed in a war.

Mr. LEHMAN. Mr. President, I wish to be recorded as voting against the amendment offered by the Senator from Michigan. I agree very thoroughly and heartily with my colleague from Minnesota that nothing will be gained by limiting the extension of the President's powers to June 1. We should give the Committee on the Judiciary ample time to work, as has been suggested by the chairman. I know it has been his wish that the date be set as July 1. We should not be hurried into this matter. We should not lessen our own power by a limitation which will serve no purpose, so far as I can see.

Mr. CASE. Mr. President, it occurs to me that the proper answer to what has been said by the Senator from Minnesota, or at least one good answer, would be to say that the reason for making the date June 1, or July 1, or any

other date, is that the Senate or the Congress wishes to indulge in a little self-flattery, for it is self-flattery if we believe that by putting dates in the joint resolution we are curtailing or limiting the powers of any man who, at 1600 Pennsylvania Avenue, at midnight, can decide to plunge the country into a police action in Korea, whether he wants to call it a war or not; then, after getting our Armed Forces into that kind of conflict, calls the National Guard into Federal service, then extends its period of service, and then calls up men from the Inactive Reserves and puts them into service; and who then, on another night, decides that he wants to make a decision, says that another emergency exists, and nationalizes the steel industry.

Mr. President, the placing of any date in this resolution or any other measure that deals with so-called emergency powers is purely self-flattery, when we know that the President holds that, as Commander in Chief or as President, he has some inherent power which gives him the right to determine when an emergency exists, and then under that emergency he ascribes to himself powers which he is pretending to exercise. It is pure self-flattery to put any date in the bill.

Mr. HUMPHREY. Mr. President, I have listened to the Senator from South Dakota. I find there seems to be a bit of confusion on the other side of the aisle as to just what is wanted. On the one hand, it is said that there is a war. On the other hand, it is said, "Let us not have a war-powers act," or at least, "Let us not have a date that does not mean anything."

I would remind the Senator from South Dakota, who is a profound student of constitutional law——

Mr. CASE. Mr. President, I must decline that generous compliment, for I am not a student of constitutional law. I just observe things as they go along on the merry-go-round.

Mr. HUMPHREY. I appreciate the Senator's statement. However, I still maintain that he is a profound student of constitutional law, as a result of what he has just been saying.

The fact of the matter is that, as the Senator from Oregon stated a short time ago, the powers of the Executive are limited in times of emergency by only one of two things—by the Constitution, or by statutory law. The purpose of the War Powers Act is to make the powers of the Executive explicit and specific.

According to the best documentation we have, from a Supreme Court ruling by eminent Justices, and students of the law from the time of the birth of the Republic, the inherent powers of the President are very broad, and believe me they are very great when they are exercised in the defense of the Nation.

My argument is this: I have heard nothing but political speeches up until now. Why make the date June 1, when the world is on fire and communism is on the march, when our country stands in mortal peril? Have we not learned something from the days before Pearl Harbor, from our failure to fortify Guam, and from other omissions?

Now we come to the question of whether the date in the pending measure should be July 1 or June 1. I want to be on the side of prudent judgment, on the side of caution. This is no time to be taking chances. I have heard political questions raised, but politics can be kept out of the discussion of the War Powers Act. The fact of the matter is that the only question is whether Congress will have adequate time to legislate properly between now and June 1, doing its work carefully.

Taking into consideration the work performed by the Judiciary Committee, we ought to give them the benefit of the doubt and make the date July 1, in order to enable them to prepare proper legislation. If somebody can produce an argument that June 1 is better than July 1, I am willing to abide by it. I have not heard any such argument.

The PRESIDING OFFICER (Mr. SMITH of North Carolina in the chair). The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. FERGUSON].

The amendment was agreed to.

Mr. McCARRAN. I ask the Chair to lay before the Senate the joint resolution which has come over from the House of Representatives.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 423) to continue the effectiveness of certain statutory provisions until July 1, 1952, which was read twice by its title.

Mr. McCARRAN. Mr. President, I move that the Senate proceed to the consideration of House Joint Resolution 423 to continue the effectiveness of certain statutory provisions until July 1, 1952.

The motion was agreed to, and the Senate proceeded to consider the House joint resolution.

Mr. McCARRAN. Mr. President, I move that all after the enacting clause of the House joint resolution be stricken out, and that there be inserted in lieu thereof Senate Joint Resolution 148, as amended.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The motion was agreed to.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The preamble was amended so as to read:

Whereas the existing state of war with Japan is the last declared state of war to which the United States is a party and the termination thereof and of the national emergencies proclaimed in 1939 and 1941 would render certain statutory provisions inoperative; and

Whereas some of these statutory provisions are needed to insure the national security and the capacity of the United States to support the United Nations in its efforts to establish and maintain world peace; and

Whereas, in view of the impending termination of this state of war, it is desirable to extend these needed statutory provisions immediately until June 1, 1952, to permit further consideration of a more extended continuation.

The title was amended so as to read: "Joint resolution to continue the effectiveness of certain statutory provisions until June 1, 1952."

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 148 is indefinitely postponed.

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## THE FARMER'S STAKE IN THE STEEL-WAGE CONTROVERSY

Mr. SCHOEPPEL. Mr. President, I desire to have printed in the body of the RECORD at this point as a part of my remarks an article by Fred H. Sexauer, entitled "The Farmer's Stake in the Steel-Wage Controversy." If anyone feels that only the steel companies and the laborers involved in the steel industry are affected, I am sure that when he reads this type of article he will be fully and quickly aware that it goes far beyond the labor in the steel industry and the steel companies.

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

THE FARMER'S STAKE IN THE STEEL WAGE CONTROVERSY

(By Fred H. Sexauer)

The 16 cents per hour increase the steel union is demanding is just about what the total hourly earnings of farmers was 20 years ago. But this 16 cents per hour is what the steel workers' union is threatening to strike for in the midst of the great defense preparation in which steel is held to be vital. Not 16 cents per hour, but 16 cents per hour more than the $1.98½ per hour now received on the average by steel workers. If they get it, and they threaten our defense effort if they don't, the average wage will then be $2.14½ per hour.

Now, another 16 cents an hour for steel workers means something for farmers. It means higher costs. For the moment we'll leave to others the question of whether it is really justified.

Farmers average to work 70 hours per week—so says the United States Department of Agriculture. Their average hourly income is approximately 80 cents—that is $2,800 per year. To get this they must provide themselves, through savings or borrowings, with about $12,000 per worker for capital purposes.

The steel worker at $2.14½ per hour for a 41-hour week would get $4,573 per year, and not he but the share owner would have had to save the money with which to provide him with facilities and tools.

It is the steel officials' job—and not the farmers'—to worry about the share owners who want an increased return on their savings, through dividends, so that they too can meet inflation costs. But the aged, the widows, orphans, and even Mr. Average Citizen himself, who has saved money out of his earnings, are human in their needs—for shoes and food and for a decent place to live. And it doesn't make much difference either whether those savings are savings of today or of 20 years ago.

Perhaps we should not worry too much about the steel executives with their larger-than-average salaries. But they, too, are needed, for to run such a business successfully, men must have better than average brains; and it is brains, not brawn, that make a successful farm or business operation. It takes brains, from the floor sweeper to the crane operator, but it takes more in the realm of management. Only when brains are mixed with brawn does brawn accomplish anything worth while, and brain power varies among men as the depths and altitude of valleys and mountains.

But let's get back to the wage increase as it affects farmers. Directly or indirectly, the farmer is a heavy user of steel and steel products. The tractor, the combine, the truck, the corn picker, the harrow, the drill, the stanchions, the milking machine, the pumps, the pipes, the gates, the fencing, the cooler, the field chopper, the wagon, the baler, the building materials, the roofing; and in the home, the stove, the plumbing, the freezer, the washer; and on and on, adding to tons and tons and tons of steel.

But the farmer uses and helps pay for other steel as well. He uses and helps pay for the steel in the trucks and railroads and ships that transport the products of the farm and the supplies that he uses.

He uses and helps pay for the steel in the milling plants, the fertilizer plants and the feed mills that process his products and supplies.

He uses and helps pay for the steel in the forge shops that make the parts for his equipment, for the steel in the manufacturing plants that build his farm machinery and the auto and household equipment that he purchases; for the steel in the pipelines that transport the oil and gasoline that he buys.

He uses and helps pay for the steel in the plants that manufacture his telephone and television, and that print his magazines.

Yes, he uses and helps pay for the steel used in his community school; and even that used by the Army and Navy, and teachers for whose support he is taxed.

Any increase of wages in steel must be, and eventually will be, reflected in increases in the price of things which the farmer buys, uses, hires—or the services he has to pay for.

But bad as such increases may be, the load which will come to him will yet be still heavier.

No segment of our labor group can long stay high above another which exercises equal diligence and skill. Particularly is this true if other groups have equally ruthless, ambitious or heedless leadership, and are able to exercise monopolistic power with which to tie up an essential industry, or a segment of it, in order to enforce their demands.

Who is so naive as to think that such an increase in steel will not lead to an equal drive in coal and oil, in transportation and utilities, in manufacturing and processing, in mining and smelting, in service trades and among civil servants?

And one would be naive, indeed, to think that all will not eventually be affected.

Then, a similar course in price increases in these products and services must inevitably follow. Just as poison seeps through the bloodstream, so the price increase will seep through our industrial and social fabric.

It will show up, not as $8 per ton or $16 on a 4,000-pound tractor, but as $200 on a 2,000-pound tractor, or 10-percent increase in cost. It will appear as 1 cent or 2 cents per gallon increase in gasoline; 10 cents per rod in fencing; and, finally, it will show up as $300 on the teacher's or policeman's salary; or a 10-percent increase in the cost of food.

It will show up in increased cost of rearmament and, finally, in taxes.

To the extent that steel wages are increased, and while the teacher or policeman gets no larger salary, or while the farmer gets no more for farm products, these wage increases will rest upon their shoulders as an additional weight.

In the long run the effect of this wage increase will be borne by the farmers, white-collar workers, small business and all other groups in and out of civil service who do not have, at hand, a monopoly control over a vital industry that can be coerced to milk the rest of us for the benefit of the ambitious union leaders.

The steel companies, when they yield either to the monopolistic force of the steel union or the pressure of union-leader-dominated Government, will be but the instrument by which our earnings will be squeezed out for the benefit of one of the presently highest-paid labor groups in the Nation.

This is something for each of us to ponder over. Isn't it time for farmers and their wives and friends to protest to the powers-that-be in Washington? They will be speaking not only for themselves but for housewives, white-collar workers, and the whole consuming public that lacks such monopoly power as the steel-workers' union uses to take advantage of all other groups.

## SEIZURE OF STEEL PLANTS—WITHDRAWAL OF APPEAL FROM THE DECISION OF THE CHAIR

Mr. MORSE obtained the floor.

Mr. BRIDGES. Mr. President——

Mr. MORSE. I understand that the minority leader would like to have me yield in order that he may withdraw his appeal from the decision of the Chair. With the understanding that I shall not thereby lose the floor, I am very happy to yield for that purpose.

Mr. BRIDGES. Mr. President, earlier today the Senator from New Hampshire appealed from the ruling of the Chair whereby the President of the Senate referred the President's message to the Committee on Labor and Public Welfare. The Senator from New Hampshire stated that in his judgment the seizure of the steel mills by the President was a very fundamental issue, and that it constituted either a very complex legal and constitutional question, which should be referred to the Committee on the Judiciary, or that it constituted an action under the Wage and Price Stabilization Act, which would normally come under the jurisdiction of the Committee on Banking and Currency. But inasmuch as the President of the Senate has stated that no legislation is involved, and the Senator from New Hampshire cannot make much from the President's message anyway, and inasmuch as the chairman of the Committee on Banking and Currency has stated on the floor that if legislation does result, he will insist that it come before his committee, as a legislative committee, the Senator from New Hampshire asks unanimous consent to withdraw his appeal from the ruling of the Chair on the reference of the President's message.

The PRESIDING OFFICER. Without objection——

Mr. HUMPHREY. Mr. President, reserving the right to object, I merely wish the RECORD to be perfectly clear.

As I understand from the remarks of the Senator from New Hampshire, this message does not involve legislation. Is that his statement?

Mr. BRIDGES. That is what the President of the Senate stated. Therefore, that is one of the reasons why I am withdrawing the appeal.

Mr. HUMPHREY. The Senator from Minnesota says that if legislation is proposed which relates to matters of wages, arbitration, mediation, seizure, or labor-management relations involved in the processes of collective bargaining, such as health and welfare and pension funds, all of which are included within the general orbit and jurisdiction of the Committee on Labor and Public Welfare, we shall, of course, be interested in the jurisdiction of that committee with respect to those particular items.

If there are matters pertaining to price control or economic stabilization, obviously such matters would be referred to the Committee on Banking and Currency. But I wish the RECORD to be perfectly clear that when legislative proposals are made, they will constitute another subject for discussion. If they fall within the purview of the Committee on Labor and Public Welfare, we shall, of course, claim jurisdiction.

Mr. BRIDGES. Let me say in reply to the Senator from Minnesota that in my opinion a fundamental issue is involved. If any question arises having to do with seizure of the steel mills, or with any constitutional right of the President, or any inherent right as Commander in Chief, I shall certainly favor referring it to the Committee on the Judiciary. If any question arises dealing with legislation having to do with wage or price stabilization, I shall insist that it be referred to the Committee on Banking and Currency. I do not think this is a labor dispute. That issue can be settled when it arises.

Mr. HUMPHREY. All I want to do is to state the difference of point of view, so that the RECORD will not be closed, and in order that we may discuss the question at a later date.

Mr. BRIDGES. I thank the Senator from Oregon.

Mr. MORSE. I am very happy to accommodate the minority leader.

## THE NEED FOR FURTHER LEGISLATION IN REGARD TO GOVERNMENT SEIZURE OF INDUSTRIAL PLANTS IN TIME OF CRISIS OR EMERGENCY

Mr. MORSE. Mr. President, I wish to make a few remarks by way of preface to the introduction of a seizure bill.

On March 2, 1950, I spoke on the floor of the Senate regarding the problem of seizure and the device of seizure as a procedure for the settling of labor disputes in the midst of a crisis or emergency. I deplored then the failure of Congress to improve the Taft-Hartley law in respect to seizure in emergency disputes. I said then, Mr. President, what I repeat today, namely, that the Taft-Hartley law is a completely inadequate legislative vehicle for handling emergency disputes. In fact, I think it is generally agreed, at least in the cloak rooms of the Senate, that there is need for improvement of the Taft-Hartley law in respect to its provisions on emergency disputes. The responsibility for not improving it is, and has been, ours.

On March 2, 1950, Mr. President, I introduced a bill proposing an amendment to the Taft-Hartley law in respect to the procedure which should be followed in emergency cases. At that time we were confronted with a very serious crisis in the coal fields. It looked then as if we might be involved in a long seiz-

ure procedure in respect to the coal mines. Fortunately, that did not come to pass. However, Mr. President, as so often is the case, in view of all the work we have to do in the Senate, particularly in a period when we are moving from crisis to crisis, it is not surprising that with the passing of that coal crisis, we turned our attention to other things. We did not proceed to perfect a seizure law, which would have been done at that time, I believe, had the coal crisis continued.

Now we confront a crisis in steel. As a Congress, Mr. President, I believe we should turn our attention to immediate hearings on procedures for handling such crisis as they arise. If as Senators, we are to do our job properly, we must devote immediate attention to the improvement of the section of the Taft-Hartley law relating to the handling of emergency cases, and we must give some attention to a procedure for seizure if and when, in the instances in which seizure is resorted to, it is decided that the Government should exercise this fearful and awful power. I use the words "fearful and awful" in this respect, Mr. President, in their dictionary meanings. I have always been fearful of seizure, and I stand in awe of the power of seizure when it is exercised.

Without repeating the arguments I made on March 2, 1950, regarding the dangers of seizure and the importance of our regularizing seizure procedures, I now ask unanimous consent to have printed at this point in the RECORD, as a part of my remarks, in explanation of the bill I am introducing, certain excerpts from the speech I made in the Senate on March 2, 1950.

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

CONGRESS MUST ACT IN COAL CASE—SPEECH OF HON. WAYNE MORSE, OF OREGON, IN THE SENATE OF THE UNITED STATES, THURSDAY, MARCH 2, 1950

Mr. MORSE. Mr. President, it has always been the position of the junior Senator from Oregon that whenever a great emergency arises in America which endangers the public welfare and the public interest, or jeopardizes the health or safety of the American people, the Government has the duty, and I emphasize the world duty, to take whatever action lies within the power of government to protect the people from the danger which confronts them. We cannot have government, Mr. President, if we do not carry out that principle. We shall have anarchy. We cannot have government by law if our Government ever fails to take every step within its power to protect the health and the safety of the people. That is a very elementary principle of political philosophy. Sometimes I think that even in the Congress we overlook the very simple, elementary principles of government which should be observed if we would keep faith with the great political philosophy which characterizes our constitutional system of government by law.

So I say, as I have said in two or three decisions which I have handed down in my lifetime in the field of labor relations, that no group of employers or no group of workers, under our free system of democratic government, has the license to place their selfish economic interests above the welfare of the American people, to the point that the selfish interests of any group in this country jeopardize the health and the safety of the American people.

* * * * *

Mr. President, that is one of my major premises. Of course, if I am wrong on that major premise, my bill is unsound. If I am right on my major premise, namely, that it is the duty of our Government, in maintaining a system of government by law, to take whatever action within its power to protect the people against any group or combination of groups which seek to jeopardize the health or safety of the people, simply because they are unable to reach an agreement between themselves over a labor contract, then the Senate should give serious consideration to the proposal which I offer tonight.

* * * * *

I dislike seizure so much, Mr. President, that as a member of the War Labor Board during the war I did everything I could in each specific case to avoid seizure. We seized some plants during the war. In fact, we raised the American flag over the mines of America during the war. Why? Because we were in a war emergency, a life and death struggle for the preservation of freedom itself here and in the world. Had we lost the war, we would not be in the Senate today as representatives of a free people in a representative form of government. So there, too, I was confronted with the very simple and elementary principle of supporting a government by law. The War Labor Board took the position that whenever any group threatens the security of the people as a whole it is the duty of government to use all its force to protect the people.

So, reluctantly, after we had tried every other effort and means to settle some of the major wartime labor cases without seizure, we agreed to seizure. It happened that I had the solemn obligation of being the compliance officer, or enforcement officer of the War Labor Board during the war. Believe me, once the decision to seize had been affirmed by the President of the United States, we used all the forces of government necessary to enforce a given decision. We succeeded, Mr. President, but it was not a pleasant task. Certainly it is an undesirable pattern to establish for frequent use. Of that I am very well aware. That is why my seizure bill, which in principle is identical with the seizure bill I introduced in the first session of the Eighty-first Congress, is surrounded with every safeguard I can conceive. In fact, I have surrounded it with the safeguard of a clear check by Congress. That is how important I think it is to protect us from a hasty or ill-advised or unnecessary use of seizure in any emergency case. Let the record be perfectly clear that the junior Senator from Oregon believes that seizure should never be used in this country except as a matter of last resort; and I mean last resort.

* * * * *

I ask to have the bill printed at this point in the RECORD, as a part of my remarks.

There being no objection, the bill (S. 3169) to amend the Labor-Management Relations Act, 1947, so as to provide a more effective method of dealing with labor disputes in vital industries which affect the public interest, 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 sections 206 and 207 of the Labor-Management Relations Act, 1947, are amended to read as follows:

" 'SEC. 206. Whenever the President finds that a national emergency is threatened or exists because a stoppage of work has resulted or threatens to result from a labor dispute (including the expiration of a collective-bargaining agreement) in a vital industry which affects the public interest, he shall issue a proclamation to that effect and call upon the parties to the dispute to refrain from a stoppage of work, or if such stoppage has occurred, to resume work and operations in the public interest.

" 'EMERGENCY BOARDS

" 'SEC. 207. (a) After issuing such a proclamation the President shall promptly appoint a board to be known as an "emergency board."

" '(b) Any emergency board appointed under this section shall promptly investigate the dispute, shall seek to induce the parties to reach a settlement of the dispute, and in any event shall, within a period of time to be determined by the President but not more than 30 days after the appointment of the board, make a report to the President, unless the time is extended by agreement of the parties, with the approval of the board. Such report shall include the findings and recommendations of the board and shall be transmitted to the parties and be made public. The Director of the Federal Mediation and Conciliation Service shall provide for the board such stenographic, clerical, and other assistance and such facilities and services as may be necessary for the discharge of its functions.

" '(c) An emergency board shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute.

" '(d) Members of an emergency board shall receive compensation at the rate of $75 for each day actually spent by them in the work of the board, together with necessary travel and subsistence expenses.

" '(e) For the purpose of any hearing or inquiry conducted by any board appointed under this title, the provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (U. S. C. 19, title 15, secs. 49 and 50, as amended), are hereby made applicable to the powers and duties of such board.

" '(f) Each emergency board shall continue in existence after making its report for such time as the national emergency continues for the purpose of mediating the dispute, should the parties request its services. When a board appointed under this section has been dissolved, its records shall be transferred to the Director of the Federal Mediation and Conciliation Service.

" '(g) A separate emergency board shall be appointed for each dispute. No member of an emergency board shall be pecuniarily or otherwise interested in any organization of employees or in any employer involved in the dispute.'

"SEC. 2. Sections 208, 209, and 210 of such act are amended to read as follows:

" 'PROCEDURE FOLLOWING PROCLAMATION

" 'SEC. 208. (a) At any time after issuing a proclamation pursuant to section 206 the President may submit to the Congress for consideration and appropriate action a full statement of the case together with such recommendations as he may see fit to make.

" '(b) In any case in which a strike or lockout occurs or continues after the issuance of the proclamation pursuant to section 206 the President shall submit immediately to the Congress for consideration and appropriate action a full statement of the case, including the report of the emergency board if such report has been made, and such recommendations as he may see fit to make, including a recommendation that the United States take possession of and operate the business enterprise or enterprises involved in the dispute. If the President recommends that the United States shall take possession of and

operate such enterprise or enterprises, the President shall have authority to take such action unless the Congress by concurrent resolution within 5 days after the submission of such recommendation to the Congress determines that such action should not be taken or enacts legislation designed to resolve the dispute and terminate the national emergency if Congress finds such an emergency exists: *Provided,* That during the period in which the United States shall have taken possession, the Federal Mediation and Conciliation Service and the emergency board shall continue to encourage the settlement of the dispute by the parties concerned, and the agency or department of the United States designated to operate such enterprise or enterprises shall have no authority to enter into negotiations with the employer or with any labor organization for a collective-bargaining contract or to alter the wages, hours, or the conditions of employment existing in such industry prior to the dispute, except in conformity with the recommendations of the emergency board or a concurrent resolution of the Congress. If the Congress or either House thereof shall have adjourned sine die or for a period longer than 3 days, the President shall convene the Congress, or such House for the purpose of consideration of an appropriate action pursuant to such statement and recommendations: *Provided further,* That the act entitled "An act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes" (Norris-LaGuardia Act), approved March 24, 1932 (U. S. C., title 29, secs. 101–115), shall be applicable to the United States acting under the provisions of this title unless Congress by concurrent resolution provides otherwise in the particular case.

"'SEC. 209. (a) In the event that the Government shall take possession of and operate any business enterprise or enterprises involved in a given dispute, the President shall designate the agency or department of Government which shall take possession of any business enterprise or enterprises including the properties thereof involved in the dispute and all other assets of the enterprise or enterprises necessary to such continued operation thereof as will protect the national health or safety.

"'(b) Any enterprise or properties of which possession has been taken under this title shall be returned to the owners thereof as soon as (1) such owners have reached an agreement with the representatives of the employees in such enterprise settling the issues in dispute between them, or (2) the President finds that the continued possession and operation of such enterprise by the United States is no longer necessary under the terms of the proclamation provided for in section 206: *Provided,* That possession by the United States shall be terminated not later than 60 days after the issuance of the report of the emergency board unless the period of possession is extended by concurrent resolution of the Congress.

"'(c) During the period in which possession of any enterprise has been taken under this title, the United States shall hold all income received from the operation thereof in trust for the payment of general operating expenses, just compensation to the owners as hereinafter provided in this subsection, and reimbursement to the United States for expenses incurred by the United States in the operation of the enterprise. Any income remaining shall be covered into the Treasury of the United States as miscellaneous receipts. In determining just compensation to the owners of the enterprise, due consideration shall be given to the fact that the United States took possession of such enterprise when its operation had been interrupted by a work stoppage or that a work stoppage was imminent; to the fact that the owners or the labor organization, as the case may be, have failed or refused to comply with the recommendations of the emergency board or the conditions determined by the Congress to constitute a just settlement of the dispute; to the fact that the United States would have returned such enterprise to its owners at any time when an agreement was reached settling the issues involved in such work stoppage; and to the value the use of such enterprise would have had to its owners in the light of the labor dispute prevailing, had they remained in possession during the period of Government operation.

"'(d) Whenever any enterprise is in the possession of the United States under this section, it shall be the duty of any labor organization of which any employees who have been employed in the operation of such enterprise are members, and of the officers of such labor organization, to seek in good faith to induce such employees to refrain from a stoppage of work and not to engage in any strike, slow down, or other concerted refusal to work, or stoppage of work, and if such stoppage of work has occurred, to seek in good faith to induce such employees to return to work and not to engage in any strike, slow down, or other concerted refusal to work or stoppage of work while such enterprise is in the possession of the United States.

"'(e) During the period in which possession of any enterprise has been taken by the United States under this section, the employer or employers or their duly designated representatives and the representatives of the employees in such enterprise shall be obligated to continue collective bargaining for the purpose of settling the issues in the dispute between them.

"'(f) (1) The President may appoint a compensation board to determine the amount to be paid as just compensation under this section to the owner of any enterprise of which possession is taken. For the purpose of any hearing or inquiry conducted by any such board the provisions relating to the conduct of hearings or inquiries by emergency boards as provided in section 207 of this title are hereby made applicable to any such hearing or inquiry. The members of compensation boards shall be appointed and compensated in accordance with the provisions of section 207 of this title.

"'(2) Upon appointing such compensation board the President shall make provision as may be necessary for stenographic, clerical, and other assistance and such facilities, services, and supplies as may be necessary to enable the compensation board to perform its functions.

"'(3) The award of the compensation board shall be final and binding upon the parties, unless within 30 days after the issuance of said award set aside or modified in the United States Court of Claims in accordance with the rules of said court.

"'SEC. 210. When a dispute arising under this title has been finally settled, the President shall submit to the Congress a full and comprehensive report of all the proceedings, together with such recommendations as he may see fit to make.'

"SEC. 3. (a) The amendment made by the first section of this act shall not apply with respect to any dispute existing on the date of enactment of this act.

"(b) The amendment made by section 2 of this act shall apply with respect to any dispute existing on the date of enactment of this act, and for such purposes (1) any reference in such amendment to an emergency board shall be deemed to refer to any existing board of inquiry appointed pursuant to section 206 of the Labor Management Relations Act, 1947, and (2) a proclamation authorized to be issued pursuant to section 206 of such act, as amended by this act, shall be deemed to have been issued in any case in which any such board of inquiry has been appointed.

"SEC. 4. The provisions of this act shall not be applicable with respect to any matter which is subject to the provisions of the Railway Labor Act, as amended from time to time."

Mr. MORSE. Mr. President, let me enumerate briefly the salient points of the bill:

First, the bill provides for the appointment by the President of an emergency board whenever he finds, and issues a proclamation to that effect, that a dispute exists or threatens in a vital industry affecting the public interest.

Mr. President, you will notice as I read an outline of the major points of the bill that the principles of the bill are identical in nature with the principles of the amendment I offered in the first session of the Eighty-first Congress for the handling of emergency disputes. We did not adopt the amendment, as the Presiding Officer well knows, but I am satisfied that had we passed it, and if it were the law on the books today, we would not be confronted with the coal crisis which America faces tonight. "Well," someone may say, "what makes you think, if the miners, as individual workers, refuse to work in the mines under an injunction handed down in accordance with the provisions of the Taft-Hartley law, that they would work under your bill, if the Government seized the coal mines, in accordance with the procedures of your bill? It is a fair question, but my answer is this: I have no question about the patriotism of the mine workers of America. As I have said before, it is quite a different thing to ask free Americans to go into the mines and mine coal for the Government of the United States, with the American flag flying over the mines, from giving them a choice of either mining coal under an injunction in accordance with the instructions and orders of a private employer, on the basis of the wages and hours and conditions of employment that he would impose upon them, and for his profit dollars, or going to jail for contempt of court.

Mr. President, do not mistake me. I do not condone any failure on the part of any workers in the country to obey the spirit and the intent and letter of the law on the books, or of a court order seeking to carry out the law. I do not condone any violation of the law or violation of an injunction issued thereunder. But I cannot remake human nature. The Congress of the United States cannot remake human nature. We must face some of the ugly realities of human nature, and one of those realities appears tonight to be that a great many thousands of coal miners are in effect saying, "We just won't mine coal for a private employer, in the absence of an agreement." They have not said, "We will not mine coal under terms and conditions imposed by the Federal Government through a seizure of the mines." The difference is a great difference in human psychology. If there is anything I learned in my more than 15 years' experience in the field of labor relations, it is that, when all is said and done, the human factor is the controlling factor in most labor disputes. It is necessary in each dispute to get down to an understanding of the human factors that have caused the disagreement which has sprung up between the parties. I am convinced that if we pass a fair seizure law which protects the legitimate rights of both the workers and the employers for the period of government operation of the mines, the coal miners and the operators will rise to their patriotic obligation of supporting the flag that will fly over their properties, and will proceed to work out some agreement satisfactory to the two sides, for the operation of the mines on their return to the owners. I believe that is true, and that is the third major premise I have laid down in this speech, Mr. President. If I am wrong about that, then on that premise, my argument will fall to the floor of the Senate. If I am wrong

in my conviction that the miners will dig coal when the flag flies over the mines then, truly, I shall be stumped, Mr. President, because I shall then be hard put to think out any constructive answer to the question, What now?

I think we should try it, and if our seizure bill is fair, I think it will work and work immediately, and proceed to produce immediately the coal necessary to relieve the great suffering which is sweeping across America tonight. I said many of these things during the last session of the Congress when I pleaded on the floor of the Senate for a seizure bill of this type. I am just as convinced tonight that this is a much sounder approach to the problem than the provisions of the Taft-Hartley law, which certainly have demonstrated, at least in this instance, that they cannot produce coal. I am afraid that what the Taft-Hartley law is producing, Mr. President, is a deepened resentment in the hearts of miners, which will plague us long after this dispute is finally settled.

That is one of the things that worry me so much, Mr. President. That is why I keep pleading with the Congress, "Let us go to work on this labor law, let us reevaluate it, let us modify it, so that we take out of it those sections which the evidence clearly demonstrates are the breeders of resentment in the hearts of American workers."

The record is overwhelming, Mr. President, that the Taft-Hartley law has become a great cause of growing resentment in the breasts of free workers in this country. They feel so many of its provisions are unfair, unjust, and discriminatory against their legitimate rights. I do not want to see this second session of the Eighty-first Congress go by without our coming to grips with the great problem of passing fair labor legislation. I believe we are so close together, Mr. President, as the result of our experiences under the Taft-Hartley law. I think we can get together if we have the will as legislators in this second session of the Eighty-first Congress, on those modifications of the Taft-Hartley law necessary to make it a fair law and to remove from the hearts of millions of American workers the feelings of resentment which they now hold toward that law. I do not think we should play politics with it. We should not let it go into the 1950 congressional elections as one of the political issues, because I do not think it should really be considered an issue any longer.

The time has come to operate on the Taft-Hartley law in this session of the Eighty-first Congress. I offer this bill tonight as the first proposal in this session of Congress for a modification of the Taft-Hartley law. It goes to the very vital issue of how to handle emergency disputes.

The second provision of the bill that I would mention is the one which provides that a board is to report to the President with recommendations not later than 30 days after appointment. Third, at any time after issuing a proclamation of a national emergency, the President may report to Congress, making such recommendations as he sees fit. Fourth, in any case where a strike or lock-out continues after issuance of a proclamation, the President is required to submit to Congress a full report and whatever recommendations he sees fit to make, including a recommendation that the United States take possession of the business enterprise involved in the dispute.

I emphasize that provision, Mr. President, as one of the safeguards I have deliberately placed in the bill to avoid some of the dangers of unnecessary seizure, which might be proposed if the Congress did not have a check upon the executive branch of Government, which might want to seize when seizure in fact might not be necessary. Mr. President, we must make this system of checks and balances work in practice, and not merely talk about it. When we pass legislation we must keep in mind the great constitutional principle of our form of Government that the legislature should check the Executive, and the Executive should check the legislative branch. The courts sit to check them both, and we in turn have our checks upon the courts.

Here is one of the checks which I provide specifically in this type of seizure bill in order to avoid some of the dangers of seizure that the junior Senator from Oregon fears very much. He wants to make certain that his bill is one which can be used only as a last resort and one which cannot be used arbitrarily by a President of the United States, but which can be used only after careful consideration has been given to the recommendations of an emergency board both by the President and by the Congress.

If the President recommends the taking of possession, he has the authority under the bill to take such action unless Congress, by concurrent resolution, within 5 days after the submission of such a recommendation determines that such action should not be taken or enacts legislation to resolve the dispute and terminate the emergency.

During the period of Government operation, which is limited to 60 days, unless the period is extended by concurrent resolution of the Congress—another example of the congressional check I have in my bill, Mr. President—the Federal Mediation Service shall continue to encourage settlement.

The Government agency operating the seized property has no authority to negotiate with the employer or union, or to alter wages or conditions of employment except in conformity with the recommendations of the emergency board or concurrent resolution of Congress.

I do not know whether I can succeed in getting that point across, Mr. President, but that point is basic to the theory of this bill. It carriers out a fundamental principle of negotiations for settling any labor dispute. I have said it before, but I want to get it into this speech, too, that the one thing, above all else, that must characterize negotiations for a settlement of a labor dispute when the Government has to intervene—mark what I say, Mr. President,—when the Government has to intervene, is the principle of keeping the disputants in doubt about what the final settlement will be. Unless that be done, Mr. President, we play right into the hands of either labor's or the employer's side of the table, which may find it to its advantage to let the procedures of the law run their course. That is one of the difficulties involved in the present dispute. We could take the Taft-Hartley law in its present form and, as counsel for the union or the employer, tell them with almost complete certainty just what is going to happen, step by step, as the law proceeds to be applied to the dispute. Therefore, Mr. President, either side, under the existing Taft-Hartley law, can determine at the very beginning of the dispute whether it is to its advantage to let the Taft-Hartley law flow in its procedures and be applied to the dispute.

I mean no criticism when I say this, Mr. President. I speak for a moment from a lawyer's standpoint as to what I think has happened, in part, in the coal case. I do not claim to know all the details of what has gone on in this case, but judging from what I have been advised in regard to the case, the attitude of at least one of the parties, the operators, has been to sit tight and let the law follow its course.

I was interested some time ago in reading an article in the Washington Post in which Cyrus Ching, the head of the Federal Mediation and Conciliation Service, said, in effect—I do not have the article before me, so I will not purport to give it verbatim—in answer to a question put to him by a newspaperman, that, for the most part, the negotiations have been characterized by the union making various offers and the employers saying, "No, no, no."

I have seen that happen in many cases, Mr. President.. During the war, we sent many cases back to the parties because we became convinced that they were trying to use the Board as the determiner of their dispute, rather than try to use the free collective-bargaining table as the medium for settling their differences.

So, whenever we became convinced that collective bargaining had broken down because either side thought there would be an advantage in having the case go to the Board for determination, we sent the case back and said:

"We shall take jurisdiction over this case only if we are convinced that you have acted in good faith and that you have really tried in all honesty to settle your differences between yourselves but can find no basis or common ground for settlement. Only then will we take jurisdiction."

I am suspicious, Mr. President, that in this particular case there are some persons among the operators who thought it would be to their advantage to let the Taft-Hartley law be applied to the dispute. Therefore, that is at least part of the explanation for the breaking down of negotiations between the paries. If that is true, Mr. President, it is an unfortunate thing. If it is true, I think we should do something about it. If it is not true in this case, Mr. President, it may very well be true in many cases. I think it has been true in many cases since the passage of the Taft-Hartley law, because that law does not leave the parties in doubt as to what the legal procedures and legal consequences are going to be if they simply permit a given dispute to reach the point that a national emergency is created and the law has to be applied.

So, Mr. President, in my seizure bill I have left the parties in doubt. I do not propose a law which would allow either side to sit down and figure out in advance whether it will be to its advantage to look out the window when collective bargaining should be going on in good faith, and to say "No, no, no" to offers made by the other side. I have phrased the bill so that both will be in great doubt as to the economic consequences if they permit a situation to develop of such a national emergency that it threatens the health and safety of the country to the extent that the Government has to step in and exercise the arm of the law to protect the public welfare.

How have I done it? I have done it, Mr. President, as I did in my proposed amendment in the first session of this Congress, and which is one of the great differences between my seizure proposal and the other seizure proposals which have been offered on the floor of the Senate, by leaving it to the Government to determine, when seizure has been applied, what the wages, hours, and conditions of employment shall be and what the compensation of the operators shall be.

In other words, Mr. President, mine is a flexible procedure as far as economic compensation to both parties under Government seizure is concerned. It has some weaknesses. I know of no perfect solution. I can see some disadvantages to the economic compensation provision of my bill. But, in contrast to the provisions which last session were offered on the floor of the Senate, I think my provision is far superior, because it leaves the parties in doubt. That is an inducement for them to get together around the free collective bargaining table and keep the Government out of the dispute. I believe that free employers and free workers in America should recognize before it is too

late that every time their course of conduct makes it necessary for the Government to enter into a labor dispute they jeopardize economic freedom in this country. After all, economic freedom belongs to us. It belongs to the people. Whether we have it or not is pretty much up to us. If labor and employers lose any degree of economic freedom in this country because of the Government's stepping into a labor dispute to protect the public interest, the fault is theirs, and not the Government's, because Government can do no less, as I said at the beginning of my speech.

So here I have a provision which I think will be an inducement to collective bargaining. It is a provision which keeps the parties in doubt. Here is what is going to happen to them economically if the Government must seize a plant or a mine. The Chair will remember that in some of the other seizure proposals which we had in the first session of the Eighty-first Congress there was a specific requirement to the effect that during the period of Government seizure wages, hours, and conditions of employment had to remain the same as they were at the time the dispute started. What good is that provision?

How much doubt does that create in the mind of an employer as to what is going to happen economically to the industry if Government seizes it? None at all. He might find, under that kind of law, that Government seizure would be a great advantage to him, and therefore he could just "sit tough," as we say in labor cases, and make no offer, make no concessions, and exercise not attempt at all to reach a good-faith agreement with the union.

Likewise, Mr. President, suppose there were a provision like that included in some previous proposals, to the effect, as I have seen recently in the press, that during Government seizure no profits shall go to the employer at all. That is just as unfair to the employer as a provision which states that the Government could not pay what the facts showed to be fair wages, and allow fair hours and fair conditions of employment.

The principle that I apply in labor relations is to make the law work the same way on both sides. I do not believe in applying a procedure in a labor case which benefits only one side to the dispute, or penalizes only one side to the dispute. This matter of fairness in labor disputes is a matter of applying procedures which give equality of procedural rights to both parties. That is why I have said so many times that one of the great weaknesses of the Wagner Act was that it violated the principle of equality of procedural rights of both sides to a dispute. Procedures under the Wagner Act were weighted in favor of labor. Procedural equality was not given to the employers under the Wagner Act.

As I have stated before, the Wagner Act violated a simple rule of the American playground—that the same rules should apply to both sides participating in a game. An umpire in a labor case cannot apply one set of rules to labor and another set to employers. That just is not fair. What I have pleaded for is a fair procedure for the settlement of labor disputes. I think the procedure which I have just mentioned does exactly that in regard to the economic compensation which shall be allowed to both the workers and the employers under my seizure bill. It keeps both sides in doubt. I think that will prove to be a great inducement to the parties entering into an agreement between themselves, and doing it far in advance of seizure. Let me emphasize that, Mr. President. The great advantage of putting my seizure procedure on the books is that it will prove to be an inducement to the parties to enter into a free collective-bargaining agreement to avoid seizure.

Not because my seizure bill, if we have to apply it, is unfair, because I think it is so worded that neither side can get an advantage from its operation, but knowing that they cannot get an advantage from its operation, I think it will be a great inducement to them to settle their case without letting the conditions in the industry reach a point where the national health and safety are endangered.

The next point is No. 8. During the period of Government operation, all income received shall be held in trust for the payment of general operating expenses, just compensation to the owners—that is, Mr. President, until the decision is made as to what just compensation is, based on the facts of the individual case. For example, if employers are shown by the facts and the decision in the recommendations of the Emergency Board to have been guilty of bad faith, and if it is shown that they should have granted some of the requests of the union, their compensation is not going to be as much as would be the case if the Board finds that the union was at fault. That is the way I propose to keep the parties in doubt as to the economic effects of the bill.

It is a very important procedure. I repeat that point: During the period of Government operation, all income received shall be held in trust for the payment of general operating expenses, just compensation to the owners, as determined by the compensation board set up in the bill, and reimbursement of expenses incurred by the Government. Any income remaining is to be covered into the United States Treasury.

In determining just compensation, the compensation board must give consideration, among other things, to the fact that the owners or the union, as the case may be, have failed or refused to comply with the recommendations of the emergency board, or the conditions determined by Congress to constitute a just settlement.

The bill provides that the Norris-LaGuardia anti-injunction law shall apply to the Government, unless the Congress by concurrent resolution provides otherwise in the particular case.

And last, provision is made in the bill so that no time will be lost in applying the bill forthwith to the pending coal case.

Mr. President, under the next to the last section of the bill the President does not have to go through all the procedure in the first part of the bill with respect to the appointing of a fact-finding board. That board exists already, and it is specifically provided in this section that the President can proceed right now, on the basis of the procedures already taken in the coal case, to make his recommendations to the Congress of the United States, the day after, or the same day, for that matter, that the bill passes the Congress, including a recommendation for seizure, if he believes that such a recommendation should be made to the Congress. In other words, I have provided in this section of the bill a section which saves every minute of time that can be saved under our legislative process in applying the seizure provisions of the bill to the pending dispute.

I close, Mr. President, by saying that I regret taking this much time at this late hour to discuss this bill, but I know very well from past experience that had I not made a statement as full as the statement I have made, which can be used for future reference, I would find myself confronted with a great many misinterpretations and misunderstandings as to what I actually did propose.

I offer the bill in the belief and hope that it is a constructive suggestion. I am open to any suggestions for modification of the bill which any Senator wishes to offer who can demonstrate that his modification is to be preferred to some particular provision in my bill. I offer it because I am deeply moved by a sense of duty that, as a Member of the Senate of the United States, I owe it to my constituency and I owe it to all the people of this country to make an attempt to find the answer to the question, What now?

Mr. President, I offer my bill as part of the answer to that question, and I plead with the Senate to recognize the great coal emergency which grips this country, I urge the Senate to set aside all other business until we dispose of this, because I think the American people have the right to have the Congress of the United States do all within its power to pass whatever legislation is necessary to meet the great emergency to our economy caused by the pending coal dispute.

Mr. MORSE. Mr. President, I now ask unanimous consent to introduce, for appropriate reference, the identical bill on seizure which I introduced on March 2, 1950. At that time the bill was given the number of Senate bill 3169.

There being no objection, the bill (S. 2999) to amend the Labor Management Relations Act, 1947, so as to provide a more effective method of dealing with labor disputes in vital industries which affect the public interest, introduced by Mr. MORSE, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MORSE. Mr. President, I am glad that the legal steps which have been taken today in the steel case offer at least a hope, I believe, for a decision "on the nose," so to speak, as we lawyers say, regarding a constitutional question, which throughout the history of our Nation has remained a mooted one, in respect to the inherent powers of the President, if he has any, as Commander in Chief.

We know that various Presidents of the United States have held different views regarding the extent of their so-called inherent powers to meet an emergency. We know that the great Lincoln felt that those powers were very broad, and he at least exercised powers based upon his belief that in times of crisis and emergency the President of the United States does have what are referred to in legal literature and legal cases as broad, inherent executive powers which can be exercised to protect the interests of the Nation in time of crisis.

President Theodore Roosevelt held a similar view; and, typical of him, he exercised broad executive powers on the ground that he believed they were inherent in the President. He acted in the belief that, as the Chief Executive, he would not be justified in standing by and permitting the development of a crisis which jeopardized the security of the Nation, and doing nothing about it because of some legal theory that unless he could turn to the Constitution and there could find, spelled out, exact language which would authorize him to act to meet the particular crisis, his hands were tied.

So, interestingly enough, Theodore Roosevelt, as the literature of his time makes very clear, took the position that in the absence of restrictive action on the part of the Congress he had the inherent power to proceed by way of Executive action to protect the national welfare in a crisis. In a great deal of the literature reference is made to his exercise of what he considered to be broad, inherent powers of the President under the Constitution, by way of Executive

order and action, to protect the people of the United States in an hour of crisis, in the absence of any restrictive action by the Congress.

On the other hand, another great President of the United States, William Howard Taft, took an opposite view of this mooted question. He felt that his power was clearly a delegated power, and that only to the extent he could find the specific delegation within the Constitution did he have constitutional power to act in the case of a crisis or national emergency.

One would think, Mr. President, that at some time in the long history of our country there would be a clear, unequivocal statement of the law by the United States Supreme Court which would leave no doubt as to the extent of any inherent powers of the Chief Executives in meeting an emergency.

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

Mr. MORSE. I am glad to yield.

Mr. HUMPHREY. I heard the reference by the distinguished Senator from Oregon to the writings as well as the practices of the late distinguished former President, Theodore Roosevelt.

I have in my hand excerpts from Theodore Roosevelt's autobiography, wherein, at pages 388 and 389, he states in clear and unmistakable language the thought which the Senator from Oregon was expressing a moment ago. I wonder whether the Senator would permit me or would like to have me buttress his argument at this point merely by reading a quotation from the former President?

Mr. MORSE. If no other Senator on the floor objects, I should be very happy to have the statement placed in the RECORD at this point.

Mr. HUMPHREY. Mr. President, a prime exponent of the broad view of inherent executive power was Theodore Roosevelt. On the pages which I have cited, here is what he had to say:

> I declined to adopt the view that what was imperatively necessary for the Nation could not be done by the President unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws. Under this interpretation of Executive power I did and caused to be done many things not previously done by the President and the heads of the Departments. I did not usurp power. In other words, I acted for the public welfare, I acted for the common well-being of all our people, whenever and in whatever manner was necessary, unless prevented by direct constitutional or legislative prohibition.

Mr. President, I may say to the Senator from Oregon, in reference to the citation which I have made from Theodore Roosevelt's Autobiography, it is interesting to note that in the classical text entitled "Labor Disputes and the President of the United States," by Edward Berman, Ph. D., instructor of economics at the University of Illinois, published in 1924, on page 58 of the document, which is considered to be a classic in terms of the discussion of the powers of the Executive in labor disputes, there is found a citation as to President Roosevelt's action in reference to a strike situation in the State of Pennsylvania. There Dr. Berman points out that Theodore Roosevelt was prepared to seize the coal mines, and had made all preparations to do so, in the exercise of what he considered to be his inherent powers under the Constitution, flowing from the powers of the Executive.

Mr. President, I shall not any longer interrupt the Senator's address, except to say that the history of constitutional law in this country is replete with cases, with citations from such eminent justices as Chief Justice Marshall and from great statesmen like Alexander Hamilton, in his discussions of the powers of the Constitution, and from others, along the line that the Senator from Oregon is now discussing.

Mr. MORSE. Mr. President, I thank the Senator from Minnesota for the contribution he has made and the excerpt he has placed in the RECORD from the autobiography of Theodore Roosevelt, bearing out what I said a few moments ago in my comments about Roosevelt's views, namely, that Roosevelt looked upon his executive powers in a time of crisis or emergency as being very broad, and that he considered only the restrictions upon him in protecting what he considered to be the national interests in a crisis or national emergency were those placed upon him by the Congress.

The remarks of the Senator from Minnesota and his insertion as a part of my remarks—which I was very happy to accept—of the pertinent quotation from Theodore Roosevelt's autobiography, setting forth his views as to his inherent powers as Chief Executive of this land in time of emergency, are very apropos of the great constitutional issue once again pending before the American people.

I had made the point earlier that it is interesting to note that from emergency to emergency, when Presidents have deemed it necessary to act executively to protect the immediate interests of the American people, jeopardized by a sudden emergency, the floor of the House and the floor of the Senate have rung with denunciations of the alleged arbitrary, capricious action of various Presidents of the United States.

It is an old, old scene in this great play of American politics, and only the actors change from time to time. It is too bad, Mr. President, that the United States Supreme Court has not gotten into the play much more actively than it has to date. I have never felt that this great constitutional question should not be subject to a very definite decision on the part of the United States Supreme Court, particularly with regard to the meaning of the Constitution of the United States in the field of separation of powers in respect to the extent to which the President of the United States has inherent powers, not specifically expressed in the Constitution, to protect the people of the Nation in an hour of crisis until such time as the Congress could take whatever restrictive action upon his exercise of power it might deem proper and appropriate.

Mr. President, it is very interesting to note that this great constitutional issue has been fought out in the arena of constitutional debates, mostly among legal scholars. Although there have been some references to it, in large part by way of dicta in court decisions, it is proper to say once again that it still remains a great moot question of constitutional law.

Last night when the President of the United States had finished his speech on the steel crisis I was called by the press for an expression of view. I am perfectly willing to say on the floor today what I said last night. In effect I said that I thought there was no doubt about the fact that the steel mills must be kept hot, but that I felt the heads of the steel companies and of the union ought to become cool. I said I felt that, with cool deliberation, and in keeping with the obligations of the industrial statesmanship both sides owe to the American people, they should sit down in Washington and negotiate a settlement of their differences, which I am convinced involve issues which men, acting in good faith, can settle by direct negotiation among them. I indicated to the press last night that I considered it to be the patriotic duty of the disputants in this case to do so.

Then I expressed the view that a President of the United States, confronted with the crisis which confronted the President last night, had the duty to take such action as he deemed necessary to meet the crisis in the interest of the defense of the country, in keeping with what he considered to be his inherent powers, until such time as Congress decided to legislate upon the subject.

When I made that statement, Mr. President, I sought to raise, of course, the disputed and debatable theory of Presidential powers, about which the great Professor Corwin has written so brilliantly in so many treatises. I shall not take the time of the Senate to elaborate upon the Corwin theory, because I think it can be set forth in a thumbnail sketch very concisely.

A great many writers in the field of constitutional law, among them the distinguished Professor Corwin, have pointed out that the President of the United States does have certain inherent powers to protect the life and property and interests of the American people when a great emergency arises.

Mr. President, I believe that some of the confusion which has developed among some people on this subject has resulted from what I consider to be a false assumption on their part. The false assumption is that the power which Corwin discusses can be exercised by a President only when the crisis or the emergency exists offshore; that is, when the emergency or the crisis is one that involves American life or property or interests beyond the territorial boundaries of the United States. Such an instance is the historical incident in Nicaragua, when American life and property and interests were jeopardized by a foreign power, and the President of the United States, without first getting the approval of the Congress, proceeded

to use the American military force to protect the life, property, and interests of American nationals.

Thus we have a whole body of cases and historical incidents marked down on the pages of American history in which American Presidents have proceeded to exercise executive power without any prior action by Congress, to protect the life, property, and interests of American nationals abroad.

It is only in more recent times, as the world has shrunk in size and there has come about a close interrelationship between international problems and domestic economic problems, that we find that crises which greatly jeopardize the national interest can arise within our own country. In such cases Presidents in the past have exercised executive power prior to any action by Congress. There were many such examples during World War II. Then as now, when the President has exercised such alleged inherent power, charges have been made on the floor of the Senate and on the floor of the House to the effect that he was usurping power, that he was trying to tear up the Constitution, and that he was seeking to establish some sort of dictatorship in the White House.

It is interesting to note, as we look at these instances of the exercise of executive power over the decades, that the excitement dies away as the emergency vanishes, and thus it has come to be said that Presidents of the United States have been attacked for allegedly exceeding their powers in times of emergency, but that they have solved the emergency, and that subsequently it was found that the Constitution was still standing. Sometimes it has been put in this way: that in these emergencies the Presidents have had the job of saving the American people and saving the Constitution at the same time.

Mr. President, when the courts have stepped in subsequently, it has been interesting to note that they always have found it possible, at least, to hand down a decision which does not decide whether the President had the power he exercised, but which points out that by the time the question reached the courts it had become mooted because the emergency no longer existed. Mr. President, from the standpoint of a lawyer, that is rather rankling because lawyers would like to have such points settled for future reference.

I thought that perhaps in this crisis, in view of the action taken last night by the President, there might be established a set of facts on the basis of which a case would finally reach the Supreme Court for a clear-cut decision on the question of the alleged inherent powers of the President of the United States. Perhaps that will happen, Mr. President.

However, there has just been handed to me a clipping from the news ticker which indicates that at least the first round of the legal battle has been fought; and the decision in that round seems to be, if I correctly read the ticker news, and if it is an accurate report of the decision of the judge in that case, in favor of the President. The ticker carries the following statement in reference to Judge Holtzoff's action today on this matter:

> Judge Holtzoff overruled a challenge in United States district court to the seizure order by three steel companies—Republic Steel Corp., Bethlehem Steel Co., and Youngstown Sheet & Tube Co.
>
> Holtzoff said he could not grant the "drastic remedy" of an injunction. He said the steel industry has recourse to damage suits against the Government if the companies can prove in other actions they have been injured by Government seizure. Holtzoff delivered his opinion from the bench, after hearing arguments for the three steel firms and from Assistant Attorney General Holmes A. Baldridge, for the Government.
>
> Baldridge said that seizure was authorized by the "inherent powers of the President" and by Presidential powers in an emergency.
>
> Holtzoff declared that the temporary restraining order sought by the steel firms "actually and in essence would be an injunction against the President of the United States."

Mr. President, I should like to repeat the last statement from the reported decision of the judge, because it is a repetition of similar rulings in years gone by on the question of the separation of powers, which again is involved in this dispute:

> Holtzoff declared that the temporary restraining order sought by the steel firms "actually and in essence would be an injunction against the President of the United States."

Mr. President, I would not say a President of the United States could not follow a course of action which might not subject him to injunctive relief on the part of the persons who might be damaged by the course of action pursued by him. But does any Member of the Senate think for a moment that any court in this land will enjoin the President of the United States in his exercise of what he believes to be Executive power inherent in him as Commander in Chief under the Constitution of the United States, except in the clearest case of abuse of Executive power? Why, of course not.

Mr. HUMPHREY. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. HUMPHREY. I am sure the Senator from Oregon will recall the famous statement of former President Andrew Jackson that "The court has its injunction. Now let it try to enforce it."

The present situation is somewhat different, but I am sure the Senator from Oregon feels that it relates to the problem confronting the judiciary in connection with an attempt to enforce injunction upon the Chief Executive when he is acting within his powers under the Constitution.

Mr. MORSE. Mr. President, the Senator from Minnesota has referred aptly to one of the great, historic incidents involving the very subject matter upon which I am commenting this afternoon.

If we are to be realistic about this matter, we must face the fact that injunctive power will not be exercised against the President of the United States by any court in the land, and should not be, except and unless the facts in the case show a clear abuse of Executive power. Even then, Mr. President, there are alternatives for a court to follow. Even then, under the doctrine of the separation of powers, methinks I can hear a court say to the Congress, "You have your impeachment power," and remind the Congress that in the Constitution there is clear provision of both procedure and constitutional policy in regard to proceeding against a President who might be guilty of such a clear abuse of Executive power as to warrant impeachment.

Mr. President, when we discuss the legal history on this point, we are talking about a bewhiskered legal problem on which the freshmen taking constitutional law courses of the law schools of the United States are brought up. Yet as one listens in the Senate to some of the discussions of this issue, one would think it was novel in its constitutional aspects. However, it is just a case of history repeating itself, when in times of emergency a President of the United States, with the tremendous obligations and responsibilities imposed upon him, deems it necessary to move in to protect the national interest, to prevent great harm from being done to the national welfare, and to safeguard the security of the Nation and its defense until such time as the Congress, under the Corwin theory, may take action.

It was from that angle that I stated last evening that I believe any President of the United States has the obligation of protecting the national interest of the United States in time of emergency by exercising what he honestly believes to be his executive power in the public interest, until such time as the Congress, acting under the Corwin theory, takes whatever legislative action it deems appropriate in the premises.

Mr. President, it is to be expected that in an election year almost anything of a controversial nature a President of the United States may do will be subject to attack and criticism. However, in a matter such as this, I intend to direct my attention to the legal problems which I believe to be involved. I shall do what I can to get at least this branch of the Congress, of which I am a Member, to face what I regard as its legislative responsibilities relative to the adoption of legislative procedures for the handling of great emergencies.

The problem of seizure has been before the Congress now for some years, but Congress has done nothing about it. For some time we have known, Mr. President, that the emergency-disputes section of the Taft-Hartley law is not effective in the handling of great national emergencies which involve strikes stretching across the Nation. In introducing my seizure bill today I do not claim perfection for it. In the remarks I have already placed in the RECORD in respect to that bill I have sought to point out again what I think are the dangers of a policy of seizure of any segment of industry by Government. I would that we could avoid it entirely, but we cannot.

What are we to do? As the President sits in the White House and sees the furnaces which must be kept red hot if our Armed Forces are to be supplied with the munitions needed in order to fulfill their sacred obligation, which they are doing so bravely, is he to wait for a strike to take place? Is he to wait for manage-

ment and labor to fight it out by economic action? Is he going to let the furnaces become cold?

Is he going to permit great public confusion and anger and controversy to develop during the period of time when the furnaces are down? Is he going to permit a single hour of cessation of the production of steel necessary for the defense of the country? Or is he going to be realistic about it and say, as Presidents in the past have said, "I am going to act. I am going to take the action necessary to keep the furnaces glowing and the steel flowing. If I infringe the legal rights of any company or of any citizen, the courts will be open to protect those rights"—as Judge Holtzoff, this afternoon in the decision to which I alluded when I read the ticker news in regard to it, stated was the right available to the steel companies. If this seizure by the President of the United States for this temporary period of time, while the Congress comes to grips with its legislative responsibilities in this matter, results in injury to the steel companies, they have their legal redress.

Mr. President, I know something about the cases in which companies have sought legal redress from Government seizure when, in their opinion, they did not obtain full compensation from the Government for the use of their property during the period of seizure. I do not know of a single instance in which, when the case was all over, the party litigant on the plaintiff's side thought he came out so badly with the Government. They do pretty well. In fact, one thing which worries me about seizure is the fact that the taxpayers do not do so well when it comes to the settlement of the final accounts. My observation has been that they pay a good price in all these cases.

So, Mr. President, I desire to make it clear that I am not passing judgment with any finality upon the inherent powers of the President, but I am saying that if there had been a Republican President in the White House last night I should have expected him, too, to protect the defenses of the Nation by keeping the steel mills going. I should have expected him to deal with the parties themselves subsequently thereto by means of whatever legal procedures might be available to him as the Commander in Chief, or which might be available to the law-enforcement arm of his administration, the Department of Justice.

I am afraid that one of the main reasons for much of the criticism of the President's action is that it was effective in keeping the steel mills rolling. I am afraid that the steel companies were perfectly willing to place their selfish interests above their country. They demanded a price increase of their own determination or they would bank their fires. In that sense, they forced the strike.

Already in this debate there has been much said about whether we are or are not presently at war. I think it is rather academic talk. Much of it is not only academic but also political. The CONGRESSIONAL RECORD will show that from this desk, the day after the famous Blair House conference and the announcement of the decision to send troops to Korea, the junior Senator from Oregon expressed the view that we were at war. Then we did not have so many "Monday-morning quarterbacks" on the Korean war as we have now. The junior Senator from Oregon said on that occasion that when the American flag moves onto the battlefield and our boys start dying in defense of it, we are at war, and that we ought to proceed to conduct ourselves, as a government and as a people, upon that premise. I do not purport to quote verbatim from that speech, but what I have just said expresses clearly and in about the same terms what I said on that occasion.

Mr. President, there would not have been a corporal's guard in the Senate of the United States on that morning who in our opinion would have raised objection to our movement into Korea.

What is there to all the talk about a declaration of war? One would think the President of the United States had been guilty of a great constitutional crime because he did not declare war. To declare war does not happen to be his constitutional prerogative; it happens to be the constitutional power of the Congress of the United States. For the purposes of the RECORD, let me repeat once more what the Constitution says about the power of the Congress of the United States. In listing its delegated powers, the Constitution says, in part:

> To declare war, grant letters of marque and reprisals, and make rules concerning captures on land and water.

No one on the part of the Congress has offered a resolution providing for a declaration of war. If we are going to criticize the status in which we find ourselves in regard to this question, we should criticize ourselves. There is not anything stopping Congress from proceeding with a declaration of war formally if its wants to meet the letter of the Constitution.

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

Mr. MORSE. I yield.

Mr. CAIN. I am interested in the remarks being made by my friend from Oregon. I would say, however, only to establish the fact, that the junior Senator from Washington, on the 17th day of April 1951 offered a resolution which, had it been adopted, would have declared war on our enemy.

Mr. MORSE. I recall that resolution. If my memory serves me correctly—and if it does not, I am sure my friend from Washington will correct me—it was what would be called a conditional document and not a document directly proposing a declaration of war.

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

Mr. MORSE. I yield.

Mr. CAIN. I think my good friend from Oregon is in error.

Mr. MORSE. Would the Senator object to having inserted at this point in the RECORD, for the purposes of the RECORD, the resolution which he introduced, so that it will speak for itself?

Mr. CAIN. If the Senator from Oregon thinks it would be an important addition to the RECORD, I shall be pleased to have it reprinted at this point.

The resolution is as follows:

> Whereas the United States and other nations of the United Nations have been engaged for more than 9 months in carrying out the United Nations mandate to suppress the aggression against the Republic of Korea; and
>
> Whereas the aggressors in Korea have been supported by the Chinese Communist regime which has furnished them with manpower and military supplies and a sanctuary in Manchuria from which to carry on air and other hostile operations; and
>
> Whereas the support furnished to the aggressors by the Chinese Communist regime has prevented a successful termination of the police action in Korea and has had the effect of converting such police action into a war in which the nations of the United Nations are opposed by the North Korean regime and by the Chinese Communist regime; and
>
> Whereas the General Assembly of the United Nations has found that the Chinese Communist regime has engaged in aggression in Korea; and
>
> Whereas the Chinese Communist regime has committed unprovoked acts of war against the Government and the people of the United States of America; and
>
> Whereas more than one million casualties have been suffered by the opposing forces on the Korean peninsula; and
>
> Whereas the military and naval forces of the United States alone have suffered more than sixty thousand casualties in the course of operations in carrying out such mandate; and
>
> Whereas the President of the United States in his address to the Nation on Far East policy, delivered on April 11, 1951, stated that we were "fighting a limited war in Korea"; and
>
> Whereas all attempts by arbitration to terminate the war in Korea have failed and it has become evident that the only way successfully to terminate such war is conclusively to defeat the forces of the North Korean regime and of the Chinese Communist regime: Therefore be it
>
> *Resolved, etc.,* That the state of war between the United States on the one side and the North Korean regime and the Chinese Communist regime on the other side which has been thrust on the United States is hereby formally declared; and the President is hereby authorized and directed to employ the entire military and naval forces of the United States and the resources of the Government to carry on war against the North Korean regime and the Chinese Communist regime; and, to bring the conflict to a successful termination, all of the resources of the country are hereby pledged by the Congress of the United States.

Mr. MORSE. Mr. President, without rereading the resolution, I again express the view that it is what would be called a conditional document. As I recall at the same time the Senator from Washington introduced his declaration of war resolution he introduced another resolution proposing that the President should proceed to withdraw all of the Armed Forces of the United States from Korea. I think the effect of the two resolutions as offered by the Senator from Washington on that date was to neutralize each other. I think his resolution proposing to withdraw from Korea certainly conditioned or placed in a sort of state of suspension his resolution proposing a declaration of war. At least the Senate has seemed to so treat it,

because I know of no consideration that has been given to either resolution.

However, I want to say to the Senator from Washington that he at least recognized that there was a problem in regard to whether we were at war and that the duty of declaring war was constitutionally a duty imposed upon the Congress.

But the point I was making, Mr. President, is that, after all, the responsibility for declaring war is ours as a Congress, and we have only ourselves to criticize if the formal letter of the Constitution has not been complied with. The Constitution does not require the President of the United States to send a war message to the Congress of the United States in order that Congress may declare war. However, the action of the President sending troops to Korea was not needed in order to give life to any inherent power he may have to meet an emergency, because at the time of going into Korea and to date we have not repealed in large measure the emergency powers of the President of the United States which were reposed in him during World War II.

That is very important in this discussion, Mr. President, because it gives rise again to the direct issue as to whether as Commander in Chief, he has inherent war powers.

I shall not take the time to quote at any great length from the decision in another great steel case during World War II, but I was thinking today as I considered the problems in the instant steel case and the problems which existed in the steel case in 1942 that one might say, "This is where I came in," because there is such a duplication of pattern in the two cases. There are some differences in facts, but the operative facts are about the same. I think it is rather interesting that the attenion of the Senate should be invited to question the power of the President in this case and the power of the President in the steel case in 1942, because then as now there was a question of wages, overtime, union security, and vacation pay, and there was also the question of the jurisdiction of the War Labor Board gained through the alleged war powers of the President of the United States.

The War Labor Board functioned differently from the Stabilization Board, at least as to this particular detail. It functioned on the basis of an Executive order completely, while the Wage Stabilization Board, I would say, really functions on the basis of a mixed jurisdiction, so far as the source of power is concerned. A part of its jurisdiction, I think, is legislative in nature, and another part, in turn, I think, rests upon the executive power of the Chief Executive.

In the present case before Judge Holtzoff today, learned counsel for the Government challenged the jurisdiction of the President to seize the steel mills. During World War II the steel companies likewise denied the power of the President through the War Labor Board to render any decision in settlement of a dispute in the midst of a war, the successful conclusion of which dispute was vital to the successful prosecution of the war. I want to read a paragraph or two from the Little Steel decision of 1942 and then ask unanimous consent to have the entire decision inserted in the RECORD, because in retrospect it has a historical lesson to teach us if we want to apply the 1942 case to the operative facts of the 1952 case.

I read from the decision:

It is immaterial that the issues involved in the dispute are over wages and union security. It is immaterial that in peacetime the parties might conceivably be justified in raising some legal objection to the enforcement of an arbitration award of which they do not approve. In wartime, there is no basis for questioning the power of the President to order what amounts to compulsory arbitration for the settlement of any labor dispute, such as the instant one, which threatens the war effort. The President having entrusted this duty to the National War Labor Board, it follows that those who challenge a decision of the Board, challenge the war powers of the President.

It is generally recognized that the powers of the President in time of war are very broad and are not subject to exact delineation. It has been said that "The domain of the Executive power in time of war constitutes a sort of 'dark continent,' the jurisdiction and boundaries of which are undetermined." One authority has gone so far as to say that, "From the very beginning of our history as a Nation, statesmen and commentators have held that since it is impossible to foresee what may be the exigencies and circumstances endangering the public safety, therefore, 'no constitutional shackles can wisely be imposed' and none are imposed upon the so-called war powers * * *. They have asserted that the war power implies the right to do anything that may seem necessary to carry on the war successfully even to the extent of performing otherwise unconstitutional acts."

A basic reason for the war powers of the President not being subject to exact delineation is that they must be exercised in the light of facts existing during a time of emergency. War powers are by their very nature extraordinary powers designed to meet a situation wherein ordinary legal process is inadequate to meet the war emergency. They are not subject to examination through the magnifying glass of strict legalistic doctrine or technical legal rules applicable to peacetime situations.

It might be said that they are powers which are governed by the laws of national preservation rather than by the rules of the common law. They are powers which contemplate immediate action in order that the President or his agents may "preserve, protect, and defend the Constitution of the United States," and in order that in so preserving the Constitution, the President may fulfill its guaranty that "The United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion." Clearly, the war powers of the President spring from necessity, or as President Lincoln said, "My oath to preserve the Constitution imposed upon me the duty of preserving by every indispensable means, that Government, that Nation, of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution * * *? I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation."

That is one of the most oft-quoted statements on the mooted question of the inherent power of the President that can be found in all legal literature.

Returning to the decision of the court in the 1942 case, I continue to read:

In addition to the broad war powers of the President, it should be mentioned that the President possesses very great powers which are inherent in the Executive office itself. This is brought out very clearly in a letter which Mr. Justice Frank Murphy wrote to the President of the Senate on October 4, 1939, when he was still Attorney General. He stated:

"The Executive has powers not enumerated in the statutes—powers derived not from statutory grants but from the Constitution. It is universally recognized that the constitutional duties of the Executive carry with them the constitutional powers necessary for their proper performance. These constitutional powers have never been expressly defined and, in fact, cannot be, since their extent and limitations are largely dependent upon conditions and circumstances. In a measure this is true with respect to most of the powers of the Executive, both constitutional and statutory. The right to take specific action might not exist under one state of facts, while under another it might be the absolute duty of the Executive to take such action."

To the same effect, Theodore Roosevelt wrote in his autobiography.

That is the quotation which the Senator from Minnesota [Mr HUMPHREY] referred to a few minutes ago. I shall not repeat it

Returning again to the War Labor Board decision of 1942, I read:

An article in a recent issue of the Harvard Law Review discusses the executive authority of the President, independent of statute. It states in part:

"Despite extensive legislative grants of requisitioning power to the Executive, the vastness of modern economic mobilization almost of necessity creates situations in which action is necessary but which are nevertheless beyond the contemplation of statutes. The strike in a defense industry seems to be such a situation, and President Roosevelt's answer to it in those cases where he has seized plants kindles anew the controversy over the legitimate content of Presidential authority. Theodore Roosevelt claimed for the President a power limited only by express constitutional prohibitions or restrictions validly imposed by Congress. A contrary view was urged by President Taft, who said that the President can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant as proper and necessary to its exercise. Supreme Court opinions seem inconclusive on the point. Lincoln, in practice the most extreme advocate of Presidential action founded on emergency alone, perhaps retreated in theory from that position for he admitted that he was relying on public opinion and hoped for congressional ratification in his raising of armies during the early days of the Civil War. But the passage of time and the increasing centralization of Government functions make it seem probable that the view of Theodore Roosevelt not only will be adopted in practice today, but also will accord most nearly with modern judicial construction if the question should arise. Under either view, moreover, war augments the executive authority just as it expands the proper area of Federal legislation. In the present crisis, therefore, avoidance of the Taft-Roosevelt conflict may be possible for there may be sufficient analogy between modern Presidential action and traditional concepts of proper military action to find affirmative constitutional authority for what has been done. To the degree that the analogy fails, there is potential danger to democratic processes in congressional abdication to a strong President by failing either to authorize or forbid that which the President may regard as necessary action."

Mr. President, without reading the remainder of this part of the decision on the war powers of the President, which is directly in point in view of the discussion today of the exercise of the power by the President last night, I ask unanimous consent to have incorporated in the RECORD at this place that portion of the decision of 1942 dealing with jurisdiction of the Board and powers of the President, beginning on page 350 and extending to page 358 of the War Labor Board Reports.

There being no objection, the portion of the decision referred to was ordered to be printed in the RECORD, as follows:

OPINION ON ISSUE AS TO NATIONAL WAR LABOR BOARD'S JURISDICTION IN THIS CASE

The jurisdiction of the National War Labor Board to determine finally this dispute has been challenged in the briefs submitted by the companies. As pointed out by the panel, the companies contend the War Labor Board may not properly consider the issue of union security nor is it susceptible of determination in a judicial proceeding; that the union shop is in contravention of the Selective Service and Training Act of 1940; that the Board has not power to order a closed shop as applied to Inland because closed-shop contracts are illegal in Indiana; that collection of dues is a union function and the employers are prohibited to participate therein. In their briefs, Inland, Bethlehem, and Youngstown have alleged that a collective-bargaining agreement containing a union-maintenance clause would be in violation of the National Labor Relations Act.

At a public hearing on July 2, counsel for the Youngstown Sheet & Tube Co. argued at length on the issue of the Board's jurisdiction and filed a special brief, challenging the authority of the Board. In the course of his argument he stated, "I raise a legal question which as far as I know has not heretofore been raised in any proceedings before the National War Labor Board. It goes not merely to the authority of this Board to impose a union security clause, but goes to the authority of this Board in a much more fundamental respect and that is to issue any directive order which requires anybody to enter into any kind of contract."

The Board has, of course, considered very carefully the powers and duties entrusted to it under the Executive Order of January 12, 1942. In each case over which it has assumed jurisdiction, the Board has first assured itself that the case fell within the terms of the Executive order.

The National War Labor Board was created through the exercise of the President's war power. Hence the jurisdiction, powers, and duties of the Board stem directly from the war powers of the President. The Board functions as a war agency. It is directly responsible to the President and obligated to exercise the powers and carry out the policies entrusted to it by the President. The arguments advanced by counsel for the companies questioning the jurisdiction of the Board fail to take into account this fact.

The objections to the jurisdiction of the Board overlook the fact that there is inherent in the war powers of the President the authority to take such steps as may be necessary to prevent and settle labor disputes which threaten to disrupt the successful prosecution of the war. The President of the United States as Commander in Chief of the Armed Forces of this Nation, burdened with the duty of seeing that our Armed Forces are not only successfully directed but also are adequately supplied with the weapons of war, has by Executive order entrusted to the National War Labor Board the duty of finally determining all labor disputes which "might interrupt work which contributes to the effective prosecution of the war."

The Executive order makes clear that the effect of the dispute upon the war effort and not the subject matter of the dispute is the criterion which determines the Board's jurisdiction. There is no basis for questioning the fact that the several issues involved in the instant case constitute a dispute which threatened the prosecution of the war. The production of steel is vital to our war program.

WAR POWERS OF PRESIDENT

It is immaterial that the issues involved in the dispute are over wages and union security. It is immaterial that in peacetime the parties might conceivably be justified in raising some legal objection to the enforcement of an arbitration award of which they do not approve. In wartime, there is no basis for questioning the power of the President to order what amounts to compulsory arbitration for the settlement of any labor dispute, such as the instant one, which threatens the war effort. The President having entrusted this duty to the National War Labor Board, it follows that those who challenge a decision of the Board, challenge the war powers of the President.

It is generally recognized that the powers of the President in time of war are very broad and are not subject to exact delineation. It has been said that the domain of the Executive power in time of war constitutes a sort of Dark Continent, the jurisdiction and boundaries of which are undetermined. One authority has gone so far as to say that, "From the very beginning of our history as a Nation, statesmen and commentators have held that since it is impossible to foresee what may be the exigencies and circumstances endangering the public safety, therefore, no constitutional shackles can wisely be imposed and none are imposed upon the so-called war powers * * *. They have asserted that the war power implies the right to do anything that may seem necessary to carry on the war successfully even to the extent of performing otherwise unconstitutional acts."

A basic reason for the war powers of the President not being subject to exact delineation is that they must be exercised in the light of facts existing during a time of emergency. War powers are by their very nature extraordinary powers designed to meet a situation wherein ordinary legal process is inadequate to meet the war emergency. They are not subject to examination through the magnifying glass of strict legalistic doctrine or technical legal rules applicable to peacetime situations.

It might be said that they are powers which are governed by the laws of national preservation rather than by the rules of the common law. They are powers which contemplate immediate action in order that the President or his agents may preserve, protect, and defend the Constitution of the United States, and in order that in so preserving the Constitution, the President may fulfill its guaranty that the United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasion. Clearly, the war powers of the President spring from necessity, or as President Lincoln said, "My oath to preserve the Constitution imposed upon me the duty of preserving by every indispensable means, that Government, that Nation, of which the Constitution was the organic law. Was it possible to lose the Nation and yet preserve the Constitution * * *? I felt that measures otherwise unconstitutional might become lawful by becoming indispensable to the preservation of the Constitution through the preservation of the Nation."

OTHER POWERS OF PRESIDENT

In addition to the broad war powers of the President, it should be mentioned that the President possesses very great powers which are inherent in the Executive Office itself. This is brought out very clearly in a letter which Mr. Justice Frank Murphy wrote to the President of the Senate on October 4, 1939, when he was still Attorney General. He stated:

"The Executive has powers not enumerated in the statutes—powers derived not from statutory grants but from the Constitution. It is universally recognized that the constitutional duties of the Executive carry with them the constitutional powers necessary for their proper performance. These constitutional powers have never been expressly defined, and, in fact, cannot be, since their extent and limitations are largely dependent upon conditions and circumstances. In a measure this is true with respect to most of the powers of the Executive, both constitutional and statutory. The right to take specific action might not exist under one state of facts, while under another it might be the absolute duty of the Executive to take such action."

To the same effect, Theodore Roosevelt wrote in his autobiography:

"The most important factor in getting the right spirit in my administration, next to the insistence upon courage, honesty, and a genuine democracy of desire to serve the plain people, was my insistence upon the theory that the Executive power was limited only by specific restrictions and prohibitions appearing in the Constitution or imposed by the Congress under the constitutional powers. My view was that every executive officer, and above all every executive officer in high position, was a steward of the people bound actively and affirmatively to do all he could for the people, and not to content himself with the negative merit of keeping his talents undamaged in a napkin. I declined to adopt the view that what was imperatively necessary for the Nation could not be done by the President unless he could find some specific authorization to do it. My belief was that it was not only his right but his duty to do anything that the needs of the Nation demanded unless such action was forbidden by the Constitution or by the laws."

An article in a recent issue of the Harvard Law Review discusses the Executive authority of the President, independent of statute. It states in part:

"Despite extensive legislative grants of requisitioning power to the Executive, the vastness of modern economic mobilization almost of necessity creates situations in which action is necessary but which are nevertheless beyond the contemplation of statutes. The strike in a defense industry seems to be such a situation, and President Roosevelt's answer to it in those cases where he has seized plants kindles anew the controversy over the legitimate content of presidential authority. Theodore Roosevelt claimed for the President a power limited only by express constitutional prohibitions of restrictions validly imposed by Congress. A contrary view was urged by President Taft, who said 'that the President can exercise no power which cannot be fairly and reasonably traced to some specific grant of power or justly implied and included within such express grant as proper and necessary to its exercise.' Supreme Court opinions seem inconclusive on the point. Lincoln, in practice the most extreme advocate of presidential action founded on emergency alone, perhaps retreated in theory from that position, for he admitted that he was relying on public opinion and hoped for congressional ratification in his raising of armies during the early days of the Civil War. But the passage of time and the increasing centralization of Government functions make it seem probable that the view of Theodore Roosevelt not only will be adopted in practice today, but also will accord most nearly with modern judicial construction if the question should

arise. Under either view, moreover, war augments the Executive authority just as it expands the proper area of Federal legislation. In the present crisis, therefore, avoidance of the Taft-Roosevelt conflict may be possible, for there may be sufficient analogy between modern presidential action and traditional concepts of proper military action to find affirmative constitutional authority for what has been done. To the degree that the analogy fails, there is potential danger to democratic processes in congressional abdication to a strong President by failing either to authorize or forbid that which the President may regard as necessary action.

"The President's capacity as Commander in Chief furnishes the most direct support for his exercise of requisitioning powers. In *Mitchell* v. *Harmony* and *United States* v. *Russell* the Supreme Court recognized the validity of the taking of private property by an army officer to supply his troops. The court was careful to limit this power to 'danger * * * immediate and impending' and 'emergency * * * such as will not admit of delay or a resort to any other source of supply.' It has been argued that the procurement of supplies for the Armed Forces is beyond the authority of the President as Commander in Chief, since the Constitution has given to Congress the power to raise and support armies. But in the absence of an express statutory denial, there seems to be no reason why the power of a military officer in the field to requisition supplies in an emergency should be denied to his superior, the President. The development of warfare from a battle between armies to a battle between economics is relevant in determining both the nature of an emergency which must exist for the power to arise and the nature of the goods classifiable as necessary equipment for the waging of war."

EXAMPLES FROM PREVIOUS WARS

As Commander in Chief in time of war, the President's authority extends not only to matters of strictly military nature or to problems directly related to military activity, but also to whatever phases of civilian life must be controlled in order to prosecute the war successfully. The history of this Nation is replete with instances in which our war Presidents have exercised very broad and sweeping powers. Thus, they have, by Executive orders, governed the conduct of enemy aliens, established censorship, placed restrictions on trade and industry, and established agencies to carry out such functions. One writer points out that President Lincoln, without congressional authority, issued a proclamation increasing the size of the Army and the Navy, called for over 80,000 volunteers, ordered 19 vessels added to the Navy, and directed the Secretary of the Treasury to advance $2,000,000 of public money to pay for requisitions necessitated by the military and naval increases. He did all this in the face of the constitutional provisions giving Congress the exclusive power to raise and support armies.

The same author also points out that Lincoln, as Commander in Chief of the Army, issued the Emancipation Proclamation depriving numerous people of what theretofore had been considered personal property. He ordered his military commanders to suspend a writ of habeas corpus. It was argued that since this right of suspension appears in the article of the Constitution devoted to the legislative branch of the Government, therefore, this power of suspension was vested in Congress alone. To those who thus argued, President Lincoln replied that as the provision "was plainly made for a dangerous emergency, it cannot be believed the framers of the instrument intended that in every case the danger should run its course until Congress should be called together."

President Wilson armed American merchantmen without constitutional authority, set up various forms of censorship, gave Herbert Hoover "full authority to undertake any steps necesssary for the proper organization of efforts for conservation of food resources." Congress itself has on many occasions recognized that it is necessary for the President to exercise broad war powers and, hence, has passed many statutes implementing those powers.

At the hearing before the Board on July 2, 1942, counsel for Inland stated:

"I do agree without reservation that this Board exercises the war powers of the President. I do not think, however, that it exercises any more of that power than the President has conferred upon it and the extent of the war power conferred on this Board by the President is determined by the Executive order."

It is the position of the War Labor Board that its decision in this case falls within the terms of the Executive order creating the Board. The whole Executive order of January 12, 1942, must be interpreted in light of the purpose for which the Board was created, namely, to settle all labor disputes "which might interrupt work which contributes to the effective prosecution of the war." Section 2 of the order provides that "this order does not apply to labor disputes for which procedures for adjustment of settlement are otherwise provided until those procedures have been exhausted." This section indicates clearly that the President intended to empower the War Labor Board with jurisdiction over all labor disputes, subject to the proviso that it should function as a tribunal of last resort in those instances in which other procedures exist for the settlement of disputes.

Section 3 of the order sets out the procedural steps to be followed by the Board in taking jurisdiction over labor disputes "which might interrupt work which contributes to the effective prosecution of the war." It provides in addition that "after it takes jurisdiction, the Board shall finally determine the dispute and for this purpose may use mediation, voluntary arbitration, or arbitration under rules established by the Board."

ALLEGED CONFLICT WITH NLRA

Counsel for the companies in this case contend that section 7 of the Executive order takes this case out from under the jurisdiction of the Board because the issues involved conflict with the provisions of the National Labor Relations Act. The position of counsel is untenable because section 7 of the Executive order must be read in connection with the rest of the order, particularly in connection with its relation to section 2. It is the view of the War Labor Board that section 7 merely reiterates the point that the Executive order is not to be construed as superseding or conflicting with the jurisdiction of the several agencies functioning under the acts enumerated in the section.

In other words, section 7 of the Executive order does not place a limitation upon the power of the Board finally to determine on their merits whatever issues may arise in a labor dispute, but rather when read in conjunction with section 2 of the order, it places a procedural limitation upon the War Labor Board in that the procedures of other existing agencies for the settlement of labor disputes shall be exhausted before the War Labor Board takes jurisdiction. That is, the section lays down the rule in effect that the War Labor Board shall not supersede or conflict with the jurisdiction of the agencies empowered to carry out the provisions of the various acts enumerated in the section. However, even granting for sake of argument that section 7 of the order relates to matters of substantive law rather than to procedural rights only, there is nothing in the decision of the War Labor Board in this case which conflicts with the provisions of the National Labor Relations Act or any other law enumerated in section 7.

The National Labor Relations Act provides in part:

"SEC. 8. It shall be an unfair labor practice for an employer * * * (3) by discrimination, in regard to hire or tenure of employment of any term or condition of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this act, or in the National Industrial Recovery Act (U. S. C., Supp. VII, title 15, secs. 701-712), as amended from time to time, or in any code or agreement approved or prescribed thereunder, or in any other statute of the United States, shall preclude an employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in this act as an unfair labor practice) to require as a condition of employment membership therein, if such labor organization is the representative of the employees as provided in section 9 (a), in the appropriate collective bargaining unit covered by such agreement when made."

The maintenance-of-membership clause is not contrary to the National Labor Relations Act if it falls within the proviso of section 8 (3). This specific question has not been adjudicated by any court, and it is therefore proper that we look to the interpretation of the National Labor Relations Board.

OPINION OF NLRB COUNSEL

On September 11, 1941, the President of the United States suggested to the Chairman of the then existing National Defense Mediation Board that the Board consider, with the National Labor Relations Board, the question now under discussion. This was done, and the general counsel of the National Labor Relations Board confirmed the opinion of the National Defense Mediation Board and reached the conclusion "(1) that the proviso to section 8 (3) makes it lawful under the National Labor Relations Act * * * for an employer to make an agreement with an unassisted union, which is the exclusive representative of the employees in an appropriate unit, requiring as a condition of employment that such employees be members of the contracting union; (2) that the proviso is not confined to the closed-shop variety of contract; and (3) that an employer does not engage in unfair labor practices within section 8 of the National Labor Relations Act by including in a contract with a proper labor organization a maintenance-of-membership clause."

The rationale of this result lies in the purpose of the proviso. The proviso allows contracts which require as a condition of employment membership in a contracting labor organization, which is the exclusive representative of the employees in an appropriate unit. It is obvious that the maintenance-of-membership clause goes no further than to require as a condition of employment membership in the union. The only difference between this clause and the closed-shop provision is that the latter requires all employees to be union members as a condition of employment, whereas the clause awarded in the instant case makes membership a condition of employment only with respect to those employees who, after a 15-day period following the directive order, are members of the union or who thereafter become members during the life of the contract. Both require as a condition of employment membership in the contracting union.

The general counsel of the National Labor Relations Board has also pointed out that although the House and Senate committees discussed the section under consideration only as it related to the closed-shop contract, yet the legislative history of the act does not warrant any conclusion that Congress intended to confine the protection of the proviso to closed-shop contracts.

The National Labor Relations Board not only has held that closed shops come within the proviso that has also included union

preference contracts within its scope. The union preference and closed-shop contracts differ only in degree, as also does the maintenance-of-membership clause. The essential similarity lies in their identity of purpose, namely, the recognition of the advisability of allowing and protecting the strength of bona fide labor organizations. It would be a tortured construction of the National Labor Relations Act to rule that any agreement which provides for a degree of unionism less than the closed shop would be in conflict with the act, whereas a closed-shop agreement would not be. The contention of counsel in this case amounts to just that.

Furthermore, the position of counsel on this point is not well taken because of the fact that the maintenance-of-membership provision is not being adopted voluntarily by the parties, but, in fact, is being imposed upon them by the order of the War Labor Board in accordance with its duty finally to determine this particular labor dispute which threatens to interrupt a successful prosecution of the war effort. Therefore the provisions of the National Labor Relations Act are in no way applicable to the case.

CONFLICT WITH OTHER STATUTES

Counsel for Inland has challenged the Board's jurisdiction to order a check-off in their plant on the ground that the check-off violates section 40–201, Burns, Ind. Stat. An., 1933, vol. 8, which provides:

"The assignment of future wages, to become due to employees from persons, companies, corporations or associations affected by this act, is hereby prohibited nor shall any agreement be valid that relieves said persons, companies, corporations or associations from the obligation to pay weekly, the full amount due, or to become due to any employee in accordance with the provisions of this act: *Provided,* That nothing in this act shall be construed to prevent employers advancing money to their employees."

It is the opinion of the Board that the section has no reference to the type of arrangement involved in the check-off system. The Supreme Court of Indiana, in passing upon the constitutionality of this statute, very clearly enunciated the legislative purpose behind it. In the case of *International Textbook Co.* v. *Weissinger,* 160 Ind. 349, the court stated:

"A large proportion of the persons affected by these statutes of labor are dependent upon their daily or weekly wages for the maintenance of themselves and their families. Delay of payments or loss of wages results in deprivation of the necessities of life, suffering, inability to meet just obligations to others and, in many cases, may make the wage earner a charge upon the public. The situation of these persons renders them peculiarly liable to imposition and injustice at the hands of employers, unscrupulous tradesmen, and others who are willing to take advantage of their condition. Where future wages may be assigned, the temptation to anticipate their payment and to sacrifice them for an inadequate consideration is often very clear. Such assignments would in many cases leave the laborer or wage earner without present or future means of support. By removing the strongest incentive to faithfully serve—the expectation of pecuniary award in the near future—their effect would be alike injurious to the laborer and his employer."

A Missouri court, while passing upon a similar statute, discussed the Indiana case with approval and stated:

"It is a fact too well known * * * that in our centers of population and trade, wage earners, i. e., those who are paid by the day or the week or the month, constitute the only class which borrows money and pledges its future earnings in payment of the same. It is equally well known that the money shark," not too harshly named * * * is the usual, if not the only lender. The purpose of the statute therefore, * * * is to protect the first from the exactions of the last (*Heller* v. *Lutz* (164 S. W. 123 (Mo. 1914))."

It follows from these judicial pronouncements of policy that the check-off does not fall within the purposes of the statute under consideration. The Indiana statute, in the words of the court, in *Heller* v. *Lutz,* supra, "bears the stamp of beneficence on its face." It would be, indeed, a strained construction to say that an arrangement aiding in the maintenance of peaceful labor relations and redounding to the benefit of the workers would fall within the prohibition of a statute designed to protect the laboring man from "employers, unscrupulous tradesmen, and others who are willing to take advantage of [the workers'] * * * condition."

Not only has the Indiana court indicated that the legislative purpose of the assignment statute was not to prohibit the check-off, but the administrative practice of the State indicates that those burdened with the duty of enforcing this statute do not consider that the check-off falls within the statute. The record shows that there are many employers in Indiana who have entered into collective-bargaining agreements embodying the check-off provision. We know of no case in which these companies have been prosecuted by the Department of Inspection, although that Department is by virtue of section 40–203 of Burns (Ind. Stat., 1933), given the duty of enforcing the assignment provision. This negative interpretation, in the absence of an affirmative interpretation, is entitled to weight.

In construing a statute, one must look to the purpose of the statute. In *Strom* v. *Prince* (279 N. Y. S. 589 (1935)), the court held that a statute regulating the assignment of wages " * * * is to be interpreted with the degree of liberality essential to the attainment of the end in view." That end, the court pointed out, was "social service and social justice." The court further emphasized the necessity of considering the true purpose of the statute when it wrote "How can this statute serve its real purpose if we put it in the strait-jacket of a too strict or restricted construction?"

The record shows (transcript, pp. 312, 313, Mediation Panel Hearing) that the Inland Co., at the present time, makes various deductions from its employees' wages, deductions for insurance, merchandise, and miscellaneous. Further, in Kentucky, Inland has a check-off contract with the United Mine Workers, and in that State there is an antiassignment statute similar in principle to the Indiana statute. Thus, it would appear that Inland in practice does not consider a check-off as violating an antiassignment statute.

The contention of counsel that the Selective Service Act of 1940 stands as a bar to the union-security clause granted in this case is not entitled to serious consideration for the reason that the decision of the War Labor Board would be binding upon the parties only for the duration of the war. At the close of the war the Selective Service Act contemplates that the returning soldiers shall be reinstated in their jobs in the same status which they held at the time they entered the Armed Forces. There is nothing in the union-maintenance clause granted by the Board in this decision which would be inconsistent with such a reinstatement.

WAR POWERS INVOKED TO EFFECT COMPLIANCE

Finally, it should be pointed out that if the War Labor Board should ever exceed the powers and jurisdiction vested in it by the Executive order creating it, the President retains the power to check it. The War Labor Board obviously cannot exercise greater powers than the President gives to it, and the final enforcement of the directive orders of the War Labor Board rests with the President. The Board lacks enforcement powers of its own but must turn to the President for final enforcement of its decisions by an exercise of the President's war powers. Attention is called to the fact that the President has indicated very clearly taht he expects the parties to all disputes coming before the War Labor Board, to respect and conform to the decisions of the Board.

One case in point is case No. 48, involving a dispute between the Toledo, Peoria & Western Railroad Co. and certain railroad brotherhoods. The jurisdiction of the War Labor Board was challenged by the employer. The Board took jurisdiction of the dispute after the National Railway Mediation Board had exhausted its procedures for the settlement of the dispute and so notified the War Labor Board. The Board, upon investigation of the merits of the dispute, directed the parties to arbitrate their differences. The railroad company refused to abide by the decision of the Board and challenged its jurisdiction.

When the Board became convinced that the company proposed to continue its defiance, the Board recommended to the President that the railroad be seized by the United States Government under the war powers of the President and operated by the Government until such time as the company agreed to comply with the Board's decision. The President approved the Board's recommendation and issued an order under his war powers, placing the railroad under governmental control and operation.

In several other cases where there have been threatened defiances of the Board's directive orders, the recalcitrant party has seen fit to comply with the Board's decision before it became necessary to recommend to the President some such drastic action as was adopted in the Toledo, Peoria & Western Railroad case. However, the Board has always made clear that in any case of defiance it will urge the exercise of all such war powers as may be necessary in order to secure compliance.

It expressed its position in this regard in case No. 16, by use of the following language:

"This country is at war, and the events in that war to date make clear that we cannot condone the conduct of any employer or labor group in America that places its selfish welfare above the interests of the country * * *. The position of the company leaves the National War Labor Board with no other alternative but to rule that unless the employers involved comply immediately with the decision of the National War Labor Board, their defiance of said Board must be repudiated by patriotic Americans and challenged by whatever forces of Government may be necessary to obtain compliance."

In view of the vital importance of the steel industry to the successful prosecution of the war, it is only fair to make clear to the parties concerned in this dispute that any attempt on their part to stay the carrying out of this decision must be construed by the Board as a challenge to the war powers of the President. In such an event, the Board will not hesitate to recommend that the war powers be exercised to whatever degree may be necessary to meet successfully such a challenge.

Mr. MORSE. Mr. President, as a matter of interest, I also ask unanimous consent to have printed in the RECORD the other portions of the decision in the Little Steel case of 1942, dealing with the other issues of the case beginning on page 328 and ending on page 350.

There being no objection, the portions of the decision referred to were ordered to be printed in the RECORD, as follows:

SUMMARY OF OPINIONS

In this important case the writing of opinions for the Board on the several issues has been assigned as follows:

To Dr. Taylor, vice chairman, the wage issue, to Dr. Graham, the issue of union status, and to Dean Morse (1) the issue of minimum wage guarantee and (2) the question of the jurisdiction of the Board. The opinion by the chairman is written to summarize the case as a whole.

THE WAGE ISSUE

Because of its relation to that part of the war program which seeks to prevent the cost of living from spiraling upward, the requested wage increase of $1 a day, or 12½ cents per hour, is the most important issue in these cases.

We have allowed a wage increase of 5.5 cents per hour. Of this amount 3.2 cents measures a disadvantage in real wages that has been suffered by these steelworkers since January 1941 in the race between wages and prices. It stabilizes the purchasing power of their hourly wage rates as of January 1941. The Board acts on the assumption that prices and living costs will now be stabilized under the President's seven-point program. To the 3.2 cents stabilization adjustment we have added 2.3 cents because of equities arising out of the particular circumstances of the wage negotiations in this case. In so doing we have sought to avoid that kind of injustice that comes from rigidly applying a horizontal rule to all cases, without regard to their particular merits; and we have been satisfied to forego mathematical exactness where we could fairly reach a just and reasonable approximation.

What the yardsticks of wage stabilization are, their result in dollars and cents when applied to the wages of these steelworkers, and, in addition thereto, the peculiar equities of the steelworkers and the wage allowance based on those equities, are fully set forth in Dr. Taylor's opinion in which I unreservedly concur.

In determining this controversy about wages, the National War Labor Board is governed by two clear directives. In the Price Control Act of January 30, 1942, the Congress directs the National War Labor Board and other agencies of Government dealing with wages "within the limits of their authority and jurisdiction, to work toward a stabilization of prices, fair and equitable wages and cost of production." In his message to Congress of April 27, 1942, the President has directed the Board to guide itself, in the stabilization or adjustment of wages, by the anti-inflation policies set forth in that message.

The War Labor Board is particularly charged with responsibility for the third item of the 7-point program "seeking to stabilize the remunerations received by individuals for their work." As to that item the President said: "I believe that stabilizing the cost of living will mean that wages in general can and should be kept at existing scales," and at the same time he directed the Board to "continue to give due consideration to inequalities and the elimination of substandards of living," and added: "I repeat that all of these processes, now in existence, will work equitably for the overwhelming proportion of all our workers if we can keep the cost of living down and stabilize their remuneration."

STABILIZATION PROGRAM APPLIED

Since the announcement of the 7-point program, the Board has decided a number of cases in which it has allowed wage increases to adjust inequalities within the particular wage structure under consideration. In some of those cases it has refused wage increases that would have led to a higher level of wages throughout an industry or area. And it has in certain cases given particular attention to the lower wage brackets which might fairly be regarded as inadequate to produce decent standards of living.

The present case is the first one in which the Board has been confronted by a demand for a general wage increase affecting a widely extended and substantially equalized wage structure throughout an industry, and in which the lowest wages are above that level which the Board has thought of as too low to afford a decent living standard.

The problem that now confronts the Board is, therefore, to decide what is a fair and equitable application to this wage dispute of the national policy which requires that wages in general should be kept at existing scales in order to stabilize the remuneration received by individuals for their work and keep the cost of living from spiraling upward.

We agree with the contention of the union that the policy declared by the President involved a deliberate choice to reject any arbitrary freezing of wages and to leave wage adjustments, where agreement could not be reached by collective bargaining, to final determination by the War Labor Board. The union has declared its acceptance of the President's 7-point stabilization program in full, and has said that it does not contend that all items in the program must be accomplished before wages can be stabilized. In return the steelworkers have the President's assurance, given to the whole country in his address to the Nation of April 28, that "I shall use all of the Executive power that I have to carry out the policy laid down."

EQUALITY OF SACRIFICE

In determining for this case a fair and equitable wage for the steel industry within the national program of economic stabilization there are certain basic principles with which we think no one will disagree.

(1) We must fight the war without seeking special privileges or new profits for any particular group. The steelworkers accept this principle, and declare that they are not seeking to establish any special privilege or exact any tribute cut of the war program.

(2) Because of the need for maximum war production it is necessary that fair and equitable labor standards should not be broken down. All the history of industrial production shows that because of their contribution to efficient production, if for no other reason, achieved standards should be maintained. That was the declared policy of the Nation during the last war and it was reiterated by the Advisory Commission to the Council of National Defense at the beginning of the lend-lease program preceding this war. Not to protect those standards would justly give rise to a sense of insecurity and frustration among the workers who remain at home; and it is only fair to the workers who are drawn into the fighting services that their standards should be protected while they are away.

Indeed, it may be said that the main reason why we seek to prevent the cost of living from spiraling upward is that an inflationary price rise destroys everyone's standards, not equally but unequally and irrationally and with peculiar hardship upon the lower-income groups. A wage increase granted to standard wage earners would not truly maintain their standards if it were to be followed by further increases in the cost of living; and such a renewal of the race between wages and prices would impose cruel hardships on substandard wage earners. To protect the workers' own standards it is, therefore, essential that in this case the wage adjustment should not be one that will lead to another cycle in the upward movement of prices.

The President expressed this concern for labor's standards and indicated how rising living costs sap them away when, in his telegram on May 2 to the Shipbuilding Wage Stabilization Conference at Chicago, he said:

"There is no surer way to undermine the standards achieved by labor than to fail in our common effort to control the cost of living. Wage earners must do their part, by agreement, to stabilize wages or else the very standards for which we have striven so long will be eaten away by increased costs of living."

It is, of course, true that to win the war all of our citizens who have a decent standard of living must and will be called upon to restrain their purchases and surrender many things they have become accustomed to. But, surely, when the country as a whole is called upon to sacrifice income for payment of war costs, that call should come not in wage determinations by the War Labor Board addressed to workers alone but in taxation by Congress, where all our citizens are represented, and where taxes can be so measured that the imposed reduction of income will fall equitably upon all groups according to their financial ability to contribute to the national purpose and to the preservation of the things for which we fight.

With these principles in mind we have tried, in adjusting the wages in this case, to define a solid basis of stabilization, and at the same time to fairly evaluate and correct inequities that have already resulted from the past cycle in the upward movement of prices; and we have further taken into consideration certain inequities which arise out of the past history of this particular group of workers and the particular circumstances of the case.

In this way the Board has tried to implement fair and equitable wage stabilization.

We are convinced that the yardsticks of wage stabilization thus applied are fair and equitable and at the same time sufficient to prevent the cost of living from spiraling upward because of wage adjustments. We think they lead to a "terminal" for the tragic race between wages and prices.

On this basis labor will have made its move of self-restraint in the seven-point program. If all other groups likewise do their part we may expect to get and hold for the duration of the war stability of standards, and the freedom from apprehension that goes with such stability.

When the war is over we may expect, with our feet on the ground in a free world, to go forward together, with a renewed determination to improve the standard of living of the wage earners and, indeed, of all groups of our people.

UNION STATUS

We have recommended a maintenance-of-membership clause primarily on the ground that to make effective in this case the wage adjustment required by the stabilization policy, and to achieve maximum war production, we will need to the fullest not only the physiological and social satisfactions that come to workers from union membership, but also the leadership that has already been displayed by the loyal and responsible officers of this union.

The maintenance-of-membership clause which we recommend clearly and unmistakably provides for each individual, after ample time to think it over, an unrestricted opportunity to choose for himself whether he will or will not assume the obligation to continue his membership in the union for the duration of the contract and to accept the monthly check-off of his union dues. The obligation imposed upon the companies is an obligation to cooperate with the union in requiring members to abide by the obligation as to union membership and check-off which they individually and voluntarily assume.

The check-off provision here added to the membership maintenance obligation has

been very carefully weighed in the light of all the circumstances of this particular case. If such a provision is included, the employer is entitled to every assurance of contractual and financial responsibility on the part of the union. This union, as the panel has found, has that kind of responsibility. Its constitution and bylaws provide for annual election of officers by secret ballot; its initiation fee and dues are moderate and not easily changed; it has never levied assessments on its members; all dues are remitted directly to the central office where the accounts are audited quarterly and reported to the locals.

In denying the union's request for a union shop we have agreed with the argument of the companies that we should not impose upon them any obligation to force their employees to become or remain members of the union. We have rejected all forms of compulsory unionism in these plants. The obligation to remain a member of the union and to pay dues for the duration of the proposed contract is, under the provision of the Board's order, an obligation that rests on the individual choice of each member.

As to coercion, the provision in the Board's order establishes a rule and appoints an impartial judge. It is impossible to do more with respect to any rule, whether it be a rule of law or a rule established by agreement.

MINIMUM WAGE GUARANTY

By unanimous vote the Board has provided for putting into effect in a reasonable way a procedure strongly recommended to the steel industry by William Howard Taft nearly a quarter of a century ago. The Board's decision rests on the fact that it is always destructive of morale, and detrimental to production, to leave the wage earner in such a position that he cannot readily know, as soon as he counts the money in his pay envelope, the basis upon which his pay has been calculated.

JURISDICTION

As to the jurisdiction of the Board there can be no doubt that these disputes are "labor disputes which might interrupt work which contributes to the effective prosecution of the war," and are, therefore, within the provisions of Section 3 of the Executive order of January 12, 1942. As to the suggestion that we have no jurisdiction because of the provision of section 7 of the Executive order, which provides that it "shall not be construed as superseding or in conflict with the provisions of the * * * National Labor Relation Act," it is quite clear that these disputes are not within the jurisdiction of the National Labor Relations Board, so that there is no superseding conflict of jurisdiction, and we reject the suggestion that the maintenance-of-membership clause is prohibited by the National Labor Relations Act. We reject it for the reasons fully set forth in the opinion written by Dean MORSE and in accord with the letter of last summer addressed to the President by the chief counsel of the National Labor Relations Board. For reasons which are also set forth by Dean MORSE we cannot accept the argument that our directive order conflicts with any other Federal statute or with the State laws of Indiana.

The other arguments presented by the companies in support of their challenge of the Board's jurisdiction are not really addressed to the question of jurisdiction but to the question of the power of enforcement. This power lies not in the hands of the Board but in the hands of the President, and we think there is no doubt that the war powers of the President are amply sufficient to support the directive order of the Board in these cases.

OPINION ON THE WAGE ISSUE

The Board recognizes its duty in the present case to indicate the manner in which the national economic policy affects the demands of labor for general wage increases. The program calls for the avoidance of another cycle of general wage increases as one item in a series of seven items conceived for the prevention of an upward spiral in the cost of living. The present decision meets this necessity by pointing the way in which wage inequalities may be eradicated without providing for general wage increases which would feed an inflationary movement. This approach is in the interests of every citizen since the well-being of each one of us is dependent upon a stabilization of the cost of living.

THE NATURE OF THE INFLATION PROBLEM

Let there be no mistaking the fact that stabilizing the cost of living is a many-sided problem. It requires positive and forthright action on many fronts even to keep impending increases in the cost of living within controllable limits. No action taken as respects wages alone can meet the problem. The heart of the matter is in the allotment of from 50 to 60 percent of our national productive resources to the production of instruments of war. The effect of this program on living standards has not yet been fully perceived because, so far in this war, we have been able to live very well from the huge stocks of consumer's goods which were on the shelves when war struck our Nation.

Without a single further increase in wages, this Nation would face the dangers of a drastically increased cost of living. Our present total purchasing power, compared with the shrinking supply of consumer's goods which will be available to us, is a powerful pressure to increase costs of living. This vexing and urgent problem of controlling the cost of living had to be met in order to bring the full strength of our domestic economy to bear in the attainment of a total victory in a total war.

LABOR'S SHARE IN THE STABILIZATION PROGRAM

The President called upon us, on April 27, 1942, to meet this problem by assuming responsibilities along seven distinct lines. He called upon us, as civilian soldiers in a total war, to stabilize our domestic economy by assuming the sacrifices and by taking the action which would serve our country best. As one of its sacrifices, labor was asked to keep wages at existing scales, democratic means for adjusting inequalities and protecting decent standards having been provided. This obligation bears a direct relation to the broad problem of inflation. The meeting of it will assist greatly in keeping the already huge purchasing power pool from becoming unmanageable and it will avoid the pressure of higher costs on price ceilings.

Labor's sacrifice, necessary for the stabilization of our domestic economy, has been clearly set forth. For the duration of the war, organized labor is expected to forego its quest for an increasing share of the national income. These considerations are also to guide the National War Labor Board in deciding cases which come before it.

URGENCY OF PROBLEM

The time has arrived when "sacrifice" stops connoting hard conditions in the distant future and begins to mean the assumption of tough obligations now in a war-ridden country. The job of effectuating the domestic stabilization program is one of the wartime tasks assigned to all who are not in the armed service. The unavoidable truth is that it will take the total effort of every person in America to win this total war. To ignore this grim reality is to play with national security. Because the magnitude and the urgency of the problem has not been fully perceived, we are prone to toy with the idea of getting to stabilization some day in the nebulous future.

Are we to delay at tackling the job until the stocks of consumer's goods are exhausted and when 50 to 60 percent of our productive capacity is continuously devoted to war needs? It may then be too late. If wages then undertake a hopeless pursuit of prices which have gotten out of control, the task of stabilizing our domestic economy may well be impossible of achievement.

This is no mere theoretical problem. It is a matter of military necessity which is concerned with the domestic front. In this war, we and our allies have already suffered harsh and humiliating military defeats because efforts have been "too little and too late." Complacency has been condoned simply because imminent dangers were not immediately perceptible. Our enemies have capitalized upon this weakness. A continuance of such a pattern could lose this war.

WAGE ADJUSTMENTS BY THE NATIONAL WAR LABOR BOARD

Under the President's national economic policy, the Board has the responsibility for deciding cases which come before it in such a manner as will avoid another round of general wage increases in American industry. The President said on April 27, 1942, that "stabilizing the cost of living will mean that wages in general can and should be kept at existing scales."

It is also recognized by the President that in considering wage equities, the National War Labor Board should give "due consideration to inequalities and the elimination of substandards of living." Such wage adjustments as may be necessary to account for these factors do add to the purchasing power pool. They do not, however, have a vital bearing upon the vast problem of inflation since such additions to purchasing power make but an insignificant change in the total problem. Such adjustments can and should be made by the National War Labor Board, in cases before it, when equitable considerations are served. Equally clear, however, is the responsibility of the Board to avoid the starting of another round of general wage increases all over the country. Under the plan for national stabilization such general wage increases could seriously affect the broad problem of controlling inflation.

BASIS FOR CONSIDERING PRESENT WAGE CLAIMS

The wage claims of the union in the "Little Steel" case must be considered in relation to the President's program. Because of the nature of these claims, the National War Labor Board faces squarely the responsibility for indicating the basis upon which a claim for a general wage increase is to be appraised in terms of this program. It must be recognized with the same definiteness that any equities of the steel workers, which are not related to the broad problem of inflation, must be appraised along the lines contemplated by the President's program for the elimination of inequalities.

In full recognition of its grave responsibility to the Nation, and for reasons later detailed in this opinion, the National War Labor Board has determined that the following guiding principles should be applied in evaluating claims for wage increases:

(1) For the period from January 1, 1941, to May 1942, which followed a long period of relative stability, the cost of living increased by about 15 percent. If any group of workers averaged less than a 15-percent increase in hourly wage rates during, or immediately preceding or following, this period, their established peacetime standards have been broken. If any group of workers averaged a 15-percent wage increase or more, their established peacetime standards have been preserved.

(2) Any claims for wage adjustments for the groups whose peacetime standards have been preserved can only be considered in

terms of the inequalities or of the substandard conditions specifically referred to in the President's message of April 27, 1942.

(3) Those groups whose peacetime standards have been broken are entitled to have these standards reestablished as a stabilization factor.

(4) The Board, as directed by the President in his April 27 message, will continue to "give due consideration to inequalities and the elimination of substandards of living."

(5) Approximately 20 wage disputes, still pending before the Board, were certified prior to the stabilization date of April 27. The question arises in these cases whether wage rates being paid on April 27, 1942, can or cannot be considered as "existing rates" within the meaning of the President's message or whether they then had the tentative character of disputed rates. Due regard must be given to any factors of equity which would be arbitrarily swept away by "a change of rules in the middle of the game."

The guiding principles outlined above insure, in general, that claims for wage-rate adjustment can be considered on an equitable basis and in a manner which will further the national purpose to stabilize the cost of living. Their use in the present case, however, is not to be construed as establishing an inflexible pattern to be rigidly followed if that would unnecessarily lead to injustice.

Before applying the guiding principles to the complex problems of the present case, it is necessary to comment upon the claims which have been advanced by the union in support of its request for a general increase of $1 per day.

ANALYSIS OF THE UNION'S CLAIM FOR A GENERAL WAGE INCREASE

When this case was certified, the Board appointed a special fact-finding panel "to define and investigate the issues in dispute between the parties in the above-entitled cases and, with respect to such issues, to make and submit to the Board its findings of fact." This panel held extensive hearings and reported its findings to the Board on June 29. Contrary to the common impression, this panel was not asked to and did not make any recommendations. The Board has carefully considered and weighed all of the facts presented to it by the panel and by the parties at a public hearing held on July 1 and 2.

The claim of the union for a $1 per day increase cannot be approved as necessary to eliminate substandards of living. It is claimed by the union, however, that present average weekly earnings of steel workers have become out of line as compared with average weekly earnings in durable-goods industries. This has occurred largely because the other durable-goods industries have provided overtime opportunities to their employees, whereas the steel industry has kept average weekly hours at 40 or below. The union suggests that the $1 a day increase is necessary to compensate for the changed relationships in weekly earnings.

To give weight to this argument, one would be compelled, in effect, to provide steel workers with full overtime pay for hours which were not worked by them but which were worked by others. Such a conclusion would be untenable by any reasonable standards. The fact-finding panel in this case did not suggest any such adjustment. The majority of the panel has stated only that "weekly earnings should be given more than their usual weight in the present determination of a just wage for the steel workers." This finding gives no basis for an exact computation. It must be appraised, moreover, in light of the fact that so far the National War Labor Board has acted in wage cases almost exclusively on the basis of comparative hourly rates whenever wage comparisons were pertinent. In the one instance where comparative weekly or annual earnings were given an important weight, the case involved seasonal operations which precluded, throughout the year, even relatively full-time work apart from any overtime considerations. There is no sound basis for recognizing the weekly earnings comparison advanced by the union in this case as justifying a general increase of $1 per day.

The changed relationship disclosed rests upon differences in hours of work which cannot be corrected by wage-rate adjustments. It can only be corrected by increasing the average hours of work in the steel industry. This will soon become an urgent necessity in the national interest.

The claim of the union which requires particularly of careful examination, in terms of the national economic policy, is that the $1 a day general wage increase is justified because of the increase in the cost of living since the time of the last general wage increase in April 1941.

15 PERCENT RISE IN COST OF LIVING

For several years prior to January 1, 1941, wages and costs of living were, in general, relatively stable. Wage rates and prices did change but within narrow limits. Earnings had, therefore, a rather constant purchasing power. Workers knew pretty well what their money would buy. Early in 1941, both wage rates and cost of living started to move upward. By May 1942, the month following the President's stabilization message, the cost of living index had risen approximately 15 percent. During 1941 and first 4 months of 1942, general wage increases were secured by workers in most American industries. The mentioned upsurge of prices and wages was, in itself, not particularly serious to the national economy because it occurred during a time when ample supplies of consumers goods were available. This upsurge gives stern warning, however, that a continuance of such a course will lead to economic disaster in time of total war.

The effort to cover past or anticipated price increases, as well as to improve workers' standards of living, by upward wage adjustments in 1941 and early in 1942 resulted in widespread inequities to the standards of American wage earners which had been established before this nation started to arm for war. The increases in the cost of living subjected the low paid workers to the worst suffering, particularly since so many of them were not organized in such a way as promptly to secure adequate wage adjustments. Instabilities also developed among workers whose wages were above subsistence levels. The workers of some plants and some industries fared relatively well. Others failed to secure a sufficient increase even to maintain their previously established standards. The problems of the steel workers involved in this case affords a pointed illustration. In the period under discussion, cost of living increased by 15 percent, whereas the hourly rate of steel workers increased by only 11.8 percent. In contrast, workers engaged in the manufacture of engines and turbines enjoyed more than 25 percent increase, according to the Bureau of Labor Statistics.

It became apparent that during a total war, with its decreasing supply of consumer goods, such inequity-producing changes in prices and wages would have to be halted. It has been recognized by this union that conditions will not support a drive for the legitimate peacetime objective of increasing standards of living for all wage earners.

PRICE RISE ENDED

By May 1942 a cycle of adjusting our domestic life to a wartime economy had, in a sense, been completed. Cost of living had increased by 15 percent. In a general way, a round of wage increases had been secured by workers which actually acted as an offset to the increased cost of living. The big question before the Nation was whether or not there would be another round, or an unlimited succession of rounds, of wage increases in a vain effort to keep up with a steadily increasing cost of living.

The national economic policy was devised in a large measure to call off the inequity-producing race between prices and wages. A price-stabilization act was passed by Congress to halt general upward rises in prices. It was determined by the President in his April 27 message that such action would make it possible to call off the pursuit by wages.

As noted earlier in this opinion, numerous inequities in the wages paid to particular groups of workers had developed during the mentioned cycle of wage increases. An outright freezing of all wages would perpetuate those inequities. It was only after this matter had been thoroughly threshed out in public that it was decided not to freeze all wages but to proceed on a basis which would permit the adjustment of such inequities.

In a very real sense, the National War Labor Board has the responsibility, in cases which come before it, to eradicate the inequities in wages which developed during the race between wages and cost of living from January 1, 1941, to April 27, 1942. Such adjustments are to wind up that cycle. As noted earlier in this opinion, such wage adjustments can have no really significant effect upon the broad inflation problem.

What are the types of inequities which are to be rectified under the stabilization program? In various wage decisions already issued by the Board, adjustments of wage-rate inequities within a plant or between plants in the same industry have been made. In the present case attention is focused upon a different type of inequity incident to a loss of wage standards which had been established prior to our national defense program. The race between cost of living and wages which was terminated on April 27, 1942, clearly resulted in the loss of established standards for those groups of workers whose average wage-rate adjustments from January 1, 1941, to May 1, 1942, totaled less than the 15-percent cost-of-living increase which occurred in this period.

It is believed that established peacetime labor standards should be reasonably maintained as a part of the process of ending the race between wages and prices. Such labor standards can be preserved without having any significant effect upon the broad inflation problem. This is of major importance to the present case since the wage increase secured by the steel workers from January 1, 1941, to May 1, 1942, was 11.8 percent as compared with the 15-percent increase in the cost of living during this period. Adjustment for such inequities is a particular duty of the National War Labor Board under the national economic policy.

NEED OF HALTING INFLATION

What the National War Labor Board must not do, and what it avoids doing in this case, is to start another lap on the race between prices and wages. Another cycle of general wage increases started at this time would seriously threaten the chance to stabilize the cost of living. This is not a mere judgment of the National War Labor Board. A much stronger basis for this position is the explicit expression of policy in the President's message to Congress of April 27, 1942. The entire national economic policy is unmistakably based upon the general maintenance of wage rates at existing scales as a necessity for the stabilization of our domestic economy in the interest of winning the war.

It has been contended that the standard which should be preserved is the real wage which was provided by the 10-cents-an-hour increase received by the steel workers in April 1941. This, however, was not a peacetime standard, since the country was then in the midst of girding itself for war and the

race between wages and the cost of living had already begun.

Under the President's program, the National War Labor Board has no right to increase the existing rates of steelworkers to compensate for the increase in the cost of living which has occurred in the wage-price race since the time of their last wage increase. There is no doubt, therefore, that the union demand for a general wage increase of $1 a day cannot be approved by the National War Labor Board on the basis that cost of living has increased over 13 percent since the date of the last wage increase received by the steelworkers involved in this case. Such a wage increase would be entirely incompatible with the President's stabilization policy.

DETERMINATION OF THE WAGE ISSUE IN THESE CASES

*Stabilization factor*

During the period from January 1, 1941, to May 1, 1942, the steelworkers involved in this case received an hourly wage-rate increase of 11.8 percent. During the same period, cost of living increased by 15 percent in the Nation as a whole. The established standards of the steelworkers, already attained in peacetime, were impaired by reference to a reasonable standard. In the inequity-producing race between wages and prices the earnings of these steelworkers failed to keep pace. The resulting maladjustment should be rectified by the National War Labor Board in fulfillment of its task of eliminating the inequalities which developed prior to the inauguration of the stabilization program.

It is determined, therefore, that a wage increase of $0.032 per hour is payable to the steelworkers as a stabilization factor.

*Time equities of steelworkers*

Another of the previously mentioned guiding principles must be used in determining the wage issue in this case, because the Little Steel cases were certified to the National War Labor Board prior to the stabilization date of April 27, 1952. Such cases must be carefully appraised by the Board in order to determine whether or not real employee equities would be arbitrarily washed away by a retroactive application of the stabilization program.

Prior to the stabilization date of April 27, 1942, claims for general wage increases were appraised by reference to standards which gave a relatively great weight to cost-of-living changes which had occurred since the last wage adjustment in any case. This was true of cases decided by the National War Labor Board, in wage rates arrived at by collective bargaining throughout the country, and in most wage adjustments made by employers on their own initiative. The Little Steel cases were certified to this Board on February 9 and 10, 1942, at a time when there had not been too broad a challenge to the possibility of maintaining, through adjustment of hourly earnings, the real wage established by the last previous wage change.

No collective bargaining agreements were in existence between these steel companies and the union when, on or about January 19, 1942, the union placed its demand for a $1 a day general wage increase. The union had every right to make such a demand at that time since it did not have any contract with these four companies which might have required that the earlier wage increase of April 1941 be effective for a fixed period of time.

The formulation by the union, on January 19, 1942, of a wage demand might well be considered as the equivalent of a request that real average hourly earnings be restored to the April 1941 level. There were intimations, however, even in January 1942, that the practicability of maintaining constant real wages would most likely have to be reconsidered in the light of a war economy. The matter came to a head before the National War Labor Board in its deliberations on the International Harvester case in which it was recognized that all real wages could not be strictly maintained. Even before the President announced his program, the Board had recognized the need for adjusting wages on some other basis than preservation of the real value of the high hourly earnings of the summer of 1941. On April 27, 1942, the President included stabilization of wages as one point of the seven-point front on which the battle against inflation had to be fought. As respects the wage cases actually pending before the Board on April 27, 1942, the rules of the game were changed. These wage cases were being considered on one basis when a new set of rules was promulgated.

*Change of rules*

The fact of the matter is that the union and the workers in the steel industry would unquestionably feel that had this case been handled quickly they would have received a wage adjustment representing a greater proportion of the increase in cost of living than can be provided under the stabilization program. There is merit to such reasoning. A mechanical and a rigid application of the stabilization program to this long-pending case would properly lead to a deep sense of injustice on the part of the steelworkers who would feel that their interests had been overridden by a change of the rules in the middle of the game. The Board feels that arbitrariness under such circumstances would also offend the American people's sense of fair play.

The Board, with full appreciation of its deep responsibility under the stabilization program, cannot ignore the fundamental equities of the steel workers which arise from these time considerations. This is particularly so since they can be recognized without any disruption of the program to control the cost of living. Nor should these employee equities be ignored because they may be somewhat difficult of appraisal in terms of cents per hour. It is fortunate, however, that the appraisal in question can be made on a bedrock basis by reference to an earlier determination of the Board in the International Harvester case which was issued on April 15, 1942. The opinion of the Board in the Harvester case indicates quite clearly the attitude of the National War Labor Board toward wage rate adjustments in relation to cost of living changes, prior to the stabilization program. The opinion in that case set forth the "rules of the game" as they appeared to the Board at that time. The opinion stated, in fact, that "the real wage levels which have been previously arrived at through the channels of collective bargaining and which do not impede maximum production of war materials shall be reasonably protected. This does not mean that labor can expect to receive throughout the war upward changes in its wage structure which will enable it to keep pace with upward changes in the cost of living." Acting on such a basis, a general wage increase of $0.045 per hour was provided to Harvester workers in order to compensate them to a partial extent for the increased cost of living which had occurred since their last general wage increase.

The judgment of the National War Labor Board that the steel workers are entitled to equities of the steel workers as above recounted now entitle them to an increase over and above the previously computed stabilization factor. Taking into account the equities incident to the change of the rules in the middle of the game, and recognizing the greater cost of living changes in steel towns as compared with the national average, it is the judgment of the National War Labor Board that the steel workers are entitled to a rate increase of $0.023 per hour in addition to the stabilization factor as previously computed. There is no mathematical exactness in the fraction of a cent which is specified. The exact fraction was selected in order to insure a total rate practical for payroll purposes.

The conclusion in this case, therefore, is that the steelworkers involved in this case are entitled to a wage increase of $0.032 per hour as a stabilization factor under the national economic policy and to an additional wage increase of $0.023 for the mentioned inequities possessed by them. This provides them with a total increase of $0.055 per hour or of $0.44 per day.

CONCLUSION

This directive order calls directly upon the steelworkers, and indirectly upon all labor, to accept the sacrifices which are their share under the national program for adjusting our domestic economy to the needs of total war. By accepting its responsibilities labor will have the opportunity for leadership in the fight against economic instability. For with labor meeting its obligations, it has a right to insist that vigorous steps be taken to effectuate every point of the seven-point program. This is a time when labor statesmanship can serve the country well.

The time is now. On the domestic front the dangers of instability have fortunately been perceived before they are overwhelmingly upon us. We can act now to avoid future dangers. The President has set forth, in his seven-point program, a plan of action to prevent domestic economic instability. It can be carried out now if every citizen stands up to his responsibility. Those seven points chart the road to economic stability in wartime. We will fail to achieve that goal, however, unless all civilian interests accept fully the restraints and the sacrifices which constitute their share of the program. A meeting of the clearly defined needs of this hour will avoid any possibility of the charge of failure on the domestic front because of action too little and too late.

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OPINIONS ON UNION-SECURITY ISSUE

The decision of the National War Labor Board in this case against a Government-enforced compulsory unionism and in favor of a voluntarily accepted binding maintenance of membership and check-off, protects both the individual freedom of the workers and the essential security of the union. This decision, following the certifications of the union in the plants of four of the Little Steel companies—Bethlehem, Republic, Youngstown, and Inland—by the National Labor Relations Board, for the first time in the history of this basic but once turbulent industry, amply guarantees the freedom and security of the union in these plants. This first ample protection of the union is also primarily a timely provision for a more stable basis for maximum production for winning the war. Stability for this union is a contribution to winning the war not only because, technologically, it involves steel as the metal most essential to mechanized war, but also because, democratically, it involves the right of the steel workers to self-organization in a free and secure union as basic to the structure of American freedom. The steel and human beings, the machines and ideas, the technology and democracy, involved in this case are the very stuff of our American mechanisms and historic convictions with which and for which the war is fought and must be won.

The contention that the status of the union is not a proper subject for the consideration of this Board overlooks the basic nature of the issue as a historic and present cause of labor disputes; would nullify the President's Executive Order; abolish the national agreement against strikes and lockouts and for the peaceful settlement of all disputes; would substitute the jurisdiction of the picket lines for the jurisdiction of the Board, and would cause a break-down of production to replace our present unparalleled and almost unbroken production in a

critical year. Moreover, it is unfair to attempt to hold the unions fixed in the midst of a tremendous industrial expansion, unwise to try to hold them static in a dynamic industrial society, and undemocratic to call a halt to the free development of organizations of workers in the midst of a war for freedom.

THE PROTECTION OF THE FREEDOM OF THE WORKERS IN THIS MAINTENANCE-OF-MEMBERSHIP PROVISION

In this case the union demands the complete union shop and the compulsory check-off. The four companies have long stood for the principles of the open shop. They now deal with the union without recent resistance to the provisions of the Wagner Act. The union holds that its position is in the American tradition of democracy with its acceptance of the rule and security of the large union majority who have instructed for the union shop and check-off. The companies hold that their position is in the American tradition of freedom with its guarantees of the liberties of the individual. Several millions of Americans work in union shops and more millions work in open shops. We have in this dispute the conflicting rights of the more than two-thirds majority of the workers who are in this union and of the less than one-third of the workers in each of the four companies who are outside the union.

In this case the Board protects the rights of the majority and the minority, rejects the union's demand for a union shop and compulsory check-off, and rejects the companies' demand for no change in present union status. The Board decides in favor of the voluntarily accepted maintenance of membership and check-off of those members of the union who are in good standing on the fifteenth day after this directive order, or who may thereafter voluntarily join the union. This provision is not a closed shop, is not a union shop, and is not a preferential shop. No old employee and no new employee is required to join the union to keep his job. If in the union, a member has the freedom for 15 days to get out and keep his job. If not in the union, the worker has the freedom to stay out and keep his job. This freedom to join or not to join, to stay in or get out, with foreknowledge of being bound by this clause as a condition of employment during the term of the contract, provides for both individual liberty and union security.

This decision provides against coercion and intimidation of the worker into membership in the union.

STABILITY OF THE UNION THROUGH MAINTENANCE OF MEMBERSHIP

By and large, the maintenance of a stable union membership makes for the maintenance of responsible union leadership and responsible union discipline, makes for keeping faithfully the terms of the contract, and provides a stable basis for union-management cooperation for more efficient production. If union leadership is responsible and cooperative, then irresponsible and uncooperative members cannot escape discipline by getting out of the union and thus disrupt relations and hamper production. If the union leadership should prove unworthy, demagogic, and irresponsible, then worthy and responsible members of the union still remain inside the union to correct abuses, select better leaders, and improve production. This establishment of a more stable basis for union-management relations can, with wise and cooperative leadership on both sides, contribute to a united concentration on the supreme task of winning the war.

SPECIAL VALUES OF A VOLUNTARY BINDING CHECK-OFF IN THIS CASE

The voluntary binding check-off on the basis of the special facts in this case, and not as a precedent for other cases, protects the free choice of the worker. If not in the union he is, of course, not subject to the check-off. If in the union, he may, within the 15-day period, get out rather than be bound by the check-off, and yet keep his job. The voluntarily accepted binding check-off will contribute to the security and stability of the union, and affords a basis for cooperation between the company and the union. Just as the union has the opportunity to cooperate with the company in maintaining shop discipline and promoting efficient production, so the company has the opportunity to cooperate with the union in its special problem of collecting dues. At present, the company forbids the collection of dues on company property, and provides no facilities anywhere for this purpose. The problem is further accentuated by the difficulties and complications of many different nationalities and races among the workers, the widely separated and farflung locations of mills and homes, and the limitations on transportation. Since some of the companies make deductions for several other authorized items due to the agencies and causes in which the companies believe or have an interest, steelworkers often have the impression that the companies are opposed to the union because they do not check off dues to the union.

The check-off eliminates the picket lines for collecting dues and their attendant abuses. With a maintenance-of-membership clause, the check-off prevents the necessity for the discharge of a would-be delinquent. As pointed out in the panel report, the check-off will save the time of the union leaders for the settlement of grievances and the improvement of production. This sharing by the company and the union of their common problems and their responsibilities for shop discipline and efficient production through the maintenance of a stable membership and the prompt collection of union dues, makes for a better and more cooperative company, and a more responsible and more cooperative union. The time, thought and energy given in tense struggles for the organization, maintenance of membership, and collection of dues, necessary and educationally valuable as they are, should as fairly and wisely as possible now be concentrated on winning the war. The intense struggle to maintain the labor unions should, by a stabilization of the union, give way to the more intense and larger struggle to maintain the American union as the hope of freedom and peace in the world.

THE LARGER FREEDOM OF THE WORKERS THROUGH A STABLE UNION

The voluntary check-off and the voluntary maintenance of membership not only protect the liberty of the individual to choose both or neither, but also, by their binding effect, once chosen, they provide for the larger liberty of the members in a secure and stable union. Membership in any organization necessarily imposes restrictions. A free union like our free society, derives its freedom from the consent of the governed and from the subordination of personal rights to the general welfare of all the members of the union. Limitations on individual rights are, by the very nature of organized society, the basis of civilization itself. Some limitations on the individual liberty of workers are self-imposed for the larger liberty of the independence, dignity, self-expression, and creative cooperation of workers in labor unions through which they have won and are winning a larger share in the economic, social, and spirtual things by which men work and live, and for which they hope and dream for themselves and their children.

Those that hold that the freedom of the worker is protected in peacetime by a corporation's own agreement to compel its workers to join a closed-shop union and to accept the compulsory binding check-off cannot hold that it is a violation of freedom in wartime for the War Labor Board to ask corporations, on the basis of this record, to accept the less security for the union as provided in the voluntarily accepted maintenance of membership and the voluntarily accepted check-off.

THE UNITED STEEL WORKERS OF AMERICA

The union asking for security in this case is worthy of the freedom and responsibility of the voluntary and binding maintenance of union membership and check-off. The United Steel Workers of America, on the record, is one of the most democratic, responsible, and efficient unions in America. Elections are held periodically and by secret ballot. A strike to be authorized must have a secret two-thirds majority of the local, and must have the sanction of the international office. The membership fee is $1 a month. The initiation fee is $3. No assessments have yet been made against the members of this union. Accounts are audited every 3 months by a certified public accountant and reported to the membership. It is the expressed policy of the union to cooperate with management in the keeping of agreements, in maintaining discipline, and in improving production.

PAST HISTORY AND FEAR OF THE FUTURE

Not only does the record show that this union is worthy of security and responsibility, but the history of unionism in the steel belt in general and the fears remaining from experiences in Little Steel in particular make necessary and wise more definite provisions for the freedom and security of the union. The history of the struggles of iron and steel workers against heavy odds to organize, still vivid in the lore of the steel families, reaches back to include the pioneer organization in 1859 of the iron workers as the Sons of Vulcan, the federation of iron and steel unions in 1876 into the Amalgamated Association of Iron and Steel Workers, and the recent dramatic rise of the Steel Workers Organizing Committee, now become the United Steel Workers of America.

There is found in this long and bitter struggle ground for the fear of the steelworkers concerning the security of their union. The iron and steel workers recall that, when their forerunners had one of the strongest unions in America in 1892, they lost in a pivotal struggle for existence at Homestead. The union was crushed in a bloody private war with long disastrous results for unionism in all the steel dominions. When the steel workers later tried to match the giant financial combinations of the corporate power of the United State Steel Corp. with a united combination of the craft unions in steel, the crucial test came in the head-on collision in the great steel strike of 1919. The strike was crushed. The corporation became master of the hours, wages, and working conditions of the workers as individuals. The unions, decisively beaten, retreated on all the steel fronts. Collective bargaining by steelworkers had to wait many years for another day. Meantime scars of past industrial wars remained deep. Workers' memories in the steel towns included terrorism and counter terrorism, mass picketing, and mass smear hysteria, jailing of union leaders, injunctions, suppression of meetings of workers and their civil liberties, discriminations against union members, espionage, black lists, discharges, evictions, muster of company guards, Pinkerton levies, imported strike breakers, and the State militia. The steelworkers remember that even in their new day, section 7A was answered with the organization of company unions and the National Labor Relations Act was stubbornly resisted in the courts.

The National Labor Relations Act has stood up against all attacks and in the long run provides the solid ground for the freedom and security of the United Steel Workers and

all other bona fide labor unions in America. This act made possible the decisive victory in Jones & Laughlin at Aliquippa in 1936, the epochal Taylor-Lewis agreement in 1937 for the recognition of the SWOC for members only by the United Steel Corp., and the historic Murray-Fairless contract between Carnegie-Illinois and the SWOC.

Though Little Steel refused to follow this lead of U. S. Steel, the act made possible the recognition of the union by an election in Bethlehem, and by a cross check of union membership and company pay rolls in Republic, Youngstown, and Inland, under the direction of the National Labor Relations Board between May and November 1941. All these companies, which are among the most important in America for the war effort, are giving genuine signs of a new industrial statesmanship. One of these corporations, in one of its subsidiary divisions, is building, in all of its plants, more ships for the war than any other company in the world. The panel finds "no outstanding decision concerning unfair labor practices at Inland" and "no new anti-union practices have had their inception during the past 2 years" in Bethlehem, Republic, and Youngstown. This recently more hopeful record, the NLRB elections, and the sustained integrity of the Wagner Act, are solid groundwork for a voluntarily accepted binding maintenance of membership and check-off as definite assurances of good will and mutual cooperation for all-out production to win the war. The historic memories, potential fears, and consuming energies of old private wars between steel companies and steel unions now gives place to the total war of unions, corporations, and a united America against Hitler and the Axis Powers.

THE LABOR UNION AS THE FOURTH CHAPTER IN RISE OF DEMOCRACY

High on Hitler's list of the institutions of democracy early marked for the destruction necessary to clear the way for the rise of the Nazi dictatorship were and are the church, the parliament, the corporation, and the labor union. These four institutions are the focal motive force of the four main chapters in the rise of human freedom. The freedom of human beings to organize in autonomous groups has been won through long struggles in the fields of religion, politics, business, and labor.

The power of the great Roman Empire struck down the unrecognized and despised organizations of early Christians, but the little congregations of lowly believers became the Church Universal, which transformed the sackable city of Rome into the unsackable city of God, transmitted the ancient learning, resynthesized Western culture, built the cathedrals, founded the universities, and despite all its faults and failures, with its Hebraic-Christian conception of the brothers of men and the sons of God, has been for the longest period the most beneficient organization in history. The church, in its turn of predominance, tried to block the rise to absolute power of the new autonomous nations within the ecclesiastical dominion. Then the new absolute national monarchies, having become entrenched in independent power, sought to check the rise to increasing power of the autonomous organization of the people's representatives in Parliament. Yet Parliament won its struggle for collective bargaining with the king, and their written agreement became the English bill of rights which, since 1689, has been the charter of constitutional government for all nations which have followed the traditions of the English-speaking peoples.

It is historically logical that the democratic idea of autonomous organization, which achieved victories in the fields of religion and politics, should become an issue in the fields of commerce and industry. The commercial and industrial revolutions created successively the commercial and industrial middle classes which, through autonomous corporations, soon established their dominant positions in modern society. The corporations helped to overthrow feudal serfdom and gathered the savings of people anywhere in the service of people everywhere. The English Parliament having become a stronghold of commercial and industrial leaders, and an instrument of corporate power, prohibited workingmen from organizing in behalf of better conditions of life and labor. The struggle of industrial workers to organize and win the reluctant recognition of legislative bodies, the courts, and the corporations is the latest chapter in the democratic struggle of human beings for autonomous organization around a great human need. The movement of working people against heavy odds to win a simple share in the control of their own lives is one of the great human movements of the last hundred years and is at the center of the struggle for freedom and democracy in our time.

The freedom and independence of the labor union is of the essence of historic Americanism. The little band of religious Pilgrims who, in seeking the right to organize for the worship of God without the consent of king or bishop, after many vicissitudes in a foreign land and across uncharted seas still clinging to their principles of piety and autonomous religious organization, "fetched up" on the wintry shores of Massachusetts where their spiritual heroism made Plymouth Rock one of the foundation stones of self-government in America. One year before the Pilgrims reached American shores, Sir Edwin Sandys led a movement in the London Company to recognize the self-organization of the settlers in Virginia. The less farsighted businessmen said it would ruin the business enterprise to give these workingmen the right to share in the regulation of their conditions of life and labor. But the intelligent idealism of Sir Edwin Sandys prevailed over the fears of the more practical-minded businesmen. Thus was born the first representative assembly in the New World. The democratic idea of autonomous political organization, later federated in the American Union, whose American standard was first raised on the banks of the James River in Old Virginia, still flies its flag high in all the Western World. The freedom and security of the right of all human beings to organize in churches, legislatures, corporations, and labor unions is part of the basic meaning of our American freedom and is at the heart of what the war is all about. Hitler is out to destroy the freedom of America and the free basic institutions of democracy everywhere. The struggle over the freedom and security of the union is, therefore, one of the latest episodes in the American chapter of the rise of democracy in the modern world, and is at the very center of the global struggle between the United Nations and the Axis powers.

THE PRESENT CRISIS

Today the power of the Axis tyranny reaches from the Alaskan islands to the outposts of Australia, across the Mediterranean and north Africa to the gates of Alexandria, from the top of Norway to the Bay of Biscay, and from the shores of France to the plains of Russia across the Don and in a mighty sweeping movement toward the Volga. In mankind's darkest hour still holds the heroism of the Russian, British, and Chinese peoples, counting not the cost even unto death of millions of their best and bravest sons, giving their all that the free institutions of the people shall not perish from the earth. One of the youngest of these free institutions would, by this decision, be made more secure for the all-out effort to win the war. By provision for the freedom and security of this union, the empire of steel becomes potentially the commonwealth of steel. The commonwealth of steel becomes even more a basic resource of the American Commonwealth in the production of ships, planes, tanks, and guns for the mighty forward fronts of democracy which will beat back the Axis powers and make possible at last the advance of freedom and the organization of justice and peace in the world.

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OPINION ON THE MINIMUM WAGE GUARANTY ISSUE

A. UNION DEMAND

This issue arises from the union's demand that the collective bargaining contract to be entered into between the union and each of the companies in settlement of this dispute should contain the following provision:

"The corporation agrees that each employee will receive for each day of work either 85 cents per hour or his occupational rate, for the hours worked on that date, or his earnings which would include the tonnage, piecework, or contract rate, whichever alternative is the highest."

In other words, the union's request is, basically, that the worker should be guaranteed a minimum daily wage, rather than a minimum amount for each pay period. The request is confined only to those employees working upon the so-called incentive rate basis, because all other workers do know what their daily wage is. The guarantee may be broken down into three parts. The employee would receive for each day of work either the minimum common labor rate, or his occupational rate, for the hours worked on that day, or his piecework, tonnage, or production earnings, whichever of the three alternatives is the highest.

The reason for the request is that under the present system an employee working upon a piecework rate may earn more than the minimum wage on one day, and because of some mischance, due to no fault of his own, such as insufficient materials or defective equipment, he may earn less the following day. As a result, at the end of the pay period, his earnings being averaged, the employee would receive a sum equal only to the minimum hourly rate even though he had on a certain day produced enough to entitle him to additional compensation for that day.

B. CONTENTIONS OF THE PARTIES

The panel in its report to the Board summarizes the arguments advanced by the companies against the union's proposal on this issue as follows:

"1. That it is not feasible to compute a worker's pay at the end of each day's work because many plant operations, involving both productive and so-called nonproductive work, extend beyond a single day.

"2. That the cycle of operations more naturally extends over a pay period.

"3. That incentive and tonnage rates are based upon the number of units produced; that these rates are so computed as to insure the employees sufficient earnings for their productive work, which, added to earnings received for nonproductive work, will amount to the originally estimated fair wage for the type of skill and effort involved, with extra compensation for increased skill and effort.

"4. That tonnage, incentive, and piecework rates are based upon an accurate estimate of the factors involved in plant operations, including delays which may lessen an employee's earnings.

"5. That the present rate structure is satisfactory to their employees.

"6. That any change in the rate structure would diminish employee incentive to make up for failure to earn the minimum on any particular day, and thus reduce production.

"7. That, if a daily guarantee is granted, incentive and tonnage rates will have to be

revised to preclude employees from earning, over a pay period, more than they now earn, and to avoid paying higher wages than are paid to employees of other companies performing similar types of work."

The panel's summary of the union's arguments in support of the minimum wage guarantee proposal is as follows:

"1. That where an employee works for a day and then for some reason does not work any more during a particular pay period, he is either paid for his earnings for that day or receives the minimum guarantee, whichever is higher (union exhibit A, p. 113). The mere fact that an employee works for more than a day during the pay period, the union argues, is no justification for averaging his earnings before the minimum guarantee becomes applicable.

"2. That a worker's failure to earn the guaranteed minimum is sometimes the result of managerial inefficiency reflected in its maldistribution of work.

"3. Incentive, tonnage, and piecework rates cannot encompass an evaluation of all the factors that may lessen the employees' opportunities to earn a just wage each day.

"4. That the companies' claim that the present rate structure takes care of all important contingencies is not well founded since an invariant rate structure is applied regardless of the length of the period of operations.

"5. That the practicability of computing earnings at the end of each day is demonstrated by the fact that Inland and Youngstown have either accepted the union's request for such method of computation, or their practice is now as requested.

"6. That the workers are not happy under the present system and that the union is in the best position to know this fact.

"7. That if each day's work is computed as a unit, then—

"(a) Management will be more efficient in supplying work and the effect of such delays as do occur will not rest solely on the workers; and

"(b) The employee will have a full incentive every day instead of fearing that one bad day may prevent him from earning more than the minimum over an entire pay period."

C. THE FINDINGS OF THE PANEL

The panel's report to the Board sets forth the following findings on this issue:

"1. The workers desire the change requested. The union represents the employees and its word should be accepted as to their wishes.

"2. Granting the request would involve no direct additional cost to the companies.

"3. Under the system presently used, the workers bear the labor costs of any decrease or cessation of work regardless of the cause, except to the extent that the results have been approximated in the make-up of the wage rate—the company bearing the loss due to unproductive equipment.

"4. The practicability of granting the union's request is indicated by the fact that Youngstown and Inland are complying with or have agreed to comply with the union's request.

"5. Since the requested change is not intended to increase wages and since its effect will be complicated, no reason appears as to why the requested change, if granted, should be made retroactive."

If the Board grants the union's request, on the basis of the foregoing findings, the panel suggests that:

(a) An opportunity should be given to Republic and Bethlehem to negotiate with the union regarding any changes thereby made necessary in the incentive, tonnage, or piecework rates, on the assumption that the companies will have to bear no direct additional cost (record, p. 593), and that the steel workers' pay for performing a given quantity and type of work shall not be decreased.

(b) The execution of collective-bargaining agreements between the union and the companies, including such provision, if any, as the Board may make regarding daily minimum guaranty, should not be delayed because of such negotiations.

(c) Such negotiations should be conducted in accordance with the provisions of the collective-bargaining agreement with the provision for arbitration in the absence of mutual agreement.

D. DECISION OF THE NATIONAL WAR LABOR BOARD

It is the decision of the National War Labor Board that the preponderance of the evidence in the record of this case clearly supports the basic principle of the union's position on this issue; namely, that each employee of the companies should be guaranteed for each day of work either the basic minimum wage per hour, or his occupational rate for the hours worked on that date, or his earnings, which include the tonnage, piecework, or contract rate, whichever alternative is the highest.

Hence, in accordance with that principle, the Board directs that the following provision shall be included in the collective-bargaining contract entered into between the parties in the settlement of this dispute:

"The corporation agrees that each employee (except apprentices and learners) shall be guaranteed and shall receive for each day's work an amount which shall be not less than 78 cents (the minimum common labor hourly rate for the particular plant involved) multiplied by the number of hours worked by him on that day, but if such employee's fixed occupational hourly rate is more than 78 cents, the corporation agrees and guarantees that he shall receive for each day's work an amount which shall be not less than his fixed occupational hourly rate multiplied by the hours worked by him in that day. Further, in no case shall a worker receive for a given day less than the amount earned by him as a result of the application of piecework, tonnage, or production rates.

"This minimum daily wage guarantee shall become effective as of the date of the directive order in this case. If any changes in the rate structure are effected as a result of this guarantee, such changes shall become effective as of the date upon which the union and companies agree upon said changes."

The Board directs that the foregoing minimum wage guarantee provision shall be applicable to each of the four companies involved in this dispute. Further, the Board adopts and approves the findings of the panel on this issue, save and except the findings that granting the minimum daily wage guarantee request of the union would involve no direct additional cost to the companies. It is the opinion of the Board that the adoption of the minimum daily wage guarantee principle is bound to increase to some extent the wage costs of the companies, but the increase will not be susbtantial or unreasonable in light of the principles which the Board requests the parties to follow in negotiating this particular minimum wage adjustment.

It is perfectly clear from the record that the parties were more or less in agreement, or at least understood among themselves, that if the Board should approve the union's request for a minimum daily wage guaranty, the parties would be expected to proceed without delay to negotiate any changes thereby made necessary in the incentive, tonnage, or piecework rates. It was recognized that the negotiations should proceed on the assumption that the companies would have to bear no substantial direct additional costs and that the steel workers' pay for performing a given quantity and type of work would not be decreased. In other words, the record shows that the representatives of the union gave the representatives of the companies and of the members of the panel assurances that they were not advancing their demand for a minimum daily wage guaranty for the purpose of obtaining a hidden wage increase, over and above their dollar-a-day wage increase demand.

*Expectation of improved efficiency*

However, at the same time the Board is satisfied from the record that the parties were aware of the fact that the minimum daily wage guaranty by its very nature is bound to increase to some extent wage costs because of the fact that it eliminates the losses now suffered by the men as the result of the practice of the companies whereby the workers' earnings are averaged over a pay period instead of allowing the employees a minimum daily wage guaranty. Hence, the Board realizes that the minimum daily wage guaranty will increase the weekly pay envelopes of some employees, but it is to be expected that the changed rate structure which Bethlehem and Republic are requested to negotiate shall be so constructed as to provide for the same general ratio of labor costs to production as now exists except for the 5½ cents per hour increase in hourly rates allowed by the Board in this case. It is anticipated that the minimum daily wage guaranty will eventually lower the employers' production costs by resulting in increased production and improved managerial efficiency.

It is also to be understood that the collective-bargaining agreements entered into in the settlement of all of the issues involved in this case shall not be delayed because of any negotiations necessary in adjusting the incentive, tonnage, or piecework rates in accordance with the minimum daily wage guaranty provision. If the companies and the union fail to complete within 90 days from the date of the directive order in this case whatever negotiations may be necessary in adjusting the incentive, piecework, tonnage, or production rates to the minimum daily wage guaranty provision, the adjustment of such rates on the request of either party shall be referred to the final determination of an arbitrator appointed by the War Labor Board in the event that the collective-bargaining agreement does not provide for arbitration.

The soundness of the union's position on this issue will become clear to any fair-minded person when it is recognized that for a great many years the steel workers, particularly in the Bethlehem and Republic plants, have been required to work under various wage-rate calculation formulas so complicated in nature that the individual worker could not figure out his own daily wage. It is not surprising, therefore, that large segments in the steel industry have been harassed for years with much ill feeling, friction, and labor unrest over this issue. The typical steel worker does not purport to be a mathematician or well informed as to the wage-rate theories of industrial engineers, and, hence, when he is required to work under a complicated wage-rate structure, which is understandable only to wage-rate experts, it is only natural that the worker will oppose it. That is exactly what has happened in this case.

*Complexity of rate structure*

It is no wonder that he becomes disgruntled and distrustful when his wages are computed under a system which may result in the benefits of a day's hard labor being lost to him because, on the day following, the materials with which he works are not properly supplied, or the machine with which he works is out of adjustment. Thus, a simplification of the system is very much to be desired. Clearly, the daily wage guarantee granted by this decision will result in a simplification of the wage system and make it possible for the worker better to un-

derstand the method by which his wages are computed. It must be realized that maximum production can only be attained and maintained in a plant when the relation between employer and employee is harmonious. A harmonious relationship can never exist unless there is some measure of trust between the parties, and this feeling of trust, in turn, is dependent upon the assurance on both sides that the other party acts in good faith. Unless an employee can understand the way in which his wages are computed, he may feel that the company has purposely complicated the rate structure in order to confuse him. Regardless of the truth or the accuracy of his conclusions, it must be admitted that such a feeling on the part of the employee is not conducive to a smooth-running plant.

The practice of the Republic and Bethlehem Steel Cos. of imposing such a complex wage-rate system upon their employees has given rise over the years to many charges, accusations, and suspicions on the part of the employees that the companies have used the system as a device for cheating the men out of part of the wages actually due them. The companies, of course, deny that there is any sound basis for such charges or suspicions, but the fact remain that Bethlehem and Republic have not taken the necessary steps to remove the basis for such charges, whereas Inland and Youngstown have demontrated a willingness to eliminate this cause of industrial friction.

It is the position of the War Labor Board that every American workman has the right to know for a certainty just what his minimum daily wage rate is. Any wage-rate structure which makes it impossible for an American workman to answer the simple question, "How much do you receive a day for your work?" is inherently an undesirable wage-rate system.

*Dissatisfaction voiced in World War I*

It is interesting to note that a dispute over the complicated wage-rate structure of the Bethlehem Steel Corp. was presented to the National War Labor Board which was appointed by President Wilson during the First World War. On July 31, 1918, Hon. William Howard Taft and Hon. Frank P. Walsh, joint chairmen of the then existing National War Labor Board, handed down a decision in a dispute involving the Machinists and Electrical Workers and Other Employees against Bethlehem Steel Corp. The decision is highly significant in light of the fact that it, too, passed judgment upon the complicated system of computing wages of employees in the Bethlehem Steel plants. The Board stated in part:

"The case of the *Machinists and Electrical Workers* v. *Bethlehem Steel Co.* is of unquestionable importance from the standpoint of the war. It appears beyond doubt that the dissatisfaction among the employees of the company has had and is having a seriously detrimental effect upon the production of war materials absolutely necessary to the success of the American Expeditionary Forces. This was clearly developed in the testimony of the officials of the Ordnance Department.

"The main cause of the dissatisfaction is a bonus system so complicated and difficult to understand that almost one-half of the time of the hearings was consumed in efforts to secure a clear idea of the system. The absence of any method of collective bargaining between the management and the employees is another serious cause of unrest, as is also the lack of a basic guaranteed minimum wage rate.

"After having carefully reviewed all the evidence in the case, the Board makes the following findings:

"1. Piece rates, bonus, and basic hourly rates: Machine shops. (a) The bonus system now in operation should be entirely revised or eliminated, piecework rates should be revised also; and a designated, guaranteed minimum hourly wage rate should be established in conformity with such of the scales now being applied by the War or Navy Department as most nearly fits the conditions in this particular case. (b) Any necessary revision of piecework rates shall be made by an expert in cooperation with the Ordnance Department, the plant management, and a committee from the shops, such expert to be selected by the National War Labor Board and with the approval of the Secretary of War. (c) The piece rates thus established shall not be reduced during the period of the war."

In spite of the fact that the decision of Mr. Taft and Mr. Walsh was handed down 24 years ago, calling for a thorough revision or elimination of Bethlehem's complicated system of computing wages, we find today the same evil prevailing, not only in Bethlehem, but now also in Republic. Why was not the award of the Taft-Walsh War Labor Board in the Bethlehem case carried into effect? For the simple reason that shortly after the award the war ended by an armistice and the Bethlehem Steel Corp. took the position that upon the signing of the armistice the award of the Taft-Walsh War Labor Board calling upon the company to enter into collective-bargaining negotiations with its employees to the end of eliminating its unfair wage-rate structure was no longer binding upon the company.

It is the opinion of the present National War Labor Board that the time has come for the elimination of the cause of this long-standing dispute. There appears to be no good reason for Bethlehem Steel Corp. and Republic Steel Corp. to object to granting their employees a minimum daily wage guaranty in accordance with the provisions set forth in the directive order in this case. If the Inland Steel Co. and the Youngstown Sheet & Tube Co. can adjust their operations to such a system of computing wages, the Bethlehem Steel Corp. and the Republic Steel Corp. should be able to do the same thing.

Although this change in wage computation may necessitate some initial problems in readjustment, there is little force to the companies' claim that it is not feasible to compute a worker's pay at the end of each day. Although plant operations may extend beyond a given day, they also extend beyond a given pay period. Furthermore, the panel has found that this method of computation is feasible by virtue of the fact that two companies either use it or have agreed to use it, and the Board concurs in that finding.

By adopting the minimum daily wage guaranty, the companies will eliminate one of the principal sources of friction with their employees and they will remove one of the principal causes of suspicion and distrust held toward them by their employees. It is reasonable to expect that the elimination of this cause of friction between the companies and the employees will stimulate work incentive with a resulting increase in production and lower production costs. Likewise, it should prove an incentive for the companies to take the initiative in doing everything possible to eliminate any managerial causes of delay.

However, the compelling and controlling reason for the Board's decision on this issue is that the demand of the union for a minimum daily wage guaranty is a fair and just demand. A failure to grant it would amount to forcing the steel workers to continue working under a wage-rate system which is incompatible with the principles of fair dealing.

Mr. MORSE. Mr. President, I have cited that decision because in it there is again expressed the principle not only of the power of the President, but also the duty of the President, to exercise executive action to protect the national interest in an emergency until Congress follows a legislative course of action of its own.

It seems to me that we have lost sight of that not only today, but we have lost sight of it in recent years in other constitutional debates in the Senate of the United States. Some of my liberal friends lost sight of it when the troops-to-Europe issue was before the Senate. In that instance also the question before the Senate was not only whether the President had power to step in and exercise executive authority in meeting an emergency abroad, but whether the Congress had authority, under the Constitution, to exercise, by way of legislation, restricted control on a proposed program of the President.

Mr. President, I felt then that a great many of my liberal friends, both in and out of Congress, forgot the separation-of-powers doctrine of the Constitution, forgot the inherent power of Congress to impose restrictions upon the President by way of legislation in the exercise of a proposed program of action by the President in connection with a given emergency. That is why I took the position in that debate of sustaining the principle of constitutional law that under the separation-of-powers doctrine and in accordance with the Corwin theory Congress has the power to restrict the exercise of emergency action by the President of the United States in his proposal to meet an emergency if in the judgment of the Congress the carrying out of his program would not be in the national interest. In other words, on this point of constitutional law I have consistently held over the years that there is a residue of great power, a reservoir of great power, in the Congress of the United States to impose restrictions upon the President of the United States in the exercise of his so-called emergency powers. But it is an affirmative obligation, Mr. President. It calls for action on the part of the Congress. So long as the Congress fails to act it can not justify sitting back and engaging in partisan criticism of a President who proceeds to act in accordance with his best lights to meet an emergency which he feels must be met in the national interest.

The Congress is in exactly that position tonight. The President has taken action. I happen to believe that he has the inherent power to take some action. The fact that some may disagree with the particular program he has adopted, I think, is a little irrelevant to the question of inherent power, unless they can go further and show that the kind of program he has adopted is in fact clearly unconstitutional. If he acts unconstitutionally then theoretically he might be enjoined or impeached provided his conduct is so violative of the rights of our people that other adequate legal remedies do not exist to protect them. However, as Judge Holtzoff indicated this afternoon in his decision it would appear that if the steel companies have been damaged unlawfully by the President's seizure order an action for damages

against the Federal Government will lie and would be adequate to protect their rights. Certainly under such circumstances an injunction against the President would not appear to be appropriate.

I think it would be ridiculous to hold to the view that because the President of the United States has tried to protect the lives of American men in uniform by keeping the steel mills operating under an Executive order for such period of time as may be required to iron out a hassle which has developed between steel operators and union leaders, thereby he has followed a course of action which subjects him to impeachment. It is absurd.

Yet Senators would be surprised at the number of times I have heard today, from emotionally aroused persons, the suggestion that the President ought to be impeached. Even if one disagrees with the judgment the President has exercised with regard to procedure for the handling of this case, I think he clearly had the power and the duty to take action. If we do not like his action, then I say that we have a legislative power to proceed to enact legislation which will provide what we consider to be a better and more orderly way for handling emergency disputes such as this. That is why I have introduced today a bill which I think will provide a more orderly procedure for the handling of seizure cases than would be followed in the absence of some such legislation.

There is one further point which I wish to make on the merits of the steel case itself before I close. I marvel at how easy it is for some people to express "curbstone" opinions as to how a case as complicated as this case should be settled. People who have not seen a single exhibit involved in the case, people who have not read a page of the long record in the case, people who have not attended a single argument in the case, know exactly how it ought to be settled. I wish they could sit in a complicated labor case and seek, in a judicial spirit, to weigh the pros and cons of the contentions of able counsel, analyze the evidence, and then hand down a decision based upon the preponderance of the evidence, which in my judgment is the only basis upon which a case such as this should be decided.

I shall not pass judgment on the merits of the steel dispute, Mr. President, because I know that until one studies the record of the case he reflects only upon himself if he purports to say what the wage increase, if any, should be, or what the overtime pay, if any, should be, or what the decision of any one of the complicated issues should be.

But there is such a record, Mr. President. I suggest to any committee of the Senate, whether it be the committee of which I am a member, the Committee on Labor and Public Welfare, the Committee on the Judiciary, or the Committee on Banking and Currency, that it ought to look at the record. So far as I am concerned, I do not care one whit to which committee any resolution involving this case is referred. I wish only to make the point that no matter what committee receives such a resolution, it ought to look into the record which has been made before the Wage Stabilization Board concerning the merits of the case as they were presented to the Board by way of the record and the evidence.

As a lawyer I know that there is allosing litigants but also on the part of ways a tendency, not only on the part of partisans of losing litigants, to blame the tribunal when a decision goes against them. But I am afraid that too many people have been dismissing too easily the economic problems involved in the steel case. I know enough about the men who sit on the Wage Stabilization Board—on all three sides of it—to know that we had better look at the record before we jump to any conclusions as to who is right and who is wrong in respect to the merits of the Board's decision on any issue.

Having said that, Mr. President, as a warning to myself as well as to my colleagues in the Senate, I wish to comment on an issue which is involved in the case, but not from the standpoint of the decision of the Board on the issue. I desire to comment on an issue which is involved in the case from the standpoint of a question of public policy. It has nothing to do with this case insofar as evaluating that public policy is concerned, although I recognize that the issue is involved in the case and that the decision of the case does set a precedent so far as policy by way of decision is concerned. However, it does not set a policy by way of what we, with our legislative power, might do in respect to this question of public policy.

I have a personal point of view that the steel case might have been settled probably without giving rise to the present serious emergency situation if we had earlier expressed a legislative policy on this matter. I am trying, Mr. President, to make very clear in the RECORD that what I am saying is not to be interpreted as a criticism of the judicial judgment of the members of the Board who handed down the decision on this issue. It is their decision. It is their right to hand down the decision within the terms of reference granting to them the jurisdiction they exercise. I am not familiar with the details of the terms of reference and understandings that were agreed to by stipulation, if any, by counsel for the parties with reference to this issue. However, I wish to discuss the issue from the standpoint of a broad question of public policy. I think it is an issue which is disturbing millions of Americans tonight. I refer, of course, to the union shop issue. I refer, of course, to the problems of union security which are involved in the settlement of so-called emergency cases in times of war or of great national emergency.

I have some very deep convictions about it. A good many members of the labor group, perhaps a vast majority of them, and I would probably be within the realm of accuracy if I said 95 percent or more of the leaders of labor completely disagree with me on this point. I chuckle sometimes when I listen to the accusation that, of course, my views on various matters are always the views of labor. I did not find it that way in the many decisions which I wrote during World War II, with the labor members of the War Labor Board dissenting. That is a matter of record. Those dissents, Mr. President, were frequently on just such questions as on the one of union security.

I have always held to the point of view that the union relationship between an employer and his worker, that is, the question of the type of shop the worker should have, is a matter for free collective bargaining. It is not something which should be imposed upon the employer by the Government, even under the guise of a national emergency.

As an arbitrator under voluntary arbitration agreements I have always held to the point of view that the issue of the type of shop is not an arbitrable issue in the sense that it is not an issue an aribtrator can find to be inherent in the terms of reference of an arbitration agreement without the express consent of the parties.

I have always held that if the parties want to submit to arbitration, the issue of the union shop or closed shop or any other form variation of the union security issue, it should be done under the express direction and agreement of the parties. They should in clear terms of reference under the arbitration agreement request the arbitrator to hear the evidence and hand down a decision or a recommendation on the issue. The arbitrator should never declare such an issue an arbitrable one without the express consent of both parties.

Mr. President, I have felt that way in respect to arbitration so deeply that I have yet to render my first decision as an arbitrator on a union shop or closed shop issue, because I have always been successful in getting the parties to reach some understanding between themselves on the issue. I have felt that important rather than imposing upon a third party the great power of determining for the parties what the status or working relationship between the employee and the employer was to be in respect to union security or union affiliation.

Of course, if that is true of so-called private arbitration, there is all the more reason why it should be true in public arbitration, where a public body sits as the arbitrator. In a very real and practical sense the various Government boards which handle labor cases are functioning as arbitration boards.

During World War II the Labor Board had to meet the same problem. Some union employers saw a grand opportunity to take advantage of the no-strike-no-lock-out agreement for the purpose of conducting an open-shop drive. The unions, on the other hand, thought they saw a great opportunity in the no-lock-out-no-strike agreement and in the emergency situation which existed on the economic front at the time, to make a drive for union-shop and closed-shop decisions.

So in the early days of the Board there came before it many cases in which employers on the one hand sought to break unions then organized in their plants by raising an issue which they thought might result in disbanding the unions, while the unions on the other hand thought they saw an opportunity to raise an issue which would enable them

to get a closed shop, or at least a union shop. The record is perfectly clear.

The public members of the Board took the position—and I wrote some of the first decisions which set the pattern—of making it clear both to industry and to labor that for the duration of the war we were not going to permit them to use the war emergency and the no-strike, no lockout agreement either to break unions or to establish union shops or closed shops not theretofore existing. We said that as a matter of policy we were going to protect the type of union status which existed in the employer's plant at the outbreak of the war. We said that if there was a union shop in the plant at the outbreak of the war, we were not going to let the employer, merely because the union could not strike in order to maintain the union shop, destroy the union shop and run an open shop. We took the corresponding position with regard to the closed shop.

We faced the problem of what to do by way of fixing a policy which would protect what came to be known as union security.

I shall not take the time of the Senate today—because it is not particularly relevant to the seizure matter about which I arose to speak—to discuss the compromise we worked out. We developed what came to be known as the union-maintenance clause, which of course sought to protect the membership of an existing union in a plant. There were a great many variations of that clause, depending upon the facts of the particular case. In fact, the famous union-maintenance clause of the War Labor Board was the product of the mind of Mr. Roger Lapham, formerly president of the American-Hawaiian Steamship Co., who wrote the dissenting opinion in the International Harvester case. It was his dissenting opinion in that case which I accepted in principle in preparing the majority opinion in the subsequent Norma-Hoffman case, in which the Board laid down, for the first time, the union-maintenance clause that subsequently came to be the general rule of the Board on this issue.

What I wish to stress is that we held to the point that as a matter of public policy we were not going to use the emergency and we were not going to permit the parties to use the no-strike agreement to impose, on the one hand, upon an employer a union-shop or closed-shop agreement not previously existing and not voluntarily agreed to between the parties; and, on the other hand, we were not going to permit an employer to impose upon the workers in his plant an open-shop arrangement not previously existing.

Mr. President, in the present case there is a controversy as to whether, as a matter of public policy, a Government agency during a period of emergency should impose a union-shop arrangement not previously existing. I offer no criticism of the Wage Stabilization Board for its decision, because, as I have said, I do not know what the facts were; I do not know what the stipulations were; I do not know what were the terms of reference upon which the Board assumed jurisdiction over the case. However, I think Members of Congress who in recent days have been heard to make some very harsh criticisms of the Wage Stabilization Board and of the President, have a legislative responsibility to carry out if they think that as a matter of public policy there should be some legislation on that subject. They have the duty of coming forward with their legislative proposals in regard to the matter of union security for the period of the emergency.

Mr. President, I wish to say that the answer is not to be found in taking away from the Wage Stabilization Board jurisdiction to settle disputes. Believe me, Mr. President, if we reach the point where labor disputes in defense plants in the United States are to be settled months and months after they develop, under the slow procedures of the Taft-Hartley law, we will not have labor peace in the United States. I make that statement for the reason that in a very real sense the Government is a party to the contracts between employers and labor in defense plants. Everyone who has worked in the field of labor relations knows that a quick decision is necessary in the settlement of a dispute which arises, sometimes overnight, in a defense plant. Unless we wish to sanction strikes and lockouts in defense plants—and national security does not permit us to do so—we must provide a procedure for quick settlement of these disputes. Delays would be disastrous. They would interfere with the defense effort.

Instead of restricting the power of the Wage Stabilization Board over disputes, we should enlarge its power. We should face the reality that, for the duration of this emergency, disputes in defense plants must not be allowed to go unsettled, but jurisdiction must be vested in the Wage Stabilization Board, beyond question, to quickly settle such disputes in accordance with the evidence presented to the Board, under a procedure similar to that followed by the War Labor Board in World War II.

It is because such problems as the one I have just mentioned are inextricably bound up in the question of seizure that I have introduced today a bill on the subject. I urge that the committee to which the bill is referred, whatever the committee may be, proceed without delay to hold hearings on the bill and to present to the Congress a clear-cut legislative policy in regard to how, for the duration of the emergency, we should handle so-called seizure cases.

## FORTIETH ANNIVERSARY OF ESTABLISHMENT OF THE CHILDREN'S BUREAU OF THE FEDERAL SECURITY AGENCY

Mr. LEHMAN. Mr. President, today's New York Times carries a splendid editorial inspired by the fortieth birthday of an institution of our Government that has been a pioneer in making life better for the citizens of our country. I refer to the Children's Bureau of the Federal Security Agency. I wish to read the editorial:

ANNIVERSARY IN WASHINGTON

On April 9, 40 years ago, the Children's Bureau was created by act of Congress. It was the first bureau devoted solely to the interests of children to be created by any government in the world.

The good that has accrued to the children of this country through this organization is immeasurable. Although one of the smallest bureaus in Washington, its influence is felt in ever-widening circles. Its work affects our children through development of standards for their protection, and through consultative services with parents and health and welfare agencies.

More babies were born in the United States in 1951 than in any previous year in our history. It is regrettable that the new appropriation bill, as passed by the House, will cause a drastic curtailment in the Bureau's services at the very time when an increasing child population causes a growing need for them. The Jensen amendment would cut the number of the Bureau's personnel by over 17 percent. A cut such as this would have most serious results. It is to be hoped that the Children's Bureau will be exempted from the amendment, as the Public Health Service already has been.

The Bureau's operating expenses for the current fiscal year are $1,500,000. Compared with the $51,163,000,000 which President Truman has stated to be the minimum essential to safeguard the country by military preparedness, this sum seems small indeed. In arming for defense let us not neglect the very people for whom we are striving to perpetuate our American way of life. The sound care and guidance we give today's children will strengthen not only the physical well-being but, more important, the moral health of tomorrow's citizens.

Mr. President, I cannot possibly, within a few minutes here, encompass the great record of this small but splendid Bureau. But I can't pass up this opportunity to point to a few of its achievements.

Under the leadership of four of the most distinguished women that our Nation has produced—Julia Lathrop, Grace Abbott, Katharine Lenroot, Martha Eliot—this Bureau has rightly earned the accolade that some have given it: "The conscience of the American people toward their children." And, I may add, of the American people toward all children of all nations.

Forty years ago when this Bureau was created, we were in complete ignorance even of the number of children born each year. We knew little about the number of mothers and children who died each year. Yet it was the Nation's concern that babies were dying like flies that helped to lead to the Bureau's creation.

As a result of the tireless efforts of this Bureau, within 3 years after its founding, the first national census of births and infant deaths was inaugurated.

Forty years ago only one State in this Union had a bureau of child health. Today all State health departments have a unit concerned with the health of children. The expert attention which State health departments are now giving to the health of children is a reflection of the Children's Bureau determination that no child in need of health services shall be without them.

The Children's Bureau is making us keenly aware today of how much more needs to be done before this goal is attained.

Thousands of adults, whose childhood was blighted by crippled bodies, today are able to live reasonable normal lives,

thanks at least in part to the persistent work of the Children's Bureau in extending and improving services to crippled children. It was not until the turn of the century that any State gave legislative support to aid crippled children. Now every State has a program of medical and hospital care for these children; and every State receives support for this work through the Children's Bureau.

Forty years ago only one State in the United States had a bureau of child welfare to promote and protect the interest of dependent, neglected, and delinquent children. Today all the States have well-established departments of welfare, and most have separate child-welfare divisions within these departments.

Throughout these years the Children's Bureau has been a persistent fighter for humane treatment and enriched opportunities for children who have lost their parents or whose parents are unable to give them the care and the opportunities they should have. It fought in its early years for mothers' pensions. It helped to increase the number of juvenile courts and to raise their standards. It has been in the forefront of the movement to get children out of almshouses, poorhouses, and other unsuitable institutions, and into good foster homes.

The Children's Bureau has been a standard setter for the whole profession of social work.

Forty years ago, hundreds of thousands of small children were employed in sweat shops, mines, and trades. They worked for a pittance, toiled long hours, and were denied the schooling that should be the birthright of every American child. Today, the fact that we have reasonably good Federal and State laws protecting children from exploitation and insuring them greater educational opportunities is in large measure due to the unremitting efforts of the Children's Bureau.

The Children's Bureau was the first unit of our Government to be concerned with human welfare. Its pioneer work with the Maternity and Infancy Act in the twenties laid the foundation for grant-in-aid programs, made Nationwide in 1935 through the Social Security Act.

Over and over again, this band of public servants has pioneered in new ways of ministering to the needs of children. Their devotion to duty has been unflagging.

The philosophy of the whole staff of the Children's Bureau was well expressed by Dr. Martha Eliot, its present chief, when she said: "I believe, with Mr. Justice Brandeis, that being a public servant is one of the highest callings any citizen of the United States can have."

I share so heartily in sentiments expressed by the President of the United States which he has just addressed in a letter to the Hon. Oscar R. Ewing on the subject of the Children's Bureau that I wish to close my remarks with a reading of this letter:

APRIL 4, 1952.

The Honorable OSCAR R. EWING,
*Administrator, Federal Security Agency,*
*Washington, D. C.*

DEAR MR. EWING: In the 40 years of its existence, the Children's Bureau has made wonderful strides toward its goals of helping to bring sounder health, fuller opportunities, and spiritual and emotional happiness to our children.

As we watch with pride each growing generation, we see the realization of these goals.

The atomic age has brought new problems in the rearing of our children and new burdens for the Children's Bureau. I know it will contribute its share toward making this an age of peace and contentment.

Congratulations to the Children's Bureau on its fortieth anniversary, and my best wishes to Dr. Martha Eliot, under whose leadership it is now moving forward.

Very sincerely yours,

HARRY S. TRUMAN.

## FACTUAL BACKGROUND IN STEEL DISPUTE

Mr. HUMPHREY. Mr. President, I know that many Members of the Senate and, of course, of the public, are very much concerned over the recent steel employer-employee wage dispute and the facts pertaining thereto.

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

Mr. HUMPHREY. I yield to the Senator from Alabama.

Mr. HILL. The address of the President of the United States last evening over the radio was adverted to earlier in the debate. That address has not been placed in the CONGRESSIONAL RECORD. It ought to be placed in the RECORD, and I think this would be a very appropriate place to include it.

Mr. HUMPHREY. Yes. Mr. President, I ask unanimous consent to have printed in the RECORD at this point in my remarks the address delivered by the President last night, together with a copy of the Executive order directing the Secretary of Commerce to take possession of and operate the plants and facilities of certain steel companies.

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

There being no objection, the address and Executive order were ordered to be printed in the RECORD, as follows:

MY FELLOW AMERICANS: Tonight, our country faces a grave danger. We are faced by the possibility that at midnight tonight our steel industry will be shut down. This must not happen.

Steel is our key industry. It is vital to our defense effort. It is vital to peace.

We do not have a stockpile of the kinds of steel we need for defense. Steel is flowing directly from the plants that make it into defense production.

If steel production stops, we will have to stop making the shells and bombs that are going directly to our soldiers at the front in Korea. If steel production stops, we will have to cut down and delay our atomic energy program. If steel production stops, it won't be long before we have to stop making engines for our Air Force planes.

These would be the immediate effects if the steel mills close down. A prolonged shut-down would bring our defense production to a halt and throw our domestic economy into chaos.

These are not normal times. These are times of crisis. We have been working and fighting to prevent the outbreak of world war. So far we have succeeded. The most important element in this successful struggle has been our defense program. If that is stopped, the situation can change overnight.

All around the world, we face the threat of military action by the forces of aggression. Our growing strength is holding these forces in check. If our strength fails, these forces may break out in renewed violence and bloodshed.

Our national security and our chances for peace depend on our defense production. Our defense production depends on steel.

As your President, I have to think about the effect that a steel shut-down here would have all over the world.

I have to think about our soldiers in Korea, facing the Chinese Communists, and about our soldiers and allies in Europe, confronted by the military power massed behind the iron curtain. I have to think of the danger to our security if we are forced, for lack of steel, to cut down on our atomic energy program.

I have no doubt that if our defense program fails, the danger of war, the possibility of hostile attack, grows that much greater.

I would not be faithful to my responsibilities as President if I did not use every effort to keep this from happening.

With American troops facing the enemy on the field of battle, I would not be living up to my oath of office if I failed to do whatever is required to provide them with the weapons and ammunition they need for their survival.

Therefore, I am taking two actions tonight.

First, I am directing the Secretary of Commerce to take possession of the steel mills, and to keep them operating.

Second, I am directing the Acting Director of Defense Mobilization to get the representatives of the steel companies and the steel workers down here to Washington at the earliest possible date in a renewed effort to get them to settle their dispute.

I am taking these measures because it is the only way to prevent a shut-down and to keep steel production rolling. It is also my hope that they will help bring about a quick settlement of the dispute.

I want you to understand clearly why these measures are necessary, and how this situation in the steel industry came about.

In normal times—if we were not in a national emergency—this dispute might not have arisen. In normal times, unions are entitled to whatever wages they can get by bargaining, and companies are entitled to whatever prices they can get in a competitive market.

But today, this is different. There are limitations on what wages employees can get, and there are limitations on what prices employers can charge.

We must have these limitations to prevent a wage-price spiral that would send prices through the roof, and wreck our economy and our defense program.

For more than a year, we have prevented any such runaway inflation. We have done it by having rules that are fair to everyone—that require everyone to sacrifice some of his own interests to the national interest. These rules have been laid down under laws enacted by Congress, and they are applied by fair, impartial Government boards and agencies.

Those rules have been applied in this steel case. They have been applied to the union, and they have been applied to the companies. The union has accepted these rules. The companies have not. The companies insist that they must have price increases that are out of line with our stabilization rules. The companies have said that unless they can get these increases they will not settle with the union. The companies have said, in short, that unless they can have what they want, the steel industry will shut down. That is the plain, unvarnished fact of the matter.

Let me tell you how this situation came about.

The steel companies and the steel workers union had a contract that ran until December 31, 1951.

On November 1, 1951, the union gave notice that in view of the higher cost of living, and the wage increases already received by workers in other industries, the steel workers wanted higher wages and better working conditions in their new contract for 1952.

The steel companies met with the union but the companies never really bargained. The companies all took the same position. They said there should be no changes in wages and working conditions—in spite of the fact that there had been substantial changes in many other industries, and in spite of the fact that the steel industry was making very high profits.

No progress was made, and a strike was threatened last December 31.

Before that happened I sent the case to the Wage Stabilization Board. I asked them to investigate the facts and recommend a settlement that would be fair to both parties, and would also be in accordance with our rules for preventing inflation. Meanwhile, I asked both sides to keep the steel industry operating, and they did.

The Wage Board went into the facts very thoroughly. About 3 weeks ago, on March 20, the Wage Board recommended certain wage increases and certain changes in working conditions.

The Wage Board's recommendations were less than the union thought it ought to have. Nevertheless, the union accepted them as a basis for settlement.

There has been a lot of propaganda to the effect that the recommendations of the Wage Board were too high, that they would touch off a new round of wage increases, and that a new wage-price spiral would set in.

The facts are to the contrary. When you look into the matter, you find that the Wage Board's recommendations were fair and reasonable. They were entirely consistent with what has been allowed in other industries over the past 18 months. They are in accord with sound stabilization policies.

Under these recommendations, the steel workers would simply be catching up with what workers in other major industries are already receiving.

The steel workers have had no adjustment in their wages since December 1, 1950. Since that time, the cost of living has risen, and workers in such industries as automobiles, rubber, electrical equipment, and meat packing have received increases ranging from 13 to 17 cents an hour.

In the steel case, the Wage Board recommended a general wage increase averaging 13¾ cents an hour in 1952. Obviously, this sets no new pattern and breaks no ceiling. It simply permits the steel workers to catch up to what workers in other industries have already received.

The Board also recommended a 2½-cent wage increase to go into effect next January, if the union would agree to an 18-month contract. In addition, the Board recommended certain other provisions concerning such matters as paid holidays and extra pay for Sunday work. The steel industry has been lagging behind other industries in these matters, and the improvements suggested by the Board are moderate.

When you look at the facts, instead of the propaganda, it is perfectly plain that the Wage Board's recommendations in the steel case do provide a fair and reasonable basis for reaching a settlement on a new management-labor contract—a settlement that is consistent with our present stabilization program. Of course, neither party can ever get everything it thinks it deserves; and, certainly, the parties should bargain out the details. But in the present circumstances, both the companies and the union owe it to the American people to use these recommendations as a basis for reaching a settlement.

The fact of the matter is that the settlement proposed by the Board is fair to both parties and to the public interest. And what's more, I think the steel companies know it. They can read figures just as well as anybody else. I think they realize that the Board's recommendations on wages are reasonable, and they are raising all this hullabaloo in an attempt to force the Government to give them a big boost in prices.

Now, what about the price side? Is it true that the steel companies need a big increase in prices in order to be able to raise wages?

Here are the facts:

Steel industry profits are now running at the rate of about $2,500,000,000 a year. The steel companies are now making a profit of about $19.50 on every ton of steel they produce. On top of that, they can get a price increase of close to $3 a ton under the Capehart amendment to the price control law. They don't need this, but we are going to have to give it to them, because the law requires it.

Now add this to the $19.50 a ton they are already making and you have profits of better than $22 a ton.

Now, what would the Wage Board's recommendations do to steel profits? To hear the steel companies talk, you would think the wage increase recommended by the Board would wipe out their profits altogether. Well, the fact of the matter is that if all the recommendations of the Wage Board were put into effect, they would cost the industry about four or five dollars a ton.

In other words, if the steel companies absorbed every penny of the wage increase, they would still be making profits of seventeen or eighteen dollars a ton.

Now, a profit of seventeen or eighteen dollars a ton for steel is extremely high. During 1947, 1948, and 1949, the 3 years before the Korean outbreak, steel profits averaged a little better than $11 a ton. The companies could absorb this wage increase entirely out of profits, and still be making much higher profits than they made in the three prosperous years before Korea.

The plain fact is—though most people don't realize it—the steel industry has never been so profitable as it is today, at least not since the profiteering days of World War I.

And yet, in the face of these facts, the steel companies are now saying they ought to have a price increase of $12 a ton, giving them a profit of twenty-six to twenty-seven dollars a ton. That's about the most outrageous thing I ever heard of. They not only want to raise their prices to cover any wage increase; they want to double their money on the deal.

Suppose we were to yield to these demands. Suppose we broke our price-control rules, and gave the steel companies a big price increase. That would be a terrible blow to the stability of our economy.

A big boost in steel prices would raise the prices of other things all up and down the line. Sooner or later prices of all the products that use steel would go up—tanks and trucks and buildings, automobiles and vacuum cleaners and refrigerators, right on down to canned goods and egg beaters.

But even worse than this, if we broke our price-control rules for steel, I don't see how we could keep them from any other industry.

There are plenty of other industries that would like to have big price increases. Our price-control officials meet every day with industries that want to raise their prices. For months they have been turning down most of these requests because most of the companies have had profits big enough to absorb cost increases and still leave a fair return.

The paper industry has been turned down. So has the brass industry, and the truck industry, and the auto parts industry, and many others.

All these industries have taken no for an answer, and they have gone home and kept right on producing. That's what any law abiding person does when he is told that what he'd like to do is against the rules.

But not the steel companies. The steel industry doesn't want to come down and make its case, and abide by the decision like everybody else. They want something special, something nobody else can get.

If we gave in to the steel companies on this issue, you could say goodby to stabilization. If we knuckled under to the steel industry, the lid would be off. Prices would start jumping up all around us—not just prices of things using steel, but prices of many other things we buy, including milk and groceries and meat.

You may think this steel dispute doesn't affect you—you may think it's just a matter between the Government and a few greedy companies. But it isn't. If we granted the outrageous prices the steel industry wants, we would scuttle our whole price control program. And that comes pretty close to home.

It is perfectly clear, from the facts I have cited, that the present danger to our stabilization program comes from the steel companies' insistence on a big jump in steel prices.

The plain fact of the matter is that the steel companies are recklessly forcing a shutdown of the steel mills. They are trying to get special, preferred treatment, not available to any other industry. And they are apparently willing to stop steel production to get it.

As President of the United States it is my plain duty to keep this from happening. And that is the reason for the measures taken tonight.

At midnight the Government will take over the steel plants. Both management and labor will then be working for the Government. And they will have a clear duty to heat up their furnaces again and go on making steel.

When management and labor meet down here in Washington they will have a chance to go back to bargaining and settle their dispute. As soon as they do that, we can turn the steel plants back to their private owners with the assurance that production will continue.

It is my earnest hope that the parties will settle without delay—tomorrow if possible. I don't want to see the Government running the steel plants a moment longer than is absolutely necessary to prevent a shutdown.

A lot of people have been saying I ought to rely on the procedures of the Taft-Hartley Act to deal with this emergency.

This has not been done because the so-called emergency procedures of the Taft-Hartley Act would be of no help in meeting the situation that confronts us tonight.

That act provides that before anything else is done, the President must first set up a board of inquiry to find the facts on the dispute and report to him about them. We would have to sit around for a week or two for this board to report before we could take the next step. And meanwhile, the steel plants would be shut down.

Now there is another problem with the Taft-Hartley procedure. The law says that once a board of inquiry has reported, the Government can go to the courts for an injunction requiring the union to postpone a strike for 80 days. This is the only provision in the law to help us stop a strike. But the fact is that in the present case, the steelworkers' union has already postponed its strike since last December 31—99 days. In other words, the union has already done more, voluntarily, than it could be required to do under the Taft-Hartley Act. We do not need further delay and a prolonging of the crisis. We need a settlement and we need it fast.

Consequently, it is perfectly clear that the emergency provisions of the Taft-Hartley Act

do not fit the needs of the present situation. We have already had the benefit of an investigation by one Board. We have already had more delay than the Taft-Hartley Act provides.

But the overriding fact is that the Taft-Hartley procedure could not prevent a steel shutdown of at least a week or two.

We must have steel. We have taken the measures that are required to keep the steel mills in operation. But these are temporary measures and they ought to be ended as soon as possible.

The way we want to get steel production—the only way to get it in the long run—is for management and labor to sit down and settle their dispute. Sooner or later that's what will have to be done. So it might just as well be done now.

There is no excuse for the present impasse in negotiations. Everyone concerned knows what ought to be done. A settlement should be reached between the steel companies and the union. And the companies should then apply to the Office of Price Stabilization for whatever price increase they are entitled to under the law.

That is what is called for in the national interest.

On behalf of the whole country, I ask the steel companies and the steelworkers' union to compose their differences in the American spirit of fair play and obedience to law.

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EXECUTIVE ORDER NO. 10340, DIRECTING THE SECRETARY OF COMMERCE TO TAKE POSSESSION OF AND OPERATE THE PLANTS AND FACILITIES OF CERTAIN STEEL COMPANIES

Whereas on December 16, 1950, I proclaimed the existence of a national emergency which requires that the military, naval, air, and civilian defenses of this country be strengthened as speedily as possible to the end that we may be able to repel any and all threats against our national security and to fulfill our responsibilities in the efforts being made throughout the United Nations and otherwise to bring about a lasting peace; and

Whereas American fighting men and fighting men of other nations of the United Nations are now engaged in deadly combat with the forces of aggression in Korea, and forces of the United States are stationed elsewhere overseas for the purpose of participating in the defense of the Atlantic community against aggression; and

Whereas the weapons and other materials needed by our Armed Forces and by those joined with us in the defense of the free world are produced to a great extent in this country, and steel is an indispensable component of substantially all of such weapons and materials; and

Whereas steel is likewise indispensable to the carrying out of programs of the Atomic Energy Commission of vital importance to our defense efforts; and

Whereas a continuing and uninterrupted supply of steel is also indispensable to the maintenance of the economy of the United States upon which our military strength depends; and

Whereas a controversy has arisen between certain companies in the United States producing and fabricating steel and the elements thereof and certain of their workers represented by the United Steel Workers of America, CIO, regarding terms and conditions of employment; and

Whereas the controversy has not been settled through the processes of collective bargaining or through the efforts of the Government, including those of the Wage Stabilization Board, to which the controversy was referred on December 22, 1951, pursuant to Executive Order No. 10233, and a strike has been called for 12:01 a. m., April 9, 1952; and

Whereas a work stoppage would immediately jeopardize and imperil our national defense and the defense of those joined with us in resisting aggression, and would add to the continuing danger of our soldiers, sailors, and airmen engaged in combat in the field; and

Whereas in order to assure the continued availability of steel and steel products during the existing emergency, it is necessary that the United States take possession of and operate the plants, facilities, and other property of the said companies as hereinafter provided: Now, therefore, by virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and Commander in Chief of the Armed Forces of the United States, it is hereby ordered as follows:

1. The Secretary of Commerce is hereby authorized and directed to take possession of all or such of the plants, facilities, and other property of the companies named in the list attached hereto, or any part thereof, as he may deem necessary in the interests of national defense; and to operate or to arrange for the operation thereof and to do all things necessary for, or incidental to, such operation.

2. In carrying out this order the Secretary of Commerce may act through or with the aid of such public or private instrumentalities or persons as he may designate; and all Federal agencies shall cooperate with the Secretary of Commerce to the fullest extent possible in carrying out the purposes of this order.

3. The Secretary of Commerce shall determine and prescribe terms and conditions of employment under which the plants, facilities, and other properties possession of which is taken pursuant to this order shall be operated. The Secretary of Commerce shall recognize the rights of workers to bargain collectively through representatives of their own choosing and to engage in concerted activities for the purpose of collective bargaining, adjustment of grievances, or other mutual aid or protection, provided that such activities do not interfere with the operation of such plants, facilities, and other properties.

4. Except so far as the Secretary of Commerce shall otherwise provide from time to time, the managements of the plants, facilities, and other properties possession of which is taken pursuant to this order shall continue their functions, including the collection and disbursement of funds in the usual and ordinary course of business in the names of their respective companies and by means of any instrumentalities used by such companies.

5. Except so far as the Secretary of Commerce may otherwise direct, existing rights and obligations of such companies shall remain in full force and effect, and there may be made, in due course, payments of dividends on stock, and of principal, interest, sinking funds, and all other distributions upon bonds, debentures, and other obligations, and expenditures may be made for other ordinary corporate or business purposes.

6. Whenever in the judgment of the Secretary of Commerce further possession and operation by him of any plant, facility, or other property is no longer necessary or expedient in the interest of national defense, and the Secretary has reason to believe that effective future operation is assured, he shall return the possession and operation of such plant, facility, or other property to the company in possession and control thereof at the time possession was taken under this order.

7. The Secretary of Commerce is authorized to prescribe and issue such regulations and orders not inconsistent herewith as he may deem necessary or desirable for carrying out the purposes of this order; and he may delegate and authorize subdelegation of such of his functions under this order as he may deem desirable.

HARRY S. TRUMAN.

THE WHITE HOUSE, *April 8, 1952.*

LIST

American Bridge Co., Pittsburgh, Pa.
American Steel & Wire Co. of New Jersey, Cleveland, Ohio.
Columbia Steel Co., San Francisco, Calif.
Consolidated Western Steel Corp., Los Angeles, Calif.
Geneva Steel Co., Salt Lake City, Utah.
Gerrard Steel Strapping Co., Chicago, Ill.
National Tube Co., Pittsburgh, Pa.
Oil Well Supply Co., Dallas, Tex.
Tennessee Coal, Iron & Railroad Co., Fairfield, Ala.
United States Steel Co., Pittsburgh, Pa.
United States Steel Corp., New York, N. Y.
United States Steel Products Co., New York, N. Y.
United States Steel Supply Co., Chicago, Ill.
Virginia Bridge Co., Roanoke, Va.
Alan Wood Steel Co. and subsidiaries, Conshohocken, Pa.
American Chain & Cable Co., Inc., Bridgeport, Conn.
American Chain & Cable Co., Monessen, Pa.
Armco Steel Corp., Middletown, Ohio.
Armco Drainage & Metal Products, Inc., Middletown, Ohio.
Atlantic Steel Co., Atlanta, Ga.
Babcock & Wilcox Tube Co., Beaver Falls, Pa.
Borg-Warner Corp., Chicago, Ill.
Continental Copper & Steel Industries, Inc., Braeburn, Pa.
Continental Steel Corp., Kokomo, Ind.
Copperweld Steel Co., Glassport, Pa.
Detroit Steel Corp., Detroit, Mich.
Eastern Stainless Steel Corp., Baltimore, Md.
Firth Sterling Steel & Carbide Corp., McKeesport, Pa.
Follansbee Steel Corp., Pittsburgh, Pa.
Granite City Steel Co., Granite City, Ill.
Great Lakes Steel Corp., Ecorse, Detroit, Mich.
Hanna Furnace Corp., Ecorse, Detroit, Mich.
Harrisburg Steel Corp., Harrisburg, Pa.
Boiardi Steel Co., Milton, Pa.
Heppenstall Co., Pittsburgh, Pa.
Inland Steel Co., Chicago, Ill.
Joseph T. Ryerson & Son, Inc., Chicago, Ill.
Interlake Iron Corp., Cleveland, Ohio.
Pacific States Steel Corp., Oakland, Calif.
Pittsburgh Coke & Chemical Co., Pittsburgh, Pa.
H. K. Porter Co., Inc., Pittsburgh, Pa.
Buffalo Steel Division, H. K. Porter Co., Inc., Tonawanda, N. Y.
Joslyn Manufacturing & Supply Co., Chicago, Ill.
Joslyn Pacific Co., Los Angeles, Calif.
Latrobe Electric Steel Co., Latrobe, Pa.
E. J. Lavino & Co., Philadelphia, Pa.
Lukens Steel Co., Coatesville, Pa.
McLouth Steel Corp., Detroit, Mich.
Newport Steel Corp., Newport, Ky.
Northwest Steel Rolling Mills, Inc., Seattle, Wash.
Northwestern Steel & Wire Co., Sterling, Ill.
Reeves Steel Manufacturing Co., Dover, Ohio.
John A. Roebling's Sons Co., Trenton, N. J.
Rotary Electric Steel Co., Detroit, Mich.
Sheffield Steel Corp., Kansas City, Mo.
Shenango-Penn Mold Co., Pittsburgh, Pa.
Shenango Furnace Co., Pittsburgh, Pa.
Stanley Works, New Britain, Conn.
Universal Cyclops Steel Corp., Bridgeville, Pa.
Vanadium-Alloys Steel Co., Latrobe, Pa.
Vulcan Crucible Steel Co., Aliquippa, Pa.
Wheeling Steel Corp., Wheeling, W. Va.
Woodward Iron Co., Woodward, Ala.
Allegheny Ludlum Steel Corp., Pittsburgh, Pa.
Bethlehem Steel Co., Bethlehem, Pa.
Bethlehem Pacific Coast Steel Corp., San Francisco, Calif.

Bethlehem Supply Co. of California, Los Angeles, Calif.
Bethlehem Supply Co., Tulsa, Okla.
Buffalo Tank Corp., Lackawanna, N. Y.; Charlotte, N. C.; Dunellen, N. J.
Dundalk Co., Sparrows Point, Md.
A. M. Byers Co., Pittsburgh, Pa.
Colorado Fuel & Iron Corp., New York, N. Y.
Claymont Steel Corp., Claymont, Del.
Crucible Steel Co., Oliver Building, Pittsburgh, Pa.
Jones & Laughlin Steel Corp., Pittsburgh, Pa.
J. & L. Steel Barrel Co., Philadelphia, Pa.
National Supply Co., Pittsburgh, Pa.
Pittsburgh Steel Co., Pittsburgh, Pa.
Johnson Steel & Wire Co., Inc., Worcester, Mass.
Republic Steel Corp., Cleveland, Ohio.
Truscon Steel Co., Youngstown, Ohio.
Rheem Manufacturing Co., San Francisco, Calif.
Sharon Steel Corp., Sharon, Pa.
Valley Mould & Iron Corp., Hubbard, Ohio.
Youngstown Sheet & Tube Co., Youngstown, Ohio.
Emsco Derrick & Equipment Co., Los Angeles, Calif.

Mr. HUMPHREY. Mr. President, as chairman of the Subcommittee on Labor and Labor-Management Relations, I have requested the subcommittee staff to prepare a report, based upon the testimony before the subcommittee, concerning Wage Stabilization Board recommendations in the steel dispute. I therefore ask unanimous consent to have the staff report to the subcommittee printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

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

WAGE STABILIZATION BOARD RECOMMENDATIONS IN STEEL DISPUTE

(Staff report to the Subcommittee on Labor and Labor-Management Relations of the Committee on Labor and Public Welfare, United States Senate, 82d Cong., 2d sess.)

INTRODUCTION

The problem of dealing with emergency disputes has been the subject of continuing interest and inquiry by the Senate Committee on Labor and Public Welfare. Last year, the Subcommittee on Labor and Labor-Management Relations held extensive hearings and issued a report on the disputes functions of the Wage Stabilization Board.

In view of the importance of the current dispute in the steel industry, the subcommittee invited Mr. Nathan P. Feinsinger, Chairman of the Wage Stabilization Board, to explain to the subcommittee the background of the Board's thinking leading to its recommendations in the steel dispute.

We believe that in the heat of the controversy, the essential facts with respect to the Wage Stabilization Board's recommendations have been obscured. What follows, then, is a subcommittee staff analysis of Mr. Feinsinger's testimony.

HUBERT H. HUMPHREY.

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FACTS ABOUT THE STEEL CASE

I. THE 1952 WAGE ADJUSTMENT

(a) *Board recommendations*

Although the union was seeking an 18½ cents an hour wage adjustment for a 1-year contract, the Board recommended for 1952 an increase of 12½ cents an hour effective last January 1 and an additional 2½ cents an hour beginning next July 1. For the full year 1952 the recommended adjustment averages 13¾ cents an hour.

(b) *Cost-of-living changes*

The steelworkers have had no increase in wages since December 1, 1950—a period of 16 months.

In view of the rise in the cost of living during those intervening months, the increase proposed by the Board will leave the steelworkers with less real purchasing power than they enjoyed at the end of 1950.

If the parties had adopted an escalator clause in their last agreement, the steelworkers by now would have received cost-of-living pay boosts amounting to 16 cents an hour. Such an escalator clause would have been based on the October 15, 1950, index, the last one available at the time the present contract was negotiated.

Even the November 15, 1950, cost-of-living index—if it had been available at the time—would have yielded 15 cents by January 1, 1952.

Thus the wage adjustment proposed by the Board is not even sufficient to balance the cost-of-living change since the last agreement. This is true even in face of the fact that a substantial rise in productivity is conceded by all parties concerned.

(c) *Wage changes in related industries*

While the steelworkers' wages were unchanged for 16 months, millions of workers in other industries were granted substantial increases during this period. These adjustments were negotiated by employers and unions and approved by the Wage Stabilization Board, where such approval was required.

Since December 1, 1950, the date of the last steel contract, the following adjustments have been made in other major industries: Automobiles, 17 cents an hour; meat packing, 17.3 cents; rubber, 13 cents; farm machinery (International Harvester), 17 cents; electrical, 15.5 cents; shipbuilding, 17 cents plus; nonferrous metals, 15 to 16 cents.

Thus the 12½-cent immediate increase recommended in the steel case (and the average 13¾-cent increase during 1952) are less than the increases granted to employees in most of the related industries since the last steel adjustment.

These comparisons make it apparent that the Board's wage recommendations in the steel case do not establish a pattern for other industries to follow and will not initiate a new "round" of wage boosts. Under the Board's proposals, the steelworkers are simply catching up to past increases in other fields.

(d) *Other factors*

In making its recommendations the Board also took into consideration the admitted rise in productivity in the steel industry, the fact that there will be no further wage reopenings during 1952, and the necessity of the parties using part of the recommended total increase in adjusting increments between job classes in order to maintain a balanced wage structure.

II. THE FRINGE ADJUSTMENTS

(a) *General*

Fringe benefits in the steel industry have lagged behind those enjoyed by workers in comparable industries because the basic steel contract has not been renegotiated for several years. In its recommendations, however, the Board greatly modified the union demands and recommended only that certain of the fringe benefits be brought up to prevailing levels in related industries. This is clearly consistent with General Wage Regulation 13.

(b) *Shift differentials*

The Board recommended that the existing differentials of 4 cents for the second shift and 6 cents for the third shift, which were established in 1944, be increased to 6 and 9 cents, respectively.

By comparison, shift differentials for the second and third shifts are 10 cents and 15 cents at General Motors and Ford; 18 cents at International Harvester and General Electric. BLS studies show that shift differentials exceeding 6 and 9 cents are prevalent in manufacturing industries as a whole.

(c) *Holiday pay*

The Board recommended six paid holidays for the steelworkers, with double time for holidays when worked. This is the practice in the automobile, farm equipment, and rubber industries. In the meat-packing industry eight paid holidays at triple time are provided, while the electrical industry gives seven paid holidays at double time. Virtually every major industry observes holiday practices which are at least as liberal as those recommended by the Board.

(d) *Vacations*

Again, the Board's recommendation of 3 weeks' vacation after 15 years' service—instead of the 25 years required in the last contract—is in line with prevailing practice. Industries with such a vacation practice (or a more liberal one) include agricultural machinery, automobiles, can manufacturing, electrical equipment, meat packing, and rubber.

(e) *Geographical differentials*

Although the union asked that all geographical differentials be eliminated, the Board recommended only that the existing 10 cents an hour differential between plants of the same company in the North and South be reduced to 5 cents. This merely follows the tendency which the parties themselves developed in collective bargaining. In 1947, they reduced the differential from 17½ cents to 14½ cents. In 1950, the parties further narrowed it to 10 cents.

(f) *Premium pay for Sunday work*

The Board recommended that the steelworkers receive pay at one and a fourth times their regular rate for Sunday work beginning January 1, 1953.

Premium pay for Sunday work has gained widespread acceptance in American industry. A BLS study made in 1950, covering about 2,500,000 workers in more than 450 establishments, found approximately 50 percent of employees receiving double time for Sunday work and a further 10 percent receiving time and one-half.

Premium pay for Sunday work is not exceptional in continuous operation industries. Time and one-half for Sunday work is paid in the aluminum industry, paper manufacturing, glass manufacturing, telephone industry, and by some of the largest food processing companies. The Ford Motor Co. pays a small Sunday premium to workers on continuous operations in its steel mill.

(g) *Cost of fringe benefits*

The Board recommended that the fringe benefits become effective as of the first payroll period following its recommendations (March 20). This means that the actual cost of the fringe recommendations prorated over 1952 will be reduced to 4¼ cents an hour, whereas the full annual cost of the holiday, vacation, and shift recommendations would be 5$\frac{1}{10}$ cents an hour according to company estimates. The recommended premium rate for Sunday work, if adopted by the parties, will not take effect until 1953 and will cost 3½ cents at that time.

III. THE 1953 ADJUSTMENT

(a) *A 2½-cent-an-hour increase effective January 1, 1953*

This step-up increase recommended by the Board, as well as the step-up for July 1, 1952, is related to the proposed 18-month contract with no reopening. Such an agreement is distinctly uncommon amidst the

growing tendency toward short-term agreements or frequent automatic wage adjustments during the emergency period.

Even with the second step-up adjustment next January 1, the steelworkers still will be behind General Motors and other auto workers, whether the cost of living rises, remains stable, or declines in coming months. This results from the fact that the auto workers, in addition to the escalator clause in their contract, receive an annual improvement increase of 4 cents an hour in recognition of higher productivity.

Hence, General Motors and other auto employees will receive a 4-cents-an-hour increase in May or June 1952, and a similar adjustment in the summer of 1953—or a total increase of 8 cents between now and July 1, 1953, the proposed expiration date of the steel contract.

If the cost of living should remain stable, total increases in the automobile industry will be 25 cents an hour between December 15, 1950—the date of the last steel agreement—and July 1953, the end of the recommended new steel pact, as compared with 17½ cents recommended for steel. If the cost of living rises, the differential will be even greater. If the cost-of-living index should fall eight points, or more than 4 percent, the over-all auto wage adjustment still would be as high as the proposed steel increase.

IV. THE UNION-SHOP ISSUE

A majority of the Board recommended that the parties include a union-shop provision in their new contracts, the exact form and condition thereof to be determined by them in their forthcoming negotiations.

The public members would have preferred a different recommendation, one which would have returned the matter to the parties for collective bargaining, with the Board to be prepared to consider further recommendations in the event the parties failed to resolve the issue. But a majority of the Board could not be obtained to support this position. When the labor members moved for a recommendation of the union shop, the public members voted in the negative, stating that they did so because they believed that the parties should be given another chance to bargain on the issue, since their prior bargaining had been so unsatisfactory. The public members then moved their proposal and this was rejected by both the labor and industry members. The latter took the position that retention of jurisdiction would imply that, if the parties failed to agree, the Board might then make the recommendation, whereas the Board should not recommend the union shop in any case. The public members were thus left with only the alternative of recommending the union shop or agreeing that the Board would not do so in any case. Under the necessity of choosing between these alternatives, the public members concluded that reason, fairness, and equity required the former.

The form of union security provided for in contracts between the union and most of the steel companies is maintenance of membership and check-off. Under this arrangement, all employees who are members of the union when a contract is signed, and all employees who may join the union thereafter, must continue to maintain their membership for the duration of the collective agreement as a condition of employment.

The union requested that the present maintenance-of-membership arrangement be changed to the union shop as authorized by the Labor-Management Relations (Taft-Hartley) Act of 1947, as amended. In substance, this arrangement would extend the present obligations of union members to all employees in the bargaining unit. Specifically, all employees in the bargaining unit would be required as a condition of employment to pay to the union a uniform initiation fee and periodic dues.

The union shop is not new to the steel industry or to industries related thereto; 45 percent of this union's 2,200 contracts covering production and maintenance units in basic steel and fabricating plants contain union-shop provisions. As of October 1951, 27 of the 66 contracts between the union and companies operating basic steel plants contained provisions for either the full union shop or some modification thereof beyond maintenance of membership. A number of coal mines and railroads owned or controlled by the steel companies also have union-shop agreements with other unions.

A majority of the employees in the steel industry desire a union shop. As of December 1951, union-shop elections had been held in some or all of the plants of 54 out of the 66 companies having steel ingot or pig iron capacity at which the union is the bargaining representative. Out of 74 elections held, the employees voted for the union shop in all save 3. Of 467,000 employees who were eligible to vote in these elections, 82 percent of the eligibles voted. Of the eligibles, 66.9 percent voted for the union shop. Out of the 385,810 employees actually voting 83.3 percent voted for the union shop.

The Board has not recommended any specific form or condition of union-shop agreement. It has called to the attention of the parties various alternatives which might be adopted. These include, in addition to the type of union shop prescribed in the Taft-Hartley Act, modified union security arrangements, of which the General Motors provisions and the Rand formula for maintenance of dues are illustrative.

The union-shop issue is one of many in the steel dispute, and the Board's responsibility for making recommendations is no less with respect to that issue than to any of the others. The Board's recommendation does not violate the Taft-Hartley Act and is not inconsistent with any other Federal or State legislation.

*Steel case issues, union demands, and WSB recommendations*

| Issue | Present | Union demand | Board recommendations |
|---|---|---|---|
| Wage increase | | 18.5 cents | 12.5 cents (effective January 1952), 2.5 cents (effective July 1952), 2.5 cents (effective January 1953). |
| Guaranteed wage | | Establish employer financed trust fund | Returned to parties for joint consideration. |
| Severance pay | | Liberalization of existing practice | Returned to parties for consideration with guaranteed annual wage. |
| Reporting allowance | | Increase to 8 hours pay from present 4 hours | Do. |
| Technological demotion pay | | Institution of provision | For withdrawal of demand. |
| Geographical differential | | Eliminate 10-cent southern differential | Narrow to 5 cents. |
| Shift differential: | | | |
| Second | 4 cents | 10 cents | 6 cents. |
| Third | 6 cents | 15 cents | 9 cents. |
| Holiday pay: | | | |
| (a) Paid holidays | None | 8 | 6. |
| (b) Holidays worked | Time and one-half | Double time and one-half | Double time. |
| Vacations | 1 week for 1 year's service; 2 weeks for 5 years; and 3 weeks for 25 years. | 1 week for 1 year's service; 2 weeks for 2 years; 3 weeks for 5 years; and 4 weeks for 25 years. | No change except 3 weeks after 15 years instead of 25. |
| Saturday and Sunday premium pay | None | Time and one-half for Saturday; double time for Sunday. | Time and one-quarter for Sunday, effective Jan. 1, 1953. |
| Contracting out | | Prohibit | Union should withdraw demand. |
| Definition of employee | | Revision | Returned to parties. |
| Responsibilities of parties | | Revision (companies also proposed revisions) | Do. |
| Rates of pay—incentives | | (1) Give up agreement to agree (companies propose retention); (2) revise rules (companies proposed revisions). | Do. |
| Local working conditions, Management rights and rates of pay—job structure. | | Both union and companies proposed substantial revisions. | No change. |
| Rates of pay—miscellaneous | | Revision | Returned to parties. |
| Seniority | | Substantial revision | Local unions should be furnished with adequate seniority lists. All other seniority issues returned to parties. |
| Purpose and intent; adjustment of grievances; arbitration; suspension and discharge; safety and health; military service. | Returned to the parties in accordance with their agreement. | | |
| Union security | | Maximum union security permissible under Taft Hartley and applicable State statutes. | A form of union shop to be negotiated by parties. |
| Absenteeism | | Notice required whenever practicable | Returned to parties. |
| Application of shift differentials | | Changed and liberalized | Do. |
| Application of vacations | | Changed and liberalized (eligibility for unemployment compensation). | Do. |
| Application of paid holidays | | (Companies urged need for rules) | Parties should negotiate eligibility rules. |
| Premium and overtime pay | | Substantial revision and liberalization of rules and provisions for penalty pay for company violations. | Premium or penalty pay for sporadic rescheduling of individuals; premium pay or reporting allowance for split shifts. |
| Retroactivity | | All money issues | General wage increase only. |

Mr. HUMPHREY. Mr. President, I also requested our staff to prepare and gather for me other statistical data pertaining to the dispute which is now pending and which has been temporarily resolved by seizure. One statistical table and analysis I have is entitled "The Cost of the Proposed Steel Wage Increase." On the first sheet of it there appears a body of conclusions, followed by supplementary sheets which indicate detailed discussion of the cost of the proposed steel wage increase. I ask unanimous consent that that document be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER. Is there objection?

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

THE COST OF THE PROPOSED STEEL WAGE INCREASE

CONCLUSIONS

1. The cost of the entire wage package proposed by WSB averages 23.1 cents an hour from January 1, 1952, to June 30, 1953.[1]

2. Production of 1 ton of finished steel requires 17 man-hours.[1] Thus, the average cost of the proposed wage increase is $3.93 a ton.

3. A fully integrated operation (including production of coal, iron ore, and limestone) requires 20 man-hours a ton. Thus, the proposed wage increase, plus an identical increase in ore and coal mines and quarries also retroactive to January 1, 1952, would raise the industry's total labor cost by $4.62 a ton of finished steel.[1]

Nonintegrated companies could pay out of this amount for an increase in the prices of purchased ore, coal and limestone equal to the increase in wage cost of these materials.

4. The industry has claimed that the wage cost increase is $6 a ton. This figure applies only if retroactive pay is charged to current operations. Or else, it applies only after January 1, 1953.[1]

5. The cost figures given above do not take account of increasing labor productivity which is bound to offset part of the wage rise.

6. The steel industry also wants a hundred percent bonus to cover now other cost increases which are merely anticipated—the surest way to convert price stabilization into price stimulation.

7. The figure of $6 a ton given by the industry for these anticipated cost increases is preposterous. On the basis of past experience, it might perhaps be conceded to amount to 50 cents a ton.

In effect, then, the steel industry is asking for a large bonus merely to raise its profits which already are at a level without precedent since the First World War.

DETAILED DISCUSSION

1. The WSB recommended a wage increase of 12½ cents effective January 1, 1952, an additional 2½ cents effective July 1, 1952, and another 2½ cents effective January 1, 1953.

It further recommended certain improvements in fringe benefits effective at the time of settlement (six paid holidays; 5-cent reduction in geographic differentials; 2- and 3-cent increase in differentials for second and third shifts, respectively; and one additional week's vacation for those with 15 to 25 years' service) and also, effective January 1, 1953, time-and-one-quarter pay for work on Sunday as such.

The cost of this entire package to the industry averages 23.1 cents an hour for the period from January 1, 1952, to June 30, 1953, according to detailed computations verified by technical experts of the steel industry.

This cost figure includes the indirect costs of the increases due to the application of higher wage rates to overtime pay, vacation pay, social security, and other payroll taxes, pensions, etc. It also includes the added cost due to the industry's practice of giving salaried employees an increase equal in percent, rather than cents per hour, to the increase given to wage earners.

2. According to detailed computations verified by the steel industry's own experts, production of 1 ton of finished steel requires 17 hours of labor.

This figure covers the operation of coke ovens, blast furnaces, steelmaking furnaces, and rolling mills. It includes all other employment related to steel production, such as clerical, administrative, and sales forces. It does not make an allowance for the fact that the output of these 17 man-hours also comprises certain byproducts. The figure, therefore, is on the high side.

Since the average cost of the proposed wage increase for the contract period is 23.1 cents an hour and since 17 man-hours are required to produce 1 ton of finished steel, the average cost of the proposed wage increase is $3.93 a ton (17 times 23.1 cents).

3. The production of the coal, iron ore, and limestone needed for production of 1 ton of finished steel requires an additional 3 man-hours, according to computations verified by steel-industry experts.

If it is assumed that workers and salaried employees in coal mines, ore mines, and limestone quarries are given the same increase in wages and fringe benefits as those in the steel mills, and as of the same dates (i. e., retroactive to January 1, 1952), then it follows that the industry's average cost would be increased by an average of 20 times 23.1 cents or $4.62 a ton for a fully integrated operation, including production of the coal, ore, and limestone required. The cost increase of a nonintegrated operation would be the same if it were assumed that prices paid for coal, ore, and limestone would be raised by the cost of the wage increase incurred in the production of these materials.

It must be pointed out, however, that identical wage increases as of the same dates are not likely to be given to all of the workers and employees concerned. Workers in ore mines are organized by the same union and it has required a similar increase for them. But coal miners have as yet not even asked for a wage increase and it is most unlikely that any contract revision they may obtain will be retroactive to January 1, 1952.

The cost figure of $4.62 a ton, therefore, is clearly in excess of the actual cost that would be incurred by the steel companies if they accepted the WSB proposal.

4. The steel industry has claimed that the WSB proposal would involve a labor cost increase of $6 a ton. This figure can be explained in two different ways:

(a) It is the approximate cost of the proposed wage increase for a fully integrated operation during the entire proposed contract period of 18 months distributed over the 14 months from May 1, 1952, to June 30, 1953. In other words, this figure includes the retroactive pay for the first 4 months of the contract in the labor cost of the subsequent 14 months.

(b) The figure of $6 a ton is also approximately equal to the total average cost per ton of the wage increases and fringe benefits proposed for the last 6 months of the contract period, i. e., for the first half of 1953—again applied to coal, ore, and limestone as well as to steel.

Thus, neither the cost of the wage increase proposed for the remainder of 1952 nor the average cost for the entire contract period is as high as $6 a ton.

5. The cost figures given above do not take account of the fact that the continuing increase in labor productivity is bound to offset part of the wage increase.

According to the statistics of the American Iron and Steel Institute, the total employment cost per hour (i. e., wages, fringe benefits, social security, etc.) rose 37.4 percent from 1946 to 1950. But the labor cost per ton of finished steel rose only 14.0 percent during the same period.

Over a shorter period, the difference between labor cost per hour and labor cost per ton may not be so pronounced. But during the next 15 months, with a substantial number of new and more efficient plants coming into production, the increase in productivity would be certain to offset an appreciable proportion of the proposed wage increase.

6. The industry refuses to discount the prospective savings from increased productivity. Instead, it wants to discount an alleged prospective increase in the cost of its purchased materials and services—and its claims that this prospective increase will equal the rise in labor cost.

Bluntly paraphrased, this argument means that the steel industry is not satisfied with a price increase sufficient to cover every penny of the proposed wage increase. It also wants a hundred-percent bonus to cover other cost increases which may or may not occur in the near or distant future.

Entirely apart from the amount of materials cost increase claimed (which will be discussed below), the proposal to allow now price increases to compensate for cost increases which are uncertain and will occur only later on, if at all, violates common sense as well as all principles of price control.

By anticipating such cost increases, they would be brought about. An unwarranted increase in steel prices would needlessly raise the costs of all steel users, including most of the suppliers of the steel industry. And once a precedent was set by allowing a rise in steel prices to compensate for cost increases that are merely anticipated, other industries, including the steel industry's suppliers, would seem to be entitled to similar compensation for any cost increases they might choose to anticipate.

There is no surer way of converting price stabilization into price stimulation than to compensate now for anticipated and uncertain cost increases.

7. Entirely apart from any objection to the idea of compensating now for cost increases which are merely anticipated, an analysis of facts and figures shows that the industry's claim of cost duplication is almost entirely baseless. In effect, therefore, the steel industry is asking for a bonus merely to raise its profits which already are at a level without precedent since the First World War.

The industry claims that the anticipated cost duplication will occur in the long run. But one need only look at its own figures to disprove this claim. For instance, the published figures of the United States Steel Corporation shows that from 1923 (a fairly normal year) to 1951 its hourly wages rose 250.9 percent, while the cost of materials and services purchased per ton of steel increased 126.7 percent during the same period. Thus materials cost rose just about half as much as hourly wages. But now the industry wants us to believe that materials cost is bound to rise fully as much as hourly wage cost.

While these figures show that the industry's claim is fallacious in the long run, it

[1] Each of these statements is based on computations verified by the steel industry's own experts.

can be shown to be even more fallacious in the short run.

The industry now pays no more than $50 for materials and services purchased to make 1 ton of finished steel. The claimed cost increase of $6 a ton, therefore, presupposes that the price level of these materials and services, for the average of the next 15 months, would be 12 percent higher than it is today. Assuming that the rise started immediately and continued at an even rate throughout these 15 months, an increase averaging 12 percent would occur only if the price level at the end of the 15 months were 24 percent higher than it is today.

Even without price control, it would be preposterous to assume that prices would increase at so fast a rate—a rate twice as fast as during the 15 months after Korea. Actually, however, we now have price control. Wholesale prices are about 4 percent lower than they were a year ago. There is no indication that prices generally will rapidly move up—unless the steel industry succeeds in demolishing price control and have all its suppliers adopt the same inflationary policy it attempts to pursue.

In fact, even if materials bought by the industry moved up as much as steel would if the industry received the full $12 increase per ton (which is a little more than 10 percent of the average price of steel), even then the increase in the industry's materials cost would amount only to about $4 a ton, not $6. But past experience does not indicate that other prices moved up as fast as steel. The Wholesale Price Index of the Bureau of Labor Statistics shows, for instance, that from January 1947 to February 1952 steel prices rose 45.4 percent, while prices for all commodities except farm products and foods (but including steel) went up only 24.5 percent. Why should other commodities now go up so much faster than steel?

If this past relationship held good in the next 15 months and if steel prices were now raised to make up for the full cost of the proposed wage increase (i. e., about 4 percent), materials and services purchased by the industry might be expected to rise about 2 percent. And if that rise were to occur gradually over the contract period, the cost to the industry would average 1 percent—about 50 cents, not $6.

Mr. HUMPHREY. Mr. President, I also have had a study made of the profits of the steel industry. It includes an analysis of those profits, as well as a statistical table concerning the profits and investment data for the ten principal steel companies. These statistics are gathered from Government reports and published reports of the companies mentioned in the statistical tables. I ask that these be printed in the body of the RECORD at this point.

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

THE PROFITS OF THE STEEL INDUSTRY

The steel companies have taken the position that they cannot pay any wage increase without a price increase. They claim that they need a price increase large enough to cover every penny of wage increase—and then some more to cover other cost increases which may, or may not arise in the future. They claim that they cannot absorb any cost increase whatever, actual or anticipated. They say their profits are too low.

In fact, the steel companies' profits are larger than they ever were since the profiteering days of the First World War.

This is true not only of the actual amount of dollars and cents they earn. It is also true of the return they receive on their capital.

Figures over a long period of years are most readily available for the ten leading steel companies. Here are the figures:

*Return on each dollar of stockholders' investment*

| | Cents |
|---|---|
| 1917 | 46.17 |
| 1918 | 29.51 |
| 1919 | 11.74 |
| 1920 | 14.26 |
| 1921 | 2.23 |
| 1922 | 3.78 |
| 1923 | 10.09 |
| 1924 | 6.91 |
| 1925 | 8.18 |
| 1926 | 10.10 |
| 1927 | 7.22 |
| 1928 | 9.20 |
| 1929 | 13.17 |
| 1930 | 5.50 |
| 1931 | −0.27 |
| 1932 | −4.50 |
| 1933 | −2.21 |
| 1934 | −0.50 |
| 1935 | 1.86 |
| 1936 | 5.72 |
| 1937 | 9.02 |
| 1938 | 0.02 |
| 1939 | 5.17 |
| 1940 | 10.78 |
| 1941 | 19.25 |
| 1942 | 19.12 |
| 1943 | 14.53 |
| 1944 | 12.36 |
| 1945 | 7.54 |
| 1946 | 10.12 |
| 1947 | 17.58 |
| 1948 | 21.16 |
| 1949 | 18.16 |
| 1950 | 26.29 |
| 1951 | 31.32 |

During the 3 years 1947 through 1949 these steel companies averaged a profit of almost 19 cents on every dollar of stockholders' investment. This compares with 17½ cents for the years 1941 through 1943—the second best 3-year period in the steel industry's recent history. In no other year since 1920 did the steel companies earn as much as 11 cents on the dollar, except in 1929 and 1944. But in 1950 their profits rose to more than 26¼ cents on the dollar.

In 1951, they earned over 31 cents on each dollar of stockholders' investment—two to three times as much as in the properous years in the past.

How much would these profits be reduced by the proposed wage increase?

This question is best answered by comparing the cost per ton of steel arising from the wage increase with the profit per ton. The figures show that the industry in recent years made the following profits per ton, of finished steel:

| | A ton |
|---|---|
| 1947 | $3.94 |
| 1948 | 11.40 |
| 1949 | 13.11 |
| 1950 | 18.22 |
| 1951 | 19.53 |

The immediately visible direct and indirect cost of the steel wage increase proposed by WSB would be $3.93 a ton. If it were assumed that an identical increase (as of January 1, 1952) were given to workers mining coal, iron ore and limestone for steel production, the wage cost increase would be raised to $4.62 a ton. If it were further assumed that the largest reasonably likely proportion of the materials cost increase anticipated by the steel industry were to be considered, the total actual and prospective cost may be raised to a little over $5 a ton of finished steel.

But the steel industry is entitled to a price increase under the Capehart amendment to the Defense Production Act. This increase is estimated at close to $3 a ton. It would raise profits before absorption of any wage increase to about $22.50 a ton.

Absorption of the full actual and prospective cost of the entire proposed wage increase would reduce profits only to about $17 a ton—more than half again as much as the average profit of the three very prosperous years 1947–49.

*Income and investment data for 10 [1] principal steel companies, 1949, 1950, and 1951*

| | 1949 | 1950 | 1951 |
|---|---|---|---|
| Net sales | $6,277,000,000 | $7,908,000,000 | $9,466,000,000 |
| Net income (before income taxes) | $847,000,000 | $1,379,000,000 | $1,633,000,000 |
| Federal income taxes | $340,000,000 | $677,000,000 | $1,038,000,000 |
| Net income (after income taxes) | $507,000,000 | $702,000,000 | $595,000,000 |
| Percent of net income to net sales: | | | |
| Before income taxes | 13.49 | 11.74 | 17.25 |
| After income taxes | 8.08 | 8.88 | 6.29 |
| Percent of Federal income taxes to net sales | 5.41 | 8.56 | 10.96 |
| Earned surplus [2] | $1,852,000,000 | $2,134,000,000 | $2,423,000,000 |
| Stockholders' investment (net worth) [3] | $4,325,000,000 | $4,712,000,000 | $5,140,000,000 |
| Return on stockholders' investment (net worth) after Federal income taxes, percent | 11.72 | 14.91 | 11.58 |

[1] United States Steel Corp.; Bethlehem Steel Corp.; Republic Steel Corp.; Jones & Laughlin Steel Corp.; National Steel Corp.; Youngstown Sheet & Tube Co.; Inland Steel Co.; Armco; Wheeling Steel Corp.; Pittsburgh Steel Co.
[2] $600,000,00 (33 percent) in 2 years.
[3] Includes common and preferred stocks outstanding and surplus and surplus reserves.

[Millions of dollars]

| | U. S. Steel | Bethlehem | Republic | Jones & Laughlin | National Steel | Youngstown Sheet & Tube | Inland Steel | Armco Steel | Wheeling Steel Corp. | Pittsburgh Steel Co. | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Net income before taxes: | | | | | | | | | | | |
| 1949 | 313.9 | 165.8 | 84.1 | 34.1 | 90.6 | 51.7 | 40.9 | 50.2 | 13.7 | 1.4 | 847 |
| 1950 | 485.0 | 245.0 | 154.3 | 73.6 | 124.4 | 74.4 | 79.2 | 95.2 | 35.7 | 12.5 | 1,379 |
| 1951 | 622.7 | 268.5 | 175.4 | 85.3 | 145.3 | 69.3 | 87.9 | 104.1 | 51.1 | 23.4 | 1,633 |
| Net income after taxes: | | | | | | | | | | | |
| 1949 | 187.9 | 99.3 | 49.1 | 20.9 | 53.2 | 31.8 | 25.0 | 30.9 | 7.9 | .8 | 507 |
| 1950 | 251.0 | 123.0 | 75.1 | 39.7 | 63.3 | 40.6 | 38.0 | 47.0 | 18.3 | 6.3 | 702 |
| 1951 | 224.7 | 106.5 | 57.9 | 31.0 | 50.3 | 30.6 | 34.4 | 35.0 | 17.4 | 7.3 | 596 |
| Earned surplus: | | | | | | | | | | | |
| 1949 | 687.0 | 337.3 | 126.3 | 130.8 | 201.0 | 116.7 | 105.9 | 80.5 | 52.4 | 14.3 | 1,852 |
| 1950 | 784.6 | 414.8 | 163.4 | 102.0 | 177.6 | 168.2 | 137.9 | 111.0 | 57.6 | 17.2 | 2,134 |
| 1951 | 865.4 | 476.8 | 193.0 | 120.9 | 201.0 | 188.8 | 155.1 | 131.0 | 69.0 | 21.6 | 2,423 |
| Return on stockholder's investment (net worth) after taxes (percent): | | | | | | | | | | | |
| 1949 | 9.37 | 14.40 | 13.88 | 8.14 | 20.71 | 14.10 | 13.87 | 16.10 | 6.85 | 1.77 | 11.72 |
| 1950 | 11.81 | 15.91 | 19.11 | 13.96 | 21.28 | 15.94 | 19.40 | 22.09 | 14.77 | 12.54 | 14.91 |
| 1951 | 9.97 | 12.64 | 13.35 | 9.49 | 15.12 | 10.81 | 16.00 | 13.79 | 12.76 | 11.69 | 11.58 |

Source: Federal Trade Commission.

Mr. HUMPHREY. Mr. President, in conclusion I may say that the purpose of these insertions in the record is not to prejudice anyone's mind, or the case. It is to provide what I consider to be sound and objective material, which is the result in part of testimony, and in part of independent research and study conducted by a competent technical staff of experts. I present it to the Senate for study and consideration, as we consider the problems which have been raised so brilliantly today and so logically by the distinguished Senator from Oregon [Mr. MORSE], who cited the difficulties which we face in this emergency.

## UNIVERSAL MILITARY TRAINING

Mr. CAIN. Mr. President, as the Senate and the House of Representatives are about to recess for a brief period during the Easter season the junior Senator from Washington wishes to offer an observation which others may care to consider and think about in the several days of comparative leisure which are immediately in prospect.

The junior Senator from Washington wishes to speak briefly, but from a deep and sincere conviction, about one of the most fundamental and important public questions of the generation in which we live.

As one who has been a consistent—and I believe the record will show, a vigorous—supporter of universal military training, I should like to express my deep concern over the predicament which has come upon us as a result of the recent action of the House of Representatives in recommitting to the Committee on Armed Services the National Security Training Corps Act.

My concern in this matter is so profound that I am going to attempt to explain it, because I feel that the Senate will share with me my deep and uneasy apprehension.

To start at the beginning, most of us who favor universal military training do so for one reason and for one reason alone—universal military training is vital to our national security.

We no longer live in an international climate which permits us any choice as to whether we shall maintain ourselves in a position of readiness to defend our way of life. That choice is beyond our making. Our only choice is the manner in which we shall attain and retain this position of military readiness.

We can do it either by the continuous retention of a large active-duty force which has behind it no depth of reserve strength, or we can do it by retaining on active duty a smaller active military force backed up by a competent and Ready Reserve.

We cannot adopt the first course—retaining forever a huge standing military force—without simply going broke.

It was for that reason that the Senate Committee on Armed Services—of which I have the great honor of being a member—unanimously approved universal military training.

As a part of that plan every physically fit young man is obligated to serve in the reserve components of our armed forces for a period of 8 years. This period of 8 years may be shortened by any period of active duty. There is nothing new in this provision—we have had almost the same thing since 1948 when the total term of service was 7 years.

No one can quarrel with the propriety of placing this obligation on our physically fit young men so long as the obligation is placed uniformly on everyone.

That was the purpose of UMT. That was the method by which we hoped—I may even say devoutly prayed—to abolish forever the fantastically unfair procedure of recalling for a second period of active duty the young men who had already fought in a previous war. We were guilty of this gross injustice when Korea burst upon us and we ordered to active duty in the rice paddies of Korea many of the same young men who had given years of themselves in fighting the battles of World War II for this Nation. It is impossible to conceive of a more fantastic injustice than the recall of these veterans. Yet the brutal fact is that this recall was necessary because there was no one else to fill the breach—no one else to meet this desperate emergency which saw the flower of some of our finest divisions threatened with the heel of Communist aggression on that distant Korean peninsula.

We found ourselves in this predicament because we had no system of feeding into the Reserve young men who had been given a thorough course of basic military training but who had not been already called upon to fight one war.

So, now, where do we stand?

The universal military training bill has been accorded, in one of the Houses of the Congress, the indecisive treatment of sending it back to the committee whence it came.

But I say to you, Mr. President, that this is no matter for indecision. It is no matter which can be pigeonholed. On the contrary—and I have never been more serious in my life—it is a matter which must either be rejected in a clear-cut and decisive manner or one which must be approved with equal firmness. For—and this is the heart of the matter—if we are not to have universal military training, we must then reexamine the obligation for Reserve service which is imposed upon those young men who today enlist in the Armed Forces or who are inducted into the Armed Forces.

Every single one of those young men, on the day he enters the Armed Forces, becomes liable for a total of 8 years of obligated service. This obligation was imposed upon him on the theory that it would be uniformly imposed upon all physically able young men.

If such is not to be the case, how in the name of common decency and fairness can we continue to impose it upon the limited number of young Americans who are today entering our Armed Forces either through voluntary enlistment or through Selective Service. For is it fair to the youngster who enlists in the Navy for 4 years or in the Air Force for 4 years or in the Marine Corps or the Army for 3 years—bear in mind he makes this enlistment entirely voluntarily—is it fair to single him out for 4 years of additional reserve and suddenly to recall him at some future date again to go to the front line of some future battlefield?

In the name of fairness and common sense, have we not learned the tragic lesson of unfairness which the recall of veterans for service in Korea has taught us?

Do Senators think that the young men who are today enlisting or who are today being inducted into the service will lightly regard this heavy military obligation if it is imposed upon them while literally thousands—while literally hundreds of thousands—of their contemporaries and their neighbors escape entirely from all military service by some sort of deferment?

Either we must meet this question of a fair treatment of the reservists clearly and decisively or we will be faced with a wave of resentment at some future date which will make the Korean debacle seem as mild as an afternoon at the beach.

This matter cannot be handled by indecision.

This country must either vote UMT up or most vote UMT down, and if it votes UMT down, then we must completely revamp the reserve structure of our Nation, because as Americans we will not, and as human beings we must not, again impose upon a small number of patriotic young men the nightmarish liability of being recalled for a second or a third time again to shed their blood in our defense while there are thousands upon thousands of young men who have never had and who will never have the opportunity which is such a vital part of our heritage—the opportunity, when the United States is required to be at war, to bear arms in the defense of our homes, our country, and our loved ones.

## EXECUTIVE SESSION

Mr. HILL. Mr. President, I move that the Senate proceed to the consideration of executive business.

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

## EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. HENDRICKSON in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

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

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the nominations on the Executive Calendar.

## SUBVERSIVE ACTIVITIES CONTROL BOARD

The Chief Clerk read the nomination of James O'Connor Roberts, to be a member of the Subversive Activities Control Board for a term of 2 years.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

## UNITED STATES ATTORNEY

The Chief Clerk read the nomination of William Joseph Fleniken, Sr., to be a United States attorney for the western district of Louisiana.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Philip A. Hart, to be a United States attorney for the eastern district of Michigan.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The Chief Clerk read the nomination of Edward C. Boyle, to be United States attorney for the western district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. HILL. Mr. President, I ask that the President be notified forthwith of all confirmations of nominations made this day.

The PRESIDING OFFICER. Without objection, the President will be notified.

## ADJOURNMENT

Mr. HILL. Mr. President, as in legislative session, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock p. m.) the Senate adjourned until tomorrow, Thursday, April 10, 1952, at 12 o'clock meridian.

## NOMINATIONS

Executive nominations received by the Senate April 9 (legislative day of April 2), 1952:

### IN THE AIR FORCE

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947); title II, Public Law 365, Eightieth Congress (Army-Navy-Public Health Service Medical Officer Procurement Act of 1947); and section 307 (b), Public Law 150, Eighty-second Congress (Air Force Organization Act of 1951), with a view to designation for the performance of duties as indicated:

*To be captains, USAF (medical)*

Nicholas M. Azzato, AO947203.
Don E. Flinn, AO1766484.
Kenneth N. Morese, AO962717.
Warren A. Nafis, AO976252.

*To be captains, USAF (dental)*

Irvin F. Buck, AO1704974.
Fred C. Mayer, AO2239873.
Alexander V. V. McKee, AO1787136.
George B. Petty, AO1785795.

*To be first lieutenants, USAF (medical)*

Joseph J. Claro, AO2239104.
James T. Deuel, AO1906936.
Thomas W. Greiwe, AO2213089.
Charles L. McKeen, AO2212685.
Joel E. Reed, AO2213374.
Arthur C. Watson, Jr., AO779027.
George S. Woodward, AO976455.

*To be first lieutenants, USAF (dental)*

Harold C. Askew, AO875925.
William H. Cottrell, AO730388.
Thomas S. Shuttee, AO1906158.

*To be first lieutenants, USAF (veterinary)*

Murlin L. McGown, AO2213278.
Max M. Nold, AO2212717.

The following-named distinguished officer candidates for appointment in the Regular Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

*To be second lieutenants*

Robert L. Blurton, AO2218615.
James F. Bott, AO2218618.
Charles R. Brady, AO2218620.
Arthur E. Fox, AO2218669.
William H. Gibson, AO2218671.
William A. Howland, Jr., AO2218699.
Dean E. Lindsay, AO2218723.
Walter H. MacGinitie, AO2218726.
Lonnie C. McMillan, AO2218741.
Victor F. Phillips, Jr., AO2218759.
Constantine A. Pontikes, AO2218761.
Billy F. Rogers, AO2218775.
Eaton K. Sims, AO2218787.
Claud J. Smithson, Jr., AO2218790.
Philip R. Snyder, AO2218791.
Walter W. Thompson, AO2218804.
Robert L. Walton, Jr., AO2218812.

The following-named distinguished aviation cadets for appointment in the Regular Air Force, in the grade indicated, with dates of rank to be determined by the Secretary of the Air Force, under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

*To be second lieutenants*

| | |
|---|---|
| George L. Athanas | Cozier S. Kline |
| Jesse C. Bounds, Jr. | Donald J. Koetting |
| Richard J. Bustin | John T. Lee, Jr. |
| Lyle W. Cameron | Frederick L. Maloy |
| Clifford E. Courtney | Louis G. Neuner |
| Richard M. Cowden | John T. Randerson |
| Ralph G. deClairmont | Roger C. Rettig |
| Allen H. Dickey | Arlie K. Roesener |
| Thomas H. Disch, Jr. | William A. Rohring |
| Malcolm R. Doak | Joseph C. Romack |
| John L. Fisher | Charles K. Rose III |
| Billy B. Forsman | Edward Sanet |
| Bradley Gaylord, Jr. | David B. Saville |
| Byron M. Gillory | James T. Shearon |
| George A. Grove | Edwin L. Smith |
| Willard W. Hegberg | Eugene K. Somers |
| Alidore A. Jancauskas | John P. Thomas |

### IN THE AIR FORCE

The following-named persons for appointment in the Regular Air Force, in the grades indicated, with dates of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947):

*To be first lieutenants*

Robert L. Able, AO2202819.
Robert A. Alger, AO715677.
George R. Anderson, AO542826.
John D. Anderson, AO2072612.
Clayton L. Balch, Jr., AO708909.
Kenneth W. Baumann, AO720386.
John E. Blake, AO748534.
Thomas A. Blake, AO936232.
Robert W. Blandin, AO769692.
Norman B. Bodinger, AO859929.
Henry L. Boyd, AO526699.
Joseph E. Cahill, AO2092640.
Ellison E. Carroll, AO1908510.
Braxton Carter, AO2007890.
James F. Casey, AO792959.
William R. Caylor, AO714660.
Thomas J. Cecil, AO669454.
Clarence N. Chamberlain, Jr., AO814864.
Robert L. Christie, AO2088565.
John P. Clowry, AO814867.
Arthur L. Consta, AO710670.
Leon G. Culbertson, AO932901.
William R. Detrick, AO777516.
Buel A. Dunn, AO2046661.
Robert K. Early, AO715499.
Egbert B. Eddy, AO928296.
Clyde P. Evely, AO721047.
Mark Farnum, Jr., AO715753.
David F. First, AO708432.
Howard M. Fish, AO2063393.
William L. Foust, AO837676.
Norman J. Fowler, Jr., AO932613.
Philip B. Francis, AO704183.
Fay E. French, AO2095748.
Robert A. Fromm, AO779841.
John W. Gahn, AO2080272.
Talbert M. Gates, AO821990.
Robert D. Hale, AO2077546.
Frank L. Hardcastle, AO870647.
Carl E. Hardy, Jr., AO802293.
Emerson E. Heller, AO778802.
Garland B. Hilton, Jr., AO585580.
Richard M. Hoban, AO680901.
Floyd E. Keller, AO2091178.
Elwin G. Kirby, AO828325.
George C. Kougias, AO803023.
Duane A. Kuhlmann, AO2063059.
James S. Leaon, AO1847250.
William H. Lewis, AO732031.
Delbert J. Light, AO841514.
Brian J. Lincoln, AO2063066.
Lyle E. Lingel, AO778517.
Harry E. Lyndes, Jr., AO2066479.
Richard W. Marshall, AO2065089.
Warren W. McAllister, AO751181.
David L. McCracken, AO936895.
Gordon D. McHenry, AO787691.
John R. McQuown, AO685674.
Myron D. Miller, AO2086078.
James W. Minow, AO472348.
Julian B. Morris, AO834639.
John E. Murray, AO674060.
Harold L. Naylor, AO775495.
Roger W. Nestle, AO733706.
Robert E. Noziglia, AO759495.
Raul Nunez, AO869658.
Ray L. Obenshain, Jr., AO727529.
Donald G. Page, AO803440.
Charles C. Pattillo, AO826755.
William E. Perry, Jr., AO755409.
Jeff J. Piercy, AO776023.
Nelson O. Pohl, AO2087578.
Robert Poladian, AO931854.
Donald G. Prieve, AO735443.
George R. Ramsdell, AO699324.
Virgil H. Rizer, AO2085842.
William J. Rothery, Jr., AO2076141.
Charles C. Russell, AO687637.
Frank P. Rymer, Jr., AO826518.
Glen M. Sanford, AO838934.
George J. Savage, AO802945.
Arnold E. Scherler, Jr., AO935735.
Louis F. Schleuss, AO942403.
Wiltz P. Segura, AO802357.
William E. Shelton, AO681713.
William F. Shimonkevitz, AO2090163.
William M. Sims, Jr., AO801343.
Edgar H. Smith, AO813429.
Edward F. Smith, AO759102.
William H. Smith, Jr., AO814150.
Glen W. Statum, AO723462.
Robert M. Stevens, AO746214.
Melvin J. Stinchfield, AO708141.
Harold W. Stoneberger, AO936698.
Wilford L. Teel, AO840878.
Onial A. Thomas, AO714218.
Carl E. VanHorn, AO2060616.
Lester J. Vohs, AO746233.
Richard C. Wanzer, AO837234.
Melvin P. Weyhrich, AO936816.
James I. Wheeler, AO715077.
Albert G. Whitley, AO2070407.
Durwood B. Williams, AO693180.
Roger W. Williams, AO722410.
Donald L. Wilson, AO701218.
Ernest R. Wilson, AO886207.
R. L. Wood, AO680569.
Rufus Woody, Jr., AO672919.
John C. Ziegler, AO680359.

*To be second lieutenants*

Charles E. Abbey, AO769645.
John B. Algeo, AO664938.
Joseph W. Allen, AO2085883.
Hugh S. Andrew, AO761527.

Russell D. Archibald, AO709496.
Charles L. Armstrong, AO671844.
Charles K. Arpke, AO857101.
Joseph L. Ashbaker, AO1285875.
James W. Ashmore, Jr., AO767966.
Henry D. Baker, Jr., AO1856240.
William R. Barker, AO441734.
Randolph C. Bates, Jr., AO2072408.
Cole J. Berggreen, AO691034.
Airus E. Bergstrom, AO816982.
Forrest F. Betzer, AO734062.
Edgar W. Biggers, Jr., AO1857134.
Gerald P. Boehne, AO2085904.
Thomas B. Bolt, AO2077175.
Robert W. Bond, Jr., AO591624.
Robert H. Borders III, AO791188.
John J. Boyne, AO2059729.
William C. Branan, AO837105.
Russell D. Brewington, AO709885.
Charles D. Bright, AO757457.
Thomas C. Britton, AO708916.
Eugene C. Bryant, AO1856998.
Paul W. Bryce, Jr., AO824404.
Willard S. Bull, Jr., AO1847386.
Walter H. Burke, AO769718.
Myron E. Cale, AO591012.
Harvey B. Campbell, AO1857008.
Stanley J. Campbell, AO675744.
Armand M. Carlomagno, AO717180.
William H. Chambers, Jr., AO1846662.
Earl M. Chu, AO788149.
Bordean W. Clinger, AO675673.
James B. Clouse, AO1854315.
Tommy Cobb, AO2058990.
Paul V. Colaianni, AO1904928.
Kenneth C. Cooley, AO705551.
John G. Courlas, AO809326.
George E. Cramer, AO591108.
John B. Cronin, AO934534.
Thomas H. Davis, AO815096.
Peter H. Davison, AO706144.
Eleo Decima, AO811390.
Robert Dennis, AO464049.
Irving L. Denton, AO588952.
Lewis H. Dickerson, AO558034.
James F. Dinwiddie, AO838315.
Robert H. DiVall, AO2085399.
Michael B. Elliott, AO1851862.
Victor L. Ettredge, AO779828.
Johnie W. Falls, AO926135.
Edward M. Feeney, AO860725.
Charles M. Fleenor, AO2060493.
David M. Fleming, AO1854929.
Francis M. Ford, AO774991.
John R. Ford, AO2061921.
John D. Frazer, AO681044.
Raymond J. Friss, Jr., AO739176.
Edward C. Gahl, AO822411.
Howard L. Galbreath, AO431962.
Donald W. Galvin, AO1860054.
G. C. Gardner, Jr., AO2101024.
John F. Gardner, AO685981.
Joseph J. Garvey, AO720242.
William C. Geil, AO2074393.
William G. Golden, Jr., AO783755.
Harry E. Gordon, AO1909043.
Robert O. Gose, AO2061844.
Irwin P. Graham, AO1856626.
Leland R. Hamilton, AO681579.
Ross E. Hamlin, AO840088.
Frank M. Hammock, AO2079608.
Richard E. Hansen, AO699014.
Stephen E. Harrison, AO1909845.
Robert G. Hepler, AO1853467.
Carl H. Holt, AO821282.
Charles S. Hoster, AO871466.
Eugene L. Hudson, AO745098.
Robert D. Huffman, AO832816.
John P. Irwin, AO740436.
Alfred E. Isaac, AO2009090.
Charles O. Jenista, Jr., AO881144.
Robert E. Johnson, Jr., AO825186.
John E. Jolley, Jr., AO1911023.
Charles W. P. Kamanski, AO756251.
Victor C. Kelly, AO2067853.
Chester Kirka, AO944279.
Herman L. Kirkpatrick, AO817045.
Robert B. Kleinman, AO822192.
Gerald R. Lane, AO496696.
William T. Lanham, AO1856607.
Joseph S. Laski, AO768862.
Louis F. LaVaude, AO1911108.
Walter R. Longanecker, Jr., AO777730.
Donald W. Lorenzo, AO818900.
John F. Luby, AO780995.
Tom S. MacDonald, AO836818.
Donald J. MacFarren, AO714732.
Joseph B. Madden, AO591383.
Joseph Magdich, Jr., AO2056185.
Pierre W. Martinet, Jr., AO769509.
Hubert E. Marymee, AO718709.
Jake L. McAllister, AO1848703.
Samuel P. McClurkin, AO721472.
Edward H. McEachron, AO2057660.
Nimrod McNair, Jr., AO798543.
William D. McVay, AO767597.
Harry V. Mease, AO705751.
Paul E. Merjanian, AO1849431.
Stanley K. Metsger, AO674603.
William L. Meux, Jr., AO825673.
Bernard P. Miller, AO1854191.
James O. Modisette, Jr., AO2094721.
William F. Moore, AO1909626.
William G. Moore, AO796013.
Joseph R. Moran, AO690961.
John D. Morgan, AO444785.
Ernest F. Neubert, AO2098321.
Thomas L. Newsom, AO768195.
James T. Overbey, AO869156.
James L. Pallouras, AO561807.
Warren J. Papin, AO1848955.
Joseph J. Pasko, AO2092327.
Glenn A. Patterson, Jr., AO764775.
Donald E. Pickett, AO772719.
William W. Pinner, AO1910182.
John C. Pishney, AO1904111.
Kenneth A. Plant, AO828513.
Howard F. Postero, AO1855331.
Gilbert A. Priestley, AO705615.
James A. Quillin, AO1702899.
Norvin E. Rader, AO693234.
Harry L. Rankin, Jr., AO1848387.
William Reed, AO808313.
Thomas F. Rew, AO697677.
Ernest H. Rickard, AO769557.
Bob Roark, AO716254.
Ray A. Robinson, Jr., AO661802.
William C. Robinson, AO820065.
Charles D. Roby, AO1910540.
Leland L. Rudiger, AO778579.
David B. Rundle, AO877218.
Robert D. Rutledge, Jr., AO836167.
Dale D. Ryder, AO2094256.
William K. Schenck, AO696038.
William M. Schoning, AO2067037.
John C. Schoppe, AO1852979.
Carlton E. Schutt, AO838348.
Leo N. Scull, Jr., AO2073232.
Robert Scurlock, AO1908967.
Jack G. Sexton, AO1863331.
Jack B. Sharer, AO839995.
David L. Simpson, Jr., AO875466.
Alvin D. Skaggs, AO726497.
Paul S. Skartvedt, AO737658.
Francis H. Skipper, AO798173.
Donald K. Slayton, AO677597.
Frederick H. Smith, AO2084604.
Edward F. Smithwick, AO807532.
Charles R. Spath, AO1910283.
Robert L. Sprankle, AO2082768.
George Stalk, AO813434.
Jesse E. Standish, AO1908862.
Arthur B. Staniland, AO821796.
Arthur R. Steiger, AO824976.
William R. Stephens, AO566819.
James W. Strother, AO1854109.
Joseph J. Tackwell, AO710200.
Abbott L. Taylor, AO823482.
Morgan F. Terry, Jr., AO678098.
Richard L. Thompson, AO766971.
James H. Thornton, AO720612.
Frederick F. Tolle, AO810770.
John C. Toomay, AO876460.
Sidney P. Upsher, AO768316.
Raymond H. Vavrinek, AO831033.
Francis D. Viering, AO1911057.
George K. Voseipka, AO2056649.
John E. Ward, AO1847746.
Marion H. Ward, AO713252.
William G. Watts, Jr., AO669550.
Sidney Weinberg, AO1905195.
Lewis E. Wheeler, Jr., AO1856105.
Douglas C. Willett, AO2077510.
Earl J. Wolf, Jr., AO680356.
Raymond B. Wood, AO546242.
John P. Woods, AO1850610.

The following-named person for appointment in the Regular Air Force, in the grade indicated, with date of rank to be determined by the Secretary of the Air Force under the provisions of section 506, Public Law 381, Eightieth Congress (Officer Personnel Act of 1947), and section 301, Public Law 625, Eightieth Congress (Women's Armed Services Integration Act of 1948):

*To be second lieutenant*

Miriam Bleyer, AL590877.

## CONFIRMATIONS

Executive nominations confirmed by the Senate April 9 (legislative day of April 2), 1952:

SUBVERSIVE ACTIVITIES CONTROL BOARD

James O'Connor Roberts, of the District of Columbia, to be a member of the Subversive Activities Control Board for a term of 2 years.

UNITED STATES ATTORNEYS

William Joseph Flenniken, Sr., to be United States attorney for the western district of Louisiana.

Philip A. Hart, to be United States attorney for the eastern district of Michigan.

Edward C. Boyle, to be United States attorney for the western district of Pennsylvania.

# HOUSE OF REPRESENTATIVES

## WEDNESDAY, APRIL 9, 1952

The House met at 10 o'clock a. m.

The Chaplain, Rev. Bernard Braskamp, D. D., offered the following prayer:

Almighty God, whose infinite wisdom our finite minds cannot comprehend and whose amazing love our sinful hearts cannot fathom, we rejoice that when there was no eye to pity and no arm to save, then in the fullness of time Thou didst give Thine only begotten Son to be the Saviour of the world.

Grant that in these days of Holy Week we may be filled with penitence and humility as we meditate upon the sufferings and death of the great Captain of our salvation, the High Priest, who laid upon the altar the acceptable sacrifice of His own life for the sins of the world.

We pray that, as we turn to the cross, we may hear and heed His voice saying, "This I have done for thee, what wilt thou do for Me?" May we also seek to share in His redemptive ministry and be inspired by His spirit of love to help meet the needs of struggling humanity, lifting and leading men and nations into a more blessed fellowship with Thee and with one another.

Hear us in our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Landers, its enrolling clerk, announced that the Senate had passed a bill of the