

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. ALLEN of Illinois:

H. R. 3800. A bill granting a pension to Emma Wood; to the Committee on Invalid Pensions.

By Mr. BECKWORTH:

H. R. 3801. A bill for the relief of W. A. Batchelor and wife; to the Committee on Claims.

By Mr. BOEHNE:

H. R. 3802. A bill for the relief of Louis A. Schwan; to the Committee on Claims.

By Mr. CULLEN:

H. R. 3803. A bill for the relief of Dr. and Mrs. Leopold Knopf; to the Committee on Immigration and Naturalization.

By Mr. EDMISTON:

H. R. 3804. A bill granting an increase of pension to Lelia M. Marple; to the Committee on Invalid Pensions.

H. R. 3805. A bill granting a pension to Rachel Melvina Ann Campbell Frum; to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT:

H. R. 3806. A bill for the relief of C. W. Robbins; to the Committee on Claims.

By Mr. MACIORA:

H. R. 3807. A bill for the relief of John T. Cender; to the Committee on Immigration and Naturalization.

By Mr. O'LEARY:

H. R. 3808. A bill for the relief of Thomas V. Corey; to the Committee on Claims.

By Mr. WILLIAM T. PHEIFFER:

H. R. 3809. A bill for the relief of Stephen Kelen; to the Committee on Immigration and Naturalization.

By Mr. PRIEST:

H. R. 3810. A bill for the relief of Nell Victoria Lea; to the Committee on Immigration and Naturalization.

By Mr. SHANLEY:

H. R. 3811. A bill for the relief of Austin L. Tierney; to the Committee on Naval Affairs.

PETITIONS, ETC.

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

401. By Mr. CASE of South Dakota: Resolution No. 5414 of the South Dakota State Highway Commission, Harry C. Westphal, secretary, recommending that the Federal Government provide and make available through the Public Roads Administration to the State highway departments of the several States separate and sufficient funds on such basis as will insure the early completion of an adequate system of strategic and access highways necessary for proper defense; to the Committee on Roads.

402. By Mr. EDMISTON: Memorial of the House of Delegates of the State of West Virginia, memorializing Congress to pass House bill 2082, providing for a system of Federal inspection of coal mines; to the Committee on Mines and Mining.

403. Also, memorial of the House of Delegates of the State of West Virginia, memorializing Congress to extend the provisions of the Coal Stabilization Act; to the Committee on Mines and Mining.

404. By Mr. LEWIS: House Joint Memorial No. 4 of the House of Representatives of the Thirty-third General Assembly of the State of Colorado, petitioning the Congress to exempt precious metal mining operations from the so-called excess-profits taxes in like manner to the method used under the similar acts of 1917; to the Committee on Mines and Mining.

405. By Mr. RAMSAY: Resolution of the House of Delegates of West Virginia, requesting Congress to enact into law House Resolution 2082, providing for a system of Fed-

eral inspection of coal mines; to the Committee on Mines and Mining.

406. Also, resolution of the House of Delegates of West Virginia, requesting Congress to enact into law the Coal Stabilization Act, known as House Joint Resolution 26; to the Committee on Ways and Means.

407. By Mr. RANDOLPH: Memorial of the House of Delegates of the State of West Virginia, supporting House bill 2082; to the Committee on Mines and Mining.

408. Also, memorial of the House of Delegates of the State of West Virginia, supporting House bill 101 and Senate bill 32; to the Committee on Mines and Mining.

409. By Mr. SMITH of West Virginia: Resolution of the House of Delegates of the West Virginia State Legislature, memorializing the Congress of the United States to extend the provisions of the Coal Stabilization Act; to the Committee on Mines and Mining.

410. Also, resolution of the House of Delegates of the West Virginia State Legislature, memorializing the Congress of the United States to pass House Resolution No. 2082, providing for a system of Federal inspection of coal mines; to the Committee on Mines and Mining.

SENATE

WEDNESDAY, MARCH 5, 1941

(Legislative day of Thursday, February 13, 1941)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Z. BARNETT T. Phillips, D. D., offered the following prayer:

O Lord God of Hosts, who makest the clouds Thy chariot and ridest on the wings of the wind, who sendest us help from the Sanctuary, and who art in every hour of care and toil to render aid: We beseech Thee to meet us this day wherever our path lies, that we may walk with Thee there and receive from Thy hands the gift so needful for the fulfillment of our solemn obligations unto Thee, our country, and our fellow men.

Illumine our minds with the light of Thine own reason; inform our wills with Thine eternal purpose, and so make our daily work a prayer.

Do Thou raise us above ourselves and our own selfish needs, that, as we offer our petitions unto Thee, we may ne'er forget the good of others; and, as we plead for them, give us grace always to resolve to seek their good in all we do, and to keep ourselves from evil for their sakes. Finally, we ask some touch of the love, tenderness, and pity which is Thine. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Tuesday, March 4, 1941, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

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

Adams	Ellender	Murray
Aiken	George	Norris
Andrews	Gerry	Nye
Austin	Gillette	O'Mahoney
Bailey	Glass	Overton
Ball	Green	Pepper
Bankhead	Guffey	Radcliffe
Barbour	Gurney	Reed
Barkley	Harrison	Reynolds
Bilbo	Hatch	Russell
Bone	Hayden	Schwartz
Brewster	Herring	Sheppard
Bridges	Hill	Shipstead
Brooks	Holman	Smathers
Brown	Hughes	Smith
Bulow	Johnson, Calif.	Stewart
Bunker	Johnson, Colo.	Taft
Burton	Kilgore	Thomas, Idaho
Butler	La Follette	Thomas, Utah
Byrd	Langer	Tobey
Byrnes	Lee	Truman
Capper	Lodge	Tunnell
Caraway	Lucas	Tydings
Chandler	McCarran	Vandenberg
Chavez	McFarland	Van Nuys
Clark, Idaho	McKellar	Wallgren
Clark, Mo.	McNary	Walsh
Connally	Maloney	Wheeler
Danaher	Mead	White
Davis	Miller	Wiley
Downey	Murdoch	Willis

Mr. HILL. I announce that the Senator from Oklahoma [Mr. THOMAS] and the Senator from New York [Mr. WAGNER] are unavoidably detained from the Senate.

The VICE PRESIDENT. Ninety-three Senators having answered to their names, a quorum is present.

EDITORIAL FROM WASHINGTON NEWS REGARDING SERVICE OF PRESIDENT ROOSEVELT

Mr. MEAD. Mr. President, I desire to have inserted in the RECORD a very brief editorial from yesterday's Washington News. It is so brief that I will read it. It is as follows:

RECORD FOR F. D. R.

The 4th of March is no longer Inauguration Day, so there is no national observance of the fact that at noon today Franklin D. Roosevelt does what nobody else has ever done—begins a ninth year as President of the United States.

Here is another addition to Mr. Roosevelt's long string of shattered precedents. Through 8 crowded years, with hardly a dull moment, he has shouldered the burdens of office. Few men in all history have carried such trying burdens for so long a period, yet he remains eager for the tasks ahead. We have not always agreed with Mr. Roosevelt, and we may not always agree with him in the future, but we do ungrudgingly admire the courage, the mental and physical vigor, of our very remarkable President.

TELEGRAM FROM BRYN MAWR COLLEGE ON LEASE-LEND BILL

Mr. GUFFEY. Mr. President, I am in receipt of a telegram, which I should like to read to the Members of the Senate. It is as follows:

BRYN MAWR, Pa., March 3, 1941.
Senator J. F. GUFFEY,
The Capitol, Washington, D. C.:

We, the undersigned members of the faculty and staff of Bryn Mawr College, vigorously protest any attempt to block the will of the majority by filibuster. We urge prompt passage of the lease-lend bill. We further ask that this message be read into the CONGRESSIONAL RECORD.

The telegram is signed by Marion Edwards Park and sixty-odd other members of the faculty and staff of Bryn Mawr College. I ask that the names of the signers be printed in the RECORD.

There being no objection, the names of the signers of the telegram were ordered to be printed in the RECORD, as follows:

Richmond Lattimore, Anne G. Hawks, Edith H. Lanman, Susan Kingsbury, Grace De Laguna, Mildred Fairchild, Richard Bernheimer, Donald W. MacKinnon, Harry Helson, Marianna Jenkins, Annie Leigh Broughton, Mildred B. Northrop, Lucy E. Chew, Marian C. Anderson, C. Burquin Hatch, Mable G. Thomas, Ruby Hansell, Ellen W. F. Riesner, Marion Edwards Park, Alistair Cameron, Elizabeth R. Cameron, Stephen J. Herben, Lily Ross Taylor, Emma L. Keator, Charlotte B. Howe, Mary H. Swindler, Marjorie S. Jones, Isabelle Gonon, Harriet Ferguson, Elizabeth Ash, Elizabeth Wyckoff, Alice Gore King, Mary Jane Kames, Martha Nash Turner, Josephine F. McCusker, Margaret M. Quinn, Marie Daley, Maynard Riggs, Grace Falcone, Dorothy Wyckoff, E. H. Watson, M. C. Nahm, Joseph E. Gillet, Max Diez, Martha M. Diez, Arthur Colky Sprague, Samuel C. Chew, Elinor A. Nahm, K. L. Stapleton, Agnes K. Lake, Frederica De Laguna, Anne Coogan, Cornelia Meigs, T. Robert S. Broughton, Roger H. Welles, Mary Louise Terrien, Bettina Linn, Lois A. Reed, Kay Claffey, Helen C. Geddes, Louise F. H. Crenshaw, Charles W. David, Margaret S. David, Mary Woodworth, J. C. Sloane, Jr., Caroline Robbins, J. L. Crenshaw, Hertha Kraus, Mary R. Meigs, Mary Gardiner, L. Joe Berry, William L. Doyle, Jane M. Oppenheimer, Lincoln Dryden, Martha Cox, Anita E. Dunlevy, Ida Mae Halt, Mary L. Overholser, Russel Bornemeier.

EXECUTIVE COMMUNICATIONS

The VICE PRESIDENT laid before the Senate the following executive communications, which were referred as indicated:

LEGISLATION BY MUNICIPAL COUNCILS IN VIRGIN ISLANDS

Two letters from the Acting Secretary of the Interior, transmitting, pursuant to law, copies of certain legislation enacted by the municipal councils of St. Croix, and St. Thomas and St. John, V. I. (with accompanying papers); to the Committee on Territories and Insular Affairs.

OFFICIAL SEAL FOR ADMINISTRATOR OF FEDERAL SECURITY AGENCY

A draft of proposed legislation to authorize the Administrator of the Federal Security Agency to adopt an official seal, and for other purposes (with an accompanying paper); to the Committee on Finance.

CLAIM OF CONVERTIBLE DOOR MANUFACTURING CO. AGAINST THE UNITED STATES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, his report and recommendation concerning the claim of the Convertible Door Manufacturing Co. against the United States (with an accompanying paper); to the Committee on Claims.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate by the Vice President, or presented by Senators, and referred as indicated:

By the VICE PRESIDENT:

A joint memorial of the Legislature of the State of Montana; to the Committee on Agriculture and Forestry:

"House Joint Memorial No. 5

"Memorial to the Congress of the United States of America requesting the enactment of appropriate legislation adopting the principles embodied in what is known as the Farmers Wheat Certificate bill and introduced in the Senate of the Seventy-sixth Congress of the United States of America by the Honorable BURTON K. WHEELER and known as Senate Bill 2395

"To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

"Whereas, during the past several years the wheat industry in the United States has suffered due, among other things, to an overproduction of wheat and the loss of world markets for the sale of the wheat, causing an inadequate price return to the farmers of this country for the wheat they produce; and

"Whereas, the Congress of the United States in the early days of the depression, in order to remedy the situation, caused by the unequal cost return to the wheat farmer, instituted an agricultural program that has now proven to be only a temporary correction which does not solve adequately and fairly the unequal cost return to the farmer for the wheat he produces; and

"Whereas, it is the consensus of opinion of a majority of the wheat farmers of Montana that this present wheat farm problem can be solved and placed on a more permanent basis than it now is, by enactment into law by our United States Congress the fundamental principles embodied in the Senate bill 2395, known as the Farmers Wheat Certificate bill, and being the Senate bill introduced in the Senate of the United States by the Honorable BURTON K. WHEELER at the Seventy-sixth Session of the Congress of the United States, for the reason that the principles embodied therein, if enacted into law, would increase the return to the wheat farmers for the wheat they produce, thereby resulting in a higher consumer's purchasing power among the wheat farmers, which group constitutes one of the largest farm groups in the United States: Now, therefore, be it

"Resolved, That the Twenty-seventh Legislative Assembly of the State of Montana does hereby respectfully request and petition the Congress of the United States to enact into law the fundamental principles embodied in Senate Bill 2395, and being the bill introduced by the Honorable BURTON K. WHEELER in the Seventy-sixth Congress of the United States, and known as the Farmers Wheat Certificate bill; be it further

"Resolved, That copies of this memorial be transmitted by the secretary of state of the State of Montana to the Honorable Franklin D. Roosevelt, President of the United States, the Senate and the House of Representatives of the Congress of the United States, and to the Senators and Representatives in Congress from the State of Montana, and to the Honorable Secretary of the United States Department of Agriculture. "Approved February 18, 1941.

"SAM C. FORD,
"Governor."

A joint memorial of the Legislature of the State of Wyoming; to the Committee on Indian Affairs:

"Enrolled Joint Memorial No. 4

"Joint memorial memorializing the Congress of the United States of America to enact legislation providing assistance to Hot Springs County and Fremont County, Wyo., for property lost to taxation through purchase by the United States Government of lands for use by the Bureau of Indian Affairs

"Whereas under the so-called Treaty of July 4, 1904, which was ratified and implemented by the Congress of the United States

by the Act of March 3, 1905, a portion of the Shoshone and Arapahoe Reservation was 'ceded' to the United States; and

"Whereas Hot Springs County and Fremont County, Wyo., in which this reservation is situated had a right to conclude and did conclude that the area so 'ceded' would

"Whereas, pursuant to the act of March 3, 1905, leased land on the reservation; and

Whereas, pursuant to the act of March 3, 1905, and to the solicitations of the Department of the Interior, a very considerable number of white settlers purchased land and leased land on the reservation, and

"Whereas these settlers have not only contributed to the general development of Hot Springs County and of Fremont County, and of the State of Wyoming by building what they thought were permanent homes, but have also grazed a large number of stock on the reservation, all of which stock became a source of income to the Indians and also was taxable under State laws in these counties; and

"Whereas all residents of the Indian reservation, either white or Indians, have been extended the full protection of the laws of Wyoming, including access to its courts, police protection, the privilege to vote, etc., to the same extent as other residents of Hot Springs County and Fremont County; and

"Whereas, beginning in the year 1939, the Department of the Interior, through the Bureau of Indian Affairs, initiated a policy of buying back 'in trust' all the lands heretofore sold on the 'ceded' portion of the reservation as well as some lands not a part of the reservation and also canceled all grazing leases on the reservation; and

"Whereas these commissioners, acting under the authority of the laws of Wyoming in making up the budgets for their respective counties for the year 1941 and subsequent years had a right to include and did include in said budgets, as a source of revenue, all property within the counties which appeared on the tax rolls for the year 1940, including all property on the Indian reservation; and

"Whereas the valuation of this property on the reservation and land purchased in trust for the Indians not on the reservation as appears on the records of the county assessor of Hot Springs County for the year 1940 is as follows:

"Real property (40,213 acres).....	\$223,701
"Personal property and livestock, etc.....	124,302

"Total..... 353,003

"said \$353,003 being part of the \$1,912,196, the total of all such property assessed in said county for the year 1940; and

"Whereas the valuation of this property on the reservation and land purchased in trust for the Indians not on the reservation as appears on the records of the county assessor of Fremont County for the year 1940 is as follows:

"Real property.....	\$710,966
"Personal property and livestock, etc.....	388,035

"Total..... 1,099,001

"Whereas the transfer of property to the United States in trust either for the tribe or for the individual Indians creates difficulties for each county in the collection of its taxes; and

"Whereas the support of the Indians as wards of the Government should be an obligation of the whole United States and should not inflict an arbitrary or unequal burden on any county in which an Indian reservation may be located: Therefore be it

"Resolved by the House of Representatives of the State of Wyoming (the Senate concur-

ring), That the Congress of the United States be, and is hereby memorialized to either amend existing law or enact new legislation that will expressly provide for the payment to Hot Springs and Fremont Counties each year of the taxes assessed against property which has heretofore been carried on the assessment rolls of Hot Springs County and Fremont County, which has been repurchased in trust for Indians, or which may in the future be acquired by the United States in trust for its wards, providing always that such assessments of taxes shall be on the same basis as that for property of like value in Hot Springs County and Fremont County; and be it further

"Resolved, That certified copies of this memorial be sent to the President of the United States Senate, the Speaker of the House of Representatives, and to United States Senator JOSEPH C. O'MAHONEY, United States Senator HARRY H. SCHWARTZ, and to Representative JOHN J. MCINTYRE.

"Approved February 19, 1941.

"NELS H. SMITH,
"Governor."

A joint memorial of the Legislature of the State of Wyoming, to the Committee on Interstate Commerce:

"Enrolled Joint Memorial No. 5

"Joint memorial memorializing the Congress of the United States and President of the United States of America to amend the Railroad Retirement Act of 1935, as amended 1937

"Whereas the Railroad Retirement Act of 1935, as amended 1937, contains provisions which in effect require that those persons coming under the provisions of the act shall, in order to receive the maximum benefits of the act, be 65 years of age, excepting only those who are totally disabled; and

"Whereas the demands upon individual effort for those persons coming under the provisions of the act are increasing proportionately to the constantly increasing tempo of industrial activity; and

"Whereas the fulfillment of the minimum-age requirement does, in many instances, undermine the remaining limited powers of health and stamina of those affected by the act, even though it does not render them totally disabled: Be it therefore

"Resolved by the House of Representatives of the State of Wyoming (the Senate concurring), That the Congress of the United States be hereby memorialized to amend the Railroad Retirement Act of 1935, as amended 1937 by revising downward the minimum age limit requirements providing length of service requirements have been complied with so far as consistent with the solvency of the act; and be it further

"Resolved, That copies of this memorial be sent to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, and the United States Senators JOSEPH C. O'MAHONEY, HARRY H. SCHWARTZ, and Representative JOHN J. MCINTYRE.

"Approved February 24, 1941.

"NELS H. SMITH,
"Governor."

A resolution of the Senate of the State of Maryland, favoring the prompt enactment of House bill 1776, the lease-lend bill; to the table. (See resolution printed in full when presented by Mr. TYDINGS on February 28, 1941.)

Resolutions of the councils of the cities of Chicago, Ill.; Bridgeport, Conn.; Hammond, Ind.; and Reading, Pa., and the City Commission of Jackson, Mich., favoring the enactment of pending legislation to establish General Pulaski Memorial Day; to the Committee on the Judiciary.

A resolution adopted by the Pioneer Negroes of the World, of New York, N. Y., favoring the prompt enactment of antilynch-

ing legislation, and also a senatorial investigation of alleged discriminations against Negroes in the armed forces of the United States; to the Committee on the Judiciary.

A resolution of Lumber and Sawmill Workers' Union, No. 28, I. W. A., of Portola, Calif., endorsing resolutions adopted by the International Woodworkers of America, favoring the enactment of House bill 615, to safeguard and preserve the public interest in the timber resources of the States of Oregon and Washington through the alleviation of the conditions which are forcing the premature and uneconomic liquidation of such timber resources, etc.; to the Committee on Public Lands and Surveys.

By Mr. TYDINGS:

A memorial of sundry citizens of Baltimore, Md., remonstrating against involvement in foreign war; to the Committee on Foreign Relations.

Memorials of sundry citizens of the State of Maryland, remonstrating against the enactment of House bill 1776, the lease-lend bill; to the table.

By Mr. VANDENBERG:

A memorial of sundry citizens of the State of Michigan, remonstrating against involvement in foreign war; to the Committee on Foreign Relations.

A petition of sundry citizens of the Sixth Congressional District of the State of Michigan, praying for the enactment of legislation embodying the so-called Townsend plan for old-age assistance; to the Committee on Finance.

By Mr. WALSH:

A petition of sundry members of the faculty and staff of Smith College, Northampton, Mass., praying for the prompt enactment of House bill 1776, the lease-lend bill; to the table.

A petition of sundry officers, professors, and associates of Harvard University, and other citizens, all in the State of Massachusetts, praying for the enactment of House bill 1776, the lease-lend bill, with certain perfecting amendments thereto; to the table.

A memorial of sundry citizens of Haverhill and vicinity, in the State of Massachusetts, remonstrating against involvement in war, and also against the enactment of House bill 1776; the lease-lend bill; to the table.

By Mrs. CARAWAY:

A joint memorial of the Legislature of the State of Arkansas; to the Committee on Finance:

"House Joint Memorial Resolution No. 2

"Whereas Arkansas has 97 percent of the bauxite deposits in the United States and Arkansas now produces about 400,000 tons of bauxite each year from mines located in Arkansas and said bauxite is now selling for the average price of \$4.35 per ton when severed and just makes the producer a profit of 51 cents per ton; and

"Whereas the Aluminum Co. of America controls the production in Arkansas and by importation into the United States 849,000 tons of bauxite each year, and the total amount of bauxite used by the people of the United States consists of 997,000 tons per year, thereby creating a monopoly and a trust on the bauxite used and produced in America, and in the Aluminum Co. of America; and

"Whereas Arkansas is being exploited by severance of bauxite for which the owners of the land get 25 cents per ton prior to severance, and \$4.35 per ton after severance due to the monopoly of the American Aluminum Co., which imports a large amount of bauxite in competition with Arkansas bauxite without a sufficient tariff on it by the United States, and that a tariff of at least \$5 per ton is necessary to protect bauxite produced in Arkansas: Now therefore be it

"Resolved by the House of Representatives of the Fifty-third General Assembly (the Senate concurring therein) That the Con-

gress of the United States of America is hereby memorialized to enact into law a measure providing for a tariff of \$5 per ton on all bauxite imported into the United States so that Arkansas bauxite industry may be adequately protected and that Congress is further urged to investigate the monopoly of the American Aluminum Co. and its five processing plants located in New York, North Carolina, Tennessee, Oregon, and in Niagara Falls, and that said monopoly be terminated and dealt with as has been done in the past.

"The chief clerk is further requested to send a copy of this joint memorial resolution to the two United States Senators from Arkansas and to each of the seven Representatives from the Congressional Districts of Arkansas and to the President of the United States of America, Franklin D. Roosevelt."

A concurrent resolution of the Legislature of the State of Arkansas; to the Committee on Finance:

"House Concurrent Resolution No. 12

"Whereas the employees of privately owned power and light systems and the employees of privately owned waterworks are within the provisions of title 2 of the Social Security Act as enacted by the Congress of the United States; and

"Whereas a number of the municipalities in Arkansas operate municipally owned waterworks or municipally owned water and light plants and the employees thereof are not within the coverage of title 2 of the Social Security Act, which act has proved to be a great social benefit to the employees of said private concerns and to the general public; and

"Whereas there is now pending in the House of Representatives of the Federal Congress a proposed amendment to title 2 of the Social Security Act which will include said employees of municipalities within the provisions of the Social Security Act; and

"Whereas this amendment to title 2 of the Social Security Act is advocated by the Social Security Board: Now, therefore, be it

"Resolved, by the house of representatives of the fifty-third general assembly (the senate concurring therein):

"SECTION 1. That the fifty-third general assembly go on record as approving the principles set forth in the proposed amendment to title 2 of the Social Security Act and as urging the Congressmen and Senators from Arkansas to lend said proposed act their influence and support, the same being H. R. 1092.

"SEC. 2. Chief clerk of the house instructed to send a copy of this resolution to the two Senators and the seven United States Representatives from Arkansas, to the chairman of the Ways and Means Committee of the House of Representatives of the United States, and to Mr. Paul V. McNutt, Social Security Administrator."

By Mr. HATCH:

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Education and Labor:

"House Joint Memorial No. 3

"Joint memorial to Congress of the United States relating to the teaching of the Spanish language in the fifth to the eighth grades in the public elementary schools of New Mexico

"Be it resolved by the Legislature of the State of New Mexico, that:

"Whereas the Spanish language is the native language of practically all the republics of South and Central America and of the Republic of Mexico, joining us on the southern border of the United States, and of the State of New Mexico; and

"Whereas a knowledge of the Spanish language, literature, and customs will be of great assistance to our people and to the people of

the United States in fostering better and closer social, economic, and political relations with the republics of the Western Hemisphere; and

"Whereas a large percentage of the people of New Mexico are of Spanish descent, and for several hundred years the Spanish language has been and now is the native tongue of a large percentage of the school children of this State; and"

"Whereas a large percentage of pupils of the public schools of New Mexico acquire knowledge of the English language only after they enter the public schools of the State; and

"Whereas economic conditions in the State of New Mexico are such as to render it impractical for the legislature of the State to provide through the ordinary channels of taxation the additional expense necessary to teach the Spanish language in the public elementary schools of the State from the fifth to the eighth grades, inclusive; and

"Whereas in these grades the fundamentals of the language so necessary to a full understanding it can be more efficiently taught to and learned by the youth of the State; and

"Whereas in the present unsettled condition of the world affairs it is essential to the safety of the United States as well as to the safety and well-being of our neighboring republics that the good-neighbor policy adopted by the United States for the improvement of our national relationships with the neighboring republics of this hemisphere, that our citizenship acquire a thorough knowledge of the Spanish language and a knowledge of the psychology and culture of the Spanish peoples who have adopted systems of government similar to our own: Now, therefore, be it

"Resolved, That the Congress of the United States be, and it is, memorialized and petitioned to extend to the public-school system of the State of New Mexico such financial aid as will enable her to teach in the elementary grades of her public schools from the fifth to the eighth grade, inclusive, the Spanish language, literature, and the historical background of our neighboring nations to the south; be it further

"Resolved, That a copy of this resolution, under the great seal of the State of New Mexico, be forwarded forthwith to His Excellency the President of the United States, the Right Honorable Franklin D. Roosevelt; to the Presiding Officer of the United States Senate, the Right Honorable Henry A. Wallace, Vice President of the United States; and to the Speaker of the House of Representatives of the United States, the Right Honorable Sam Rayburn; to the Senators of New Mexico in the Senate of the United States, to wit, the Honorable Carl A. Hatch and Hon. Dennis Chavez; and to the Representative of New Mexico to the Congress of the United States, the Honorable Clinton P. Anderson; and a copy be also forwarded to Mr. Nelson Rockefeller, Office of Coordination of Commercial and Cultural Relations Between the American Republics, Department of State Building, Washington, D. C."

The VICE PRESIDENT laid before the Senate a joint memorial identical with the foregoing, which was referred to the Committee on Education and Labor.

By Mr. HATCH:

A joint memorial of the Legislature of the State of New Mexico; to the Committee on Irrigation and Reclamation:

"House Joint Memorial No. 2

"Memorial memorializing the Congress of the United States to reimburse the Middle Rio Grande Conservancy District for the sum of \$2,500,000 expended by the district for flood control in the Rio Grande in New Mexico

"Be it resolved by the Legislature of the State of New Mexico:

"Whereas the Middle Rio Grande Conservancy District of the State of New Mexico,

in order to protect the inhabitants along the banks of the Rio Grande in the State of New Mexico, the State of Texas, and the Republic of Mexico from flood waters of the Rio Grande, expended \$2,500,000; and

"Whereas the land owners and taxpayers of the Middle Rio Grande Conservancy District are few in number compared to the residents of the lower Rio Grande Valley in the State of New Mexico, the State of Texas, and the Republic of Mexico, all of whom necessarily benefit by such expenditure; and

"Whereas the Reclamation Service operating the Elephant Butte project in New Mexico is equally benefited thereby; and

"Whereas it is unjust and unfair to the taxpayers of the Middle Rio Grande Conservancy District to require them to meet the burden thus imposed for flood control upon said Rio Grande; and

"Whereas the increased tax assessments against the property in the Middle Rio Grande Conservancy District will cause many of the farmers and small ranchmen to lose their property for taxes and special assessments, unless relief from the assessment for flood control above referred to is provided; and

"Whereas under conditions existing in the State of New Mexico it is impossible for the legislature of the State to grant such relief: Now, therefore, be it

"Resolved, That the Congress of the United States be and it is memorialized and petitioned to make provision for the reimbursement of the Middle Rio Grande Conservancy District in the sum of \$2,500,000, expended by it for and on account of said flood control in the Rio Grande Valley; and be it further

"Resolved, That a copy of this resolution, certified under the great seal of the State of New Mexico, be forwarded by the secretary of state of the State of New Mexico to the Honorable CARL A. HATCH and the Honorable DENNIS CHAVEZ, Senators from New Mexico to the Congress of the United States; and to the Honorable CLINTON P. ANDERSON, Representative from New Mexico in the House of Representatives of the Congress of the United States; and a copy hereof so certified to His Excellency the President of the United States, the Honorable Franklin D. Roosevelt, and the Honorable Vice President of the United States, the Honorable HENRY WALLACE, the Presiding Officer of the United States Senate; and to the Honorable SAM RAYBURN, Speaker of the House of Representatives of the United States."

The VICE PRESIDENT laid before the Senate a joint memorial identical with the foregoing, which was referred to the Committee on Irrigation and Reclamation.

PETITION AND MEMORIAL RELATIVE TO THE LEASE-LEND BILL

Mr. DAVIS. Mr. President, at the request of a number of individual members of the faculty of the University of Pennsylvania, I present and ask unanimous consent to have published in the RECORD, with the names attached, a petition signed by quite a large number of the teachers and professors of the university, asking for the passage of the lease-lend bill.

The VICE PRESIDENT. Without objection, the petition presented by the Senator from Pennsylvania will lie on the table and be printed in the RECORD, with the signature attached thereto.

The petition is as follows:

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, March 4, 1941.

To the Honorable JAMES J. DAVIS,
United States Senate,

Washington, D. C.

DEAR SENATOR DAVIS: We, the undersigned, as individual members of the faculty of the

University of Pennsylvania, and without in anywise committing the entire faculty or the University, urge prompt passage of the lend-lease bill. We vigorously protest against any attempt to block the will of the majority by obstructionist tactics. We ask that this message be read into the CONGRESSIONAL RECORD.

An identical letter is being sent to the Honorable JOSEPH P. GUFFEY. The letters with the original signatures are in the possession of Prof. Roland G. Kent.

Derk Bodde, assistant professor of Chinese studies; Sculley Bradley, professor of English; W. Norman Brown, professor of Sanskrit; John Cadwalader, instructor in English; Hugh Carter, assistant professor of sociology; John Dolman, Jr. professor of English; Cornell M. Dowlin, assistant professor of English; Donald P. Dow, instructor in English; Helen A. Field, associate professor of education; Maurice Gallagher, instructor in romance languages; F. M. Garver, professor of elementary education; William M. Hench, instructor in economics; Walter B. Jones, assistant professor of vocational education; Roland G. Kent, professor of comparative philology; Althea M. Kratz, directress of women and instructor in sociology; MacEdward Leach, associate professor of English; Howard S. Lee, instructor in English; Thomas B. Leekley, assistant instructor in English; H. M. Lufkin, instructor in mathematics; William P. Maddox, associate professor of political science; Walter H. Magill, professor of industrial education; Karl G. Miller, professor of psychology; Glenn R. Morrow, professor of philosophy; Edwin P. Norris, instructor in English; W. C. Plummer, professor of economics; Alfred Senn, professor of germanic philology; E. A. Speiser, professor of semitics; William A. Thomas, instructor in English; Allen G. Chester, associate professor of English; Leonidas Dodson, assistant professor of history; Wm. P. Harbeson, professor of English literature; Thomas P. Haviland, assistant professor of English; John L. LaMonte, associate professor of medieval history; William C. McDermott, assistant professor of Latin; M. G. Preston, assistant professor of psychology; M. A. Shaaber, associate professor of English; A. P. Watts, assistant professor of European history; L. V. Heilbrunn, associate professor of zoology; W. G. Hutchinson, assistant professor of botany; J. R. Schramm, professor of botany; William Seifritz, professor of botany; Walter Steckbeck, associate professor of botany; Edgar T. Wherry, assistant professor of botany; P. W. Whiting, associate professor of zoology; Conway Zirkle, professor of botany; Robert P. Brecht, associate professor of industry; T. A. Budd, professor of finance; E. Douglass Burdick, assistant professor of statistics; Reavis Cox, professor of marketing; Paul F. Gemmill, professor of economics; W. Carlton Harris, professor of finance; J. M. Herring, assistant professor of geography; Rex B. Hersey, assistant professor of geography and industry; J. Weldon Hoot, assistant professor of economics; John Perry Horlacher, assistant professor of political science; Emory R. Johnson, emeritus professor of transporta-

tion; V. S. Karabasz, associate professor of industry; C. A. Kulp, professor of insurance; W. N. Loucks, professor of economics; Hans P. Neisser, professor of monetary theory; Blake E. Nicholson, associate professor of business law; Ernest M. Patterson, professor of economics; Hobart S. Perry, assistant professor of transportation; J. C. Phillips, assistant professor of political science; Calvin H. Rankin, assistant professor of accounting; Joseph R. Rose, assistant professor of public utilities and transportation; Smith Simpson, assistant professor of business law; Stephen B. Sweeney, associate professor of insurance, C. R. Whittlesey, professor of finance and economics; Alfred H. Williams, dean of Wharton School and professor of industry; Frank E. Williams, professor of geography; Conyers Read, professor of English history.

Attest signatures:

ROLAND G. KENT.

Mr. DAVIS. Mr. President, also believing in the right of citizens to petition their Government, I present for the RECORD and for appropriate reference an additional petition or memorial, which is signed by about 100 citizens of the State of Pennsylvania. These citizens are opposed to the lease-lend bill. I do not ask that all the signatures be published in the RECORD with the memorial, but only those appearing on the first sheet.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, without all the signatures attached except those appearing on the first page thereof, as follows:

Hon. JAMES J. DAVIS,
Washington, D. C.:

We, the undersigned, respectfully petition you, the Honorable JAMES J. DAVIS, to oppose passage of H. R. 1776, the so-called lease-lend bill. We do not believe that our Nation is dependent on any other nation, and we fear further acts of intervention will involve our Nation in the conflict abroad. Refusal of the bill's supporters to permit amendments banning the use of convoys or American troops abroad indicates they intend such use, which we certainly disapprove. In order to fulfill the aim of those who would aid England, we would recommend the Taft substitute proposal, which would relieve our Government from active participation and yet supply England with the funds to secure necessary goods.

Respectfully,

H. W. English, Ph.D., Ingomar, Pa., March 2, 1941; John Crispens, Jr., Ingomar, Pa., February 27, 1941; Ellsworth D. Crispens, Ingomar, Pa., February 27, 1941; Edna B. Crispens, Ingomar, Pa., February 27, 1941; Edna B. Crispens, Ingomar, Pa., February 27, 1941; Marcella Crispens, Ingomar, Pa., February 27, 1941; John Berton, Ambridge, Pa., February 28, 1941; Lester Langhorst, R. D. 2, Werford, Pa.; A. W. Reed, Ingomar, Pa., February 28, 1941; W. Sullivan, Pittsburgh, Pa., February 28, 1941; Elmer L. Young, Ingomar, Pa., February 28, 1941; Mrs. James A. Stafford, Ingomar, Pa., February 28, 1941; R. W. Miller, Perrysville, Pa., February 28, 1941; Albert F. Hofstetter, Perrysville, February 28, 1941; Lillian Goetz, Ingomar, Pa., February 28, 1941; John W. Crispens, Ingomar, Pa., February 28, 1941.

In getting this petition signed only four persons refused. Ninety-eight signed; four refused.

JOHN CRISPENS, JR.

PROTESTS FROM CALIFORNIA AGAINST THE LEASE-LEND BILL

Mr. JOHNSON of California. Mr. President, I present for the RECORD and appropriate disposition a telegram received by me from Joseph Scott, Charles Paddock, Dr. Albert Day, Roland Maxwell, and D. M. Linnard, all from Pasadena, Calif.; and also a letter received from R. C. Bartow, secretary of the Pasadena No War Committee, with very many names attached thereto, which I ask to have printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered; and the telegram and letter in the nature of a memorial will lie on the table and be printed in the RECORD without the list of names attached to the letter.

The matter referred to is as follows:

PASADENA, CALIF., March 4, 1941.
Senator HIRAM JOHNSON,
Senate Office Building,
Washington, D. C.:

Three thousand attended no-war anti-lease meeting here Thursday night and many were turned away. Believe the vast mass of the people are with you. God bless you in your heroic fight. You have and will continue to have our firm support and that of the Pasadena No War Committee, of which we are members.

JOSEPH SCOTT.
CHARLES PADDOCK.
Dr. ALBERT DAY.
ROLAND MAXWELL.
D. M. LINNARD.

PASADENA NO WAR COMMITTEE,
Pasadena, Calif., March 1, 1941.

Hon. HIRAM W. JOHNSON,
United States Senate, Washington, D. C.
DEAR SIR: The following message via Mackay Radio, with 1,500 signatures, was sent to Senator SHERIDAN DOWNEY, February 23, 1941: "Because it authorizes undeclared war in the name of peace, and dictatorship in the name of democracy, we, as citizens of southern California, meeting in Pasadena tonight, earnestly urge that you vote against bill 1776 and keep America free."

The meeting was held in the Pasadena Civic Auditorium, February 27, 1941, which was filled to capacity—3,000—and over 400 were turned away.

Our committee is actively engaged in a movement to keep the United States out of foreign wars, and is back of you and your good work along this line 100 percent.

Be assured of our continued support.

Respectfully,

PASADENA NO WAR COMMITTEE,
R. C. BARTOW, Secretary.

REPORTS OF COMMITTEES

The following reports of committee were submitted:

By Mr. GREEN, from the Committee on Foreign Relations:

S. J. Res. 31. Joint resolution authorizing the President of the United States to present to Eire on behalf of the people of the United States a statue of Commodore John Barry; with amendments (Rept. No. 79).

By Mr. GEORGE, from the Committee on Foreign Relations:

S. 706. A bill for the relief of Blanche W. Stout; without amendment (Rept. No. 80); and

H. R. 3297. A bill to amend the first paragraph of section 22 of the act of February

23, 1931 (46 Stat. 1210); without amendment (Rept. No. 81).

By Mr. BROWN, from the Committee on Commerce:

S. 478. A bill to authorize the Secretary of the Treasury to permit the construction and maintenance of overhanging walks on the highway bridge, route No. 36, at Highlands, N. J., for public use; without amendment (Rept. No. 82).

BILLS INTRODUCED

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

By Mr. BALL:

S. 1035. A bill for the relief of Howard E. Dickison; to the Committee on Claims.

By Mr. CLARK of Idaho:

S. 1036. A bill to promote a program of water conservation and to facilitate the investigation of means and methods for the prevention or reduction of water losses caused by seepage from irrigation canals, and for related purposes; to the Committee on Irrigation and Reclamation.

By Mr. RUSSELL:

S. 1037. A bill to provide for the establishment of an Industrial Sites Location Board, to define its functions, and for other purposes; to the Committee on Naval Affairs.

By Mr. WALSH:

S. 1038. A bill to increase the authorized enlisted strength of the United States Navy, and for other purposes; and

S. 1039. A bill establishing an Office of Budget and Reports in the Navy Department, and for other purposes; to the Committee on Naval Affairs.

By Mr. OVERTON:

S. 1040. A bill for the relief of Claude W. LaSalle; to the Committee on Claims.

PROMOTION OF NATIONAL DEFENSE—AMENDMENTS

Mr. DANAHY, Mr. BUTLER (for himself and Mr. LANGER), and Mr. RUSSELL (for himself and Mr. LEE) severally submitted an amendment, and Mr. TAFT submitted two amendments intended to be proposed by them, respectively, to House bill 1776, the lease-lend bill, which were severally ordered to lie on the table and to be printed.

Mr. WILEY. Mr. President, I submit an amendment to the pending bill, House bill 1776. Since it is very short, I ask that it be printed in the RECORD, together with a letter from Neal Peck, State master of the Wisconsin State Grange.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wisconsin? The Chair hears none. The proposed amendment will lie on the table, be printed, and printed in the RECORD, and the letter referred to also will be printed in the RECORD.

The amendment is as follows:

Amendment intended to be proposed by Mr. WILEY to the bill (H. R. 1776) further to promote the defense of the United States, and for other purposes, viz: At the end of the bill insert the following new section:

"Sec. 10. No funds shall be made available to any foreign government under the authority of this act unless such foreign government agrees that it will not directly or indirectly use such funds to procure any agricultural commodity other than an agricultural commodity produced in the United States or its Territories or possessions; and no agricultural commodity shall be procured for, or disposed of to, any foreign government under the authority of this act unless such agricultural commodity was produced in the United States or its Territories or possessions."

The letter presented by Mr. WILEY in connection with his proposed amendment is as follows:

WISCONSIN STATE GRANGE,
Peshtigo, Wis., March 1, 1941.

ALEXANDER WILEY,
Senator, Washington, D. C.

HON. SENATOR WILEY: Reports reaching our office indicate during the last few months England has made heavy purchases of farm commodities from South American countries, and new contracts are being arranged for 1941, which will increase these purchases.

It is evident the lend-lease bill will pass Congress. We believe a provision should be written into this bill that any funds loaned to England under this act, which are used for the purchase of farm commodities, such commodities must be purchased in the United States. It would be very unfair to American agriculture to loan funds to England under the lend-lease bill and then have such funds used to the detriment of American agriculture.

In the entire defense and preparedness program ample provision has been made to safeguard the profits of industry and labor has been assured a good wage. Therefore it is only reasonable that American agriculture should have some protection in the expenditure of funds loaned or provided under the lend-lease bill. The large surpluses of agricultural commodities which are in the United States, especially in some of the staple crops, should be given first consideration.

Yours truly,

NEAL PECK, State Master.

REFUND OF INVALIDATED HOG PROCESSING TAX (S. DOC. NO. 21)

Mr. GURNEY. Mr. President, during the last Congress the Senate passed, but the House failed to pass a joint resolution seeking to authorize refunds of the processing tax on hogs to the raisers and producers. Therefore at this session I have introduced Senate Joint Resolution 39, a similar measure, which was referred to the Committee on Agriculture and Forestry.

There has been prepared a brief or memorandum setting forth the facts on this question, and I now ask unanimous consent that this brief be printed as a Senate document.

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

ADDRESS BY SENATOR HERRING ON AMERICA'S ANSWER TO WORLD DICTATORSHIP

[Mr. BROWN asked and obtained leave to have printed in the Appendix a radio address delivered by Senator HERRING on March 4, 1941, entitled "America's Answer to World Dictatorship," which appears in the Appendix.]

EDITORIALS FROM BOZEMAN (MONT.) DAILY CHRONICLE ON LEND-LEASE BILL

[Mr. HILL asked and obtained leave to have printed in the Record four editorials from the Bozeman Daily Chronicle, of Bozeman, Mont., relative to the so-called lease-lend bill, and urging its passage, which appear in the Appendix.]

ARTICLE BY BLAIR MOODY ON CANADA'S CONTRIBUTION TO THE EMPIRE

[Mr. VANDENBERG asked and obtained leave to have printed in the Record excerpts from an article by Blair Moody, published in the Detroit News, relative to the contribution which Canada is making to empire defense, which appears in the Appendix.]

CHEERS FROM BERLIN—EDITORIAL FROM WASHINGTON POST

[Mr. SMATHERS asked and obtained leave to have printed in the Record an editorial from the Washington Post of March 5, 1941, entitled "Cheers from Berlin," and also a telegram from Mrs. Laura Jones Honaker, both relative to the so-called lease-lend bill, which appear in the Appendix.]

ADDRESS BY F. E. EDGERTON ON NEBRASKA AND ABRAHAM LINCOLN

[Mr. BUTLER asked and obtained leave to have printed in the Record a radio address entitled "Nebraska and Abraham Lincoln," delivered by F. E. Edgerton, of Aurora, Nebr., which appears in the Appendix.]

BRIEF BY LOUIS F. McCABE ON LEASE-LEND BILL

[Mr. WHEELER asked and obtained leave to have printed in the Record a brief on House bill 1776, prepared by Mr. Louis F. McCabe, of Philadelphia, which appears in the Appendix.]

ADDRESS BY ORVILLE McPHERSON ON AID TO BRITAIN

[Mr. PEPPER asked and obtained leave to have printed in the Record an address delivered by Hon. Orville McPherson, publisher of the Kansas City Journal, at Topeka, Kans., on February 22, 1941, on aid to Britain, which appears in the Appendix.]

RESOLUTION ON LEASE-LEND BILL ADOPTED AT MEETING IN TOPEKA, KANS., FEBRUARY 22, 1941

[Mr. PEPPER asked and obtained leave to have printed in the Record a resolution relating to the lend-lease bill, adopted at a meeting held in Topeka, Kans., on February 22, 1941, which appears in the Appendix.]

ADDRESS BY B. B. GROCE TO DALLAS FEDERATION OF WOMEN'S CLUBS

[Mr. CONNALLY asked and obtained leave to have printed in the Record an address delivered by Mr. B. B. Groce, president of the Texas Society for the Hard of Hearing, delivered on December 3, 1940, before the Texas Federation of Women's Clubs, which appears in the Appendix.]

THE BITTER QUESTION—EDITORIAL FROM SATURDAY EVENING POST

[Mr. CLARK of Missouri asked and obtained leave to have printed in the Appendix an editorial entitled "The Bitter Question," published in the Saturday Evening Post of March 8, 1941, which appears in the Appendix.]

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting several nominations were communicated to the Senate by Mr. Latta, one of his secretaries.

PROMOTION OF NATIONAL DEFENSE

The Senate resumed the consideration of the bill (H. R. 1776) further to promote the defense of the United States, and for other purposes.

Mr. TOBEY. Mr. President, there is one point on which we are all agreed; and that is that on the foreign-policy issues now being considered by the Congress, which hold in balance a life in nearly every American family, partisan thought has no place.

Today, the United States is giving a tremendous amount of aid to Great Britain. Month by month we have gone a long way in our efforts to increase this aid. Still greater aid, short of war, can

be immediately effected by speeding up our production, and by making available to England the dollar exchange to enable her to make increased purchases of war materials here.

There are, however, those who would go even further, by having the Congress enact legislation which would draw this country into the largest-scale war ever experienced by man—a war which would result in economic ruin to this country, and millions of maimed and dead American boys. The latter course I cannot, and will not, follow.

On February 20 I introduced in the Senate a joint resolution to make available to Great Britain up to \$2,000,000,000 in part exchange for certain portions of her islands in the Caribbean, to be used as naval bases by the United States.

These islands are comparatively of negligible value to the defense of the British Empire, but they are vital to the defense of the United States, and especially of the Panama Canal; and the Secretary of the Navy, testifying recently, urged that they be acquired from Great Britain.

With this money Britain could make even greater purchases of aircraft, tanks, ammunition and other war materials, as fast as we could produce them. It is the method of aid to Britain which has long been advocated by leaders in both the House and the Senate. It could be passed by the Congress within 48 hours. It would produce the speediest possible aid to Britain, without risking involvement in the war and without dividing the country on controversial issues. It would retain the warmaking power in the Congress, where it was placed by the people. It would not delegate to any one the power to dispose of all or any portion of our Navy to any country in the world. It would not risk our involvement in war by opening the ports of our country to the outfitting and repair of belligerent war vessels. It would give to Great Britain, in the minimum of time, the maximum aid which this country can give without actual involvement in the war. It would be effective aid short of war.

Instead of following this method, however, the administration has brought in a bill filled with unnecessary provisions, and fraught with war danger for this country. I refer to the so-called lease-lend-give bill, now being debated in the Senate. By this bill the Senate would give up its treaty-making power, and the Congress would turn over to one man the power to make war, involving 130,000,000 people in this country. The bill gives to one man the unrestricted power literally to seize anything in the country, whether belonging to the Government or to private citizens, and to give it to any other country in the world, without any limit in law. It gives to one man the power to give away our Navy or any portion of it—the power to give away our aircraft, army equipment, and military secrets to any country he chooses, including Soviet Russia, which country he has recently favored by lifting the moral embargo against shipments of vital war materials.

Shortly after the President lifted the moral embargo on shipments of vital

war materials to Russia, we shipped to Russia and Japan large shipments of tin, machine tools, aircraft equipment, aluminum, rubber, and other materials, all so much needed in the United States. At the same time we are told that our production of war materials for Great Britain and for our own defense is being slowed up by a scarcity of these very products.

Recently the Secretary of the Navy advised the House Foreign Affairs Committee that he is opposed to further transfer of our Navy, and testified that we cannot give away any more naval vessels of any kind without impairing the efficiency of our own Navy; and yet this bill provides that this may be done, without restriction, by one man. It makes one man the unrestricted master of the people's foreign policy anywhere in the world. As Secretary of State Hull once said, "This is too much power for a bad man to have or for a good man to want." The bill provides that at this one man's discretion the shores of the United States shall be turned over for the outfitting and repair of warships of belligerent nations, whether those of Russia, or England, or any other nation he chooses. This alone could get us into war overnight.

Assume, for example, that Mexico were to turn its shores over to Germany for repair and rearmament of German submarines and destroyers. Can it be doubted for a moment that England, after crippling a German war vessel, would follow it into the Mexican port and would not allow the Germans to hold it in a Mexican port, to be repaired by Mexico, outfitted, and rearmed by Mexico, to be used against England again? On the contrary, England, after crippling the German war vessel, would, in all justification, follow its prey into the Mexican port and carry the war to the shores of Mexico, and very probably mine adjacent waters. And yet, the proponents of the measure argue that we can do the same thing, without risk of involvement in the war.

There is not even a limitation on the amount of the people's property that can be given away. In the House an amendment was offered by Representative WADSWORTH to restrict the amount to the great sum of \$7,000,000,000, and, believe it or not, this generous limitation was opposed by the administration and was defeated. The proponents of the bill have sought to lead the people to believe that, inasmuch as the Congress controls appropriations, the Congress will be able to act as a check on the President. This is not true of the bill in its present form, and I shall point out why.

Under the bill the President can give away a large portion of our fleet or two-thirds of our military and naval aircraft; he would, of course, then come to the Congress and say, "Your Nation has a depleted fleet and a fragmentary air force." Congress would have no alternative but to vote the billions to replenish its air and naval forces.

The administration has stated its purpose not only to guarantee victory for England but also to guarantee the defeat

of every aggressor nation on earth. I raise the question: "As a practical matter, can this be done, and where would the long-drawn-out attempt leave us?" It would mean fighting to the end to defeat Japan, to conquer Hitler, to conquer Russia and Italy, and to force them to restore every piece of soil that they have invaded.

England has an army of approximately two and a half million men and Germany an army of six and a half million men. The military experts agree that a physical invasion of Europe would have to be made in an attempt to accomplish the goal of the President. The extra men to support Britain's two and a half million army would have to come from the homes of America. It would require an expeditionary force many times greater than that sent by us to Europe in 1917, and under much greater hazards. The cost of bloodshed—our blood and money—in privation, and years of struggle staggers the imagination.

If the Senate passes H. R. 1776, the die will be cast irrevocably. Conservative estimates place the cost to this country at \$40,000,000,000 a year. It is not an overstatement to say that more than 1,000,000 American boys would be killed or maimed in the long struggle.

Instead of adopting the lend-lease bill, fraught with war dangers, and turning over congressional powers to one man, why not pass legislation to make available the funds to enable Great Britain to increase her purchases of war materials in this country, and why not further our efforts to speed up production in this country? Anything more than this means war.

Shortly before we were drawn into the last World War, President Wilson was re-elected on the slogan, "He Kept Us Out of War." We were first told by England that all she wanted was our materials, but not men. Later we were told they did not need our Army, but only the American flag with a token regiment, to reinforce the morale of the English; but we ended up by sending more than a million American boys to invade Europe.

Someone has well said, "The only lesson we learn from experience is that we learn nothing from experience."

Recently the President was reelected on his statement made 2 days before election, I quote: "The first purpose of our foreign policy is to keep our country out of war." Both party platforms made this same pledge to the American people. Repeatedly in his campaign the President used the phrase "short of war" in his public assurances to the American people. But since the date of his reelection, not once has he referred to a policy "short of war." On the contrary, the utterances of the administration leaders have suddenly become more belligerent.

In his message to the Congress on January 6, the President announced his program to insure freedom of expression everywhere in the world, freedom of worship everywhere in the world, freedom from want everywhere in the world, freedom from fear anywhere in the world. I concur in that abstract statement, but if what is contemplated, as

seems more apparent every day, is that the United States is going to undertake this enormous task by intervention in the foreign war, and the use of our armed forces, then I say that we are trying to cover too much territory.

Freedom of expression, freedom from want, freedom from fear, everywhere in the world? Oh, better first sell that Utopian idea to the Hagues, the Kelly-Nashes, the Crumps, and the Pendergasts. Remember the old injunction, "Physician, heal thyself."

Since last fall, when Congress voted in favor of conscription, thousands of American boys have been drafted, and their parents led to believe that they will be kept for only 1 year. The Draft Act contains the following provision:

Persons inducted into the land forces of the United States, under this act, shall not be employed beyond the limits of the Western Hemisphere, except in the Territories and possessions of the United States, including the Philippine Islands.

The President signed that act. We voted for the measure with that provision in it, and took that language at par, and that gave a guarantee to the American people. Yet, only a few days ago the following amendment to the lend-lease bill was offered in the Foreign Relations Committee:

Nothing contained in this act shall be deemed to confer any additional powers to authorize the employment or use of persons in the land or naval forces of the United States beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippines.

The administration opposed this amendment and defeated it in committee. Think that over. Is this deceit? If not, what is it?

Apparently, a page has been taken from the book written by Winston Churchill and published by Charles Scribner Sons, in which Churchill wrote:

Nothing will bring American sympathy along with us so much as American blood shed in the field.

We are following the same path we followed in 1917, even in the face of the statement by Winston Churchill who, after the last war was over, said:

America's entrance into the war was disastrous, not only for your country but for the Allies as well; because, had you stayed home and minded your own business, we would have made peace with the Central Powers in the spring of 1917; then there would have been no collapse in Russia, followed by communism; no break-down in Italy, followed by fascism; and nazi-ism would not at present be enthroned in Germany. If America had stayed out of the war and minded her own business none of these "isms" would today be sweeping the continent of Europe and breaking down her parliamentary government.

People of America, we are much nearer entering a long, costly war, on foreign soil, than you may realize. Administration leaders are letting the true situation slip out now and then. Last week Jesse Jones testified before the House Banking and Currency Committee and said:

We are in the war; at least, we are nearly in the war. We are preparing for it. When

you do that, you have got to throw money away.

After making this statement, Mr. Jones asked that the stenographer strike out the words from the public record, and his request was granted. But Jesse Jones spoke those words from his heart that day, even though they were deleted from the official record.

The New York Times of February 20 reports that Mrs. Roosevelt, in a talk to a girls' school the day before, indicated that it might be better for this country to go to war if it were necessary to save the British from defeat. Shades of 1917.

On February 20 Mrs. Roosevelt introduced Dorothy Thompson to a large audience at Constitution Hall in Washington, who spoke of her vision of a United States of Europe and urged that the United States join such a federation. "We are already in the war," she said.

Various Senators, in urging passage of this lend-lease bill, have taken stands ranging from the statement by the Senator from Florida [Mr. PEPPER] that the bill is a step to war, to the statement by the distinguished Senator from North Carolina [Mr. BAILEY] that if the bill means war he is ready for it.

So again I say we are on the brink of war, although the people have not fully sensed it as yet. We are following the same path that we did in the last World War. This lend-lease bill is the vestibule to war. Even more, it will make the President the war lord of Europe.

Hilaire Belloc, the noted British author, in relating how America was drawn into the war in 1917, wrote:

The most comic part of the affair was the attitude toward America. We dared not insult America, for we were naturally as keen on getting American help as is a drowning man on catching a deck chair. In their ignorance, many people came to believe that it was the duty of the Americans to come over and help, and, what was more astonishing still, it was represented to them as a matter of life and death, not to us but to themselves. The Americans were told (Heaven knows whether any of them believed it) that if the Germans, Austrians, Bulgarians, Turks, and others won in their push against the English, French, and Italians, that after the half-baked won against the baked, the next thing would be a sailing of the conquerors over the sea for the rude dominion of Scranton, Pa. Fiddleticks; but people would really talk like that. They shook their fingers at the United States and said, "It will be your turn next."

Who are the defeatists in this country?

Those who, knowing that America is 130,000,000 strong, with a favorable geographical position for defense, with an industrial power equal to that of all Europe combined; those, who, having an indomitable will to defend America on American soil, say that we can and will defeat any attempted invasion over here? No; these are not the defeatists.

They, rather, are the defeatists who quiver and quake at the suggestion that Hitler might be able to conquer Europe, conquer Great Britain, overcome the obstacles of famine and disease, economic ruin, and a tremendous "fifth column" against him in all Europe; hold these people down, and, at the same time, leaving a suspicious Russia at his back door, start out on a costly venture to cross 3,000 miles of ocean, in a doubtful at-

tempt to conquer a well defended and equipped and powerful nation of 130,000,000 indomitable Americans. They are the defeatists who say that in the face of this questionable possibility America has no alternative but to send her boys 3,000 miles across the sea, to die on foreign soil as they died in 1917-18.

Yes, we are following the same path over again, and if we do get in the war it will be a long struggle, with millions of American boys sent over to invade Europe. We will come out of it with hundreds of thousands of casualties, a staggering debt, and will have lost democracy on the home front. If this bill is passed it will mean that, contrary to the immortal words of Lincoln, our sacred dead shall have died in vain, and that government of, by, and for the people shall have perished from this land.

It should not be forgotten that the total casualties, in 4 years of the World War, were more than 37,000,000—think that over with a view to the present question of whether we should be drawn into the war today, when machines of destruction are far greater than ever dreamed of 20 years ago.

Let it be remembered that war cannot be repealed, that bankruptcy cannot be repealed, and that the dead cannot return home.

If we go in and, as our military authorities predict, the war continues for a number of years, what will the harvest be? It will be the destruction of the materials of all the belligerent nations, including our own. There will be nothing left but poverty and ruin, famine and disease. Then there will be a movement in all the ruined nations for an enforced program of sharing the poverty equally—some degenerated form of communism to be based on general ruin and general despair. The war-gutted nations will not be able to resist such a movement, after having shot away their very substance. Hold this picture in your minds as you consider the question of whether we should get into the present war. Recall the statement of former French Premier Briand: "In modern warfare, no nation wins"; and he ought to know.

Organized propaganda, which started out by being subtle, so as to draw us in unawares with increasing momentum, has suddenly become more open in an effort to get us into the war. Several weeks ago, William Allen White resigned as chairman of the Committee to Defend America by Aiding the Allies. He wrote a letter giving the reasons for his resignation, and I quote therefrom:

I tried to get out after the election, because I felt the warmongering activities made this a full-time job for a younger man. I certainly do not agree with anyone who wants to make a climate in which the war bug will grow.

In two of our chapters, New York and Washington, we have a bunch of warmongers and, under our organization, we have no way to oust them, and I just can't remain at the head of an organization which is being used by those chapters to ghost dance for war.

Dr. McCracken, president of Vassar College, was also a member of the William Allen White committee, and when he learned what was going on, he resigned.

On January 31, he stated that—

there is a gigantic conspiracy on to get the United States into the war. Not a war of defense, but a war of invasion of Europe.

He said further:

The United States Army and Navy are building for an invasion of Europe, and our diplomacy is designed to afflict the enemies of Britain to bring on a situation for which war is the only way out.

Very recently, President Hutchins of the University of Chicago said that the American Nation is about to commit suicide and plunge into the European war, and he continued:

We have a chance to help humanity if we do not get into this war; if we do get in, we have no chance at all.

In closing I commend to you the thoughtful appeal of William Henry Chamberlin, correspondent in Europe and Asia for the Christian Science Monitor since 1922, who recently said:

Let America's destiny be to keep bright the flame of civilization which was lit in Europe and which is now apparently going out there. Let us keep clear of adventurous crusades which, after wasting our lives and property, will inevitably end in futility and disillusionment. Let us be strong for the preservation of peace in our own hemisphere, in the regions where we can reasonably hope to make our military, naval, and economic strength decisive. Let us shut our ears to the barrage of conscious and unconscious propaganda that will play on us with increasing force as Europe's death gamble becomes more and more desperate. Let us remember that by every Christian, humanist, democratic standard, every individual American life is sacred and precious, to be sacrificed only if our own security is threatened; not to be thrown away in the interest of foreign powers. And let us never forget that the surest road to fascism, to communism, to every other form of the brutalitarian state is through war.

Having in mind the futility of our venture in 1917, with the irreparable loss of life and property which produced the dictator-ridden Europe of today, I now ask you, Mr. President and Senators, are you willing to commit yourselves irrevocably to the proposition that you shall send your sons to certain oblivion now, on the possibility that in the indefinite future your grandsons, yet unborn, may enjoy a problematical peace?

How will the war affect you? Listen to the words of the Senator from Idaho [Mr. CLARK]:

People of America, all of you will love war at first, but when the heartless shells begin to scatter the bodies of your boys amidst the yellow mud of some European or Asiatic battlefield, you will not love it quite so much. When the long streams of coffins, bids for which the War Department has already requested in large numbers, start to roll into your homes, if there is anything left to put in coffins, then you will know something about the love of war. When the crippled and the maimed and the insane begin once more to fill new and hungry hospitals, and you have to close your eyes rather than look upon the horror of the thing, then you will have some idea of war.

And when for the next 100 years you and your children and your children's children begin to toil and sweat and grub to pay back the billions and billions which are being so carelessly tossed away to preserve the financial and the far-flung empires of the world, then you will not like war.

When the democracy which you sought to save abroad has vanished at home, when the freedoms of today are but misty memories, when the Government has taken over the railroads, the radio, the utilities, the newspapers, and other forms of public expression, when labor is conscripted and the farmers regimented, then, people of America, you may, amidst your blood and your tears, have some faint glimpse of modern war. What a ghastly hang-over it will be.

Mr. President, and my colleagues of the Senate, for many years I have hid in my heart the memory of an incident that happened in the World War in 1917. It tells the story of one of our doughboys who had been ordered from the trenches, after a long vigil in the mud and filth of the trenches, to charge the enemy out in no man's land. He obeyed the order as a good soldier, but halfway across no man's land he was brought down by a bullet from a machine gun. His buddies picked him up and brought him behind the lines and sent him to the dressing station in the rear. He had vision in his soul; and when they unbuttoned his uniform they found pinned to his shirt a paper, from which they deciphered these words, scrawled in pencil by the light of a candle the night before in the rotteness of the trenches:

Ye that have faith to look with fearless eyes
Beyond the tragedy of a world at strife
And know that out of death and night shall rise

The dawn of ampler life;
Rejoice, whatever anguish fills your heart,
That God hath given you the priceless dower
To live in these great times and have some part

In Freedom's crowning hour;
That ye may tell your sons who see the light
High in the heavens their heritage to take.
I saw the powers of darkness put to flight.
I saw the morning break.

Mr. President, that was a score of years ago. He had a vision and hope for better things; but had he lived until today how disillusioned he would have been.

He had been told he was fighting to make the world safe for democracy, only to find that democracy is today being throttled throughout Europe.

He was told that he was participating in a war to end all war; but today he would find that the law of the jungle is dominating Europe and a greater war is being waged.

He would realize that the dawn of the new day which he yearned for is still far below the horizon and that the powers of darkness, instead of having been put to flight, are stronger than ever.

Mr. President, I shall keep faith with that Unknown Soldier of 1917. I do not propose that our boys shall again fight on foreign soil in a European war; and, believing that the pending bill would lead us down such a road, I shall vote "no" when the time comes.

Mr. President and my colleagues of the Senate, hold in your minds the futility of our costly venture of 1917, a venture to save the world for democracy, a venture of disillusionment and regret, and then reverently and solemnly join with me in the prayer of Kipling:

Lord God of hosts, be with us yet,
Lest we forget—lest we forget!

Mr. WHEELER. Mr. President, I desire to place in the RECORD two editorials

from Wallace's Farmer and Iowa Homestead.

I desire to quote from one of them:

In all the discussion over the lease-lend bill there has been a natural emphasis on the points that divide the Nation—the exact amount of power to be given the President, the size of the appropriations involved, the effect on the neutrality law, etc. All this has been useful and desirable, but it may be time now to center attention on the things on which we all agree.

Too many supporters of the lease-lend bill have given the impression that they hate isolationists even worse than they hate Hitler. Too many opponents have acted as if they preferred the dictatorship of Hitler to the milder powers given President Roosevelt under the bill.

This kind of nonsense is expected during legislative debates, but let's get over it as quick as we can.

The Nation needs continued discussion over our foreign policy. All of us should take a deep and a lively interest in our relation to the war overseas.

Quoting further:

Whatever policy is adopted in regard to the World War, we cannot get along without tolerance and good will among all groups at home. Let us try to remember that almost everybody agrees on these points:

1. Stay out of war.
2. Build up our own defenses.
3. Make democracy work more efficiently in our own land.
4. Use our power to help secure a just and lasting peace in Europe.

I quoted the last portion of the editorial particularly because of the fact that the moment a Senator suggests that a just and lasting peace should be brought about in Europe many hysterical persons who want the United States to go to war immediately condemn him as being in favor of some form of totalitarian state in Europe or as being pro-Nazi.

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

Mr. WHEELER. I yield.

Mr. BARKLEY. Purely for information, let me ask you who is the editor of Wallace's Farmer at this time?

Mr. WHEELER. I would rather ask the Vice President, because I do not know.

Mr. BARKLEY. Frequent quotations from Wallace's Farmer have been used in regard to the subject under discussion. It is my understanding that nobody by the name of Wallace is at this time editor of the publication. I wonder if the Senator knows.

Mr. SMITH. Mr. President, I suggest that the WALLACE we know is no longer a farmer.

Mr. BARKLEY. That is a matter of opinion. The Senator does not know who the editor is?

Mr. WHEELER. Here is a statement that may answer the Senator's question. It says:

Wallace's Farmer and Iowa Homestead, volume 66, No. 21.

Dante M. Pierce, publisher; Clifford V. Gregory, associate publisher. Published every other Saturday at 1912 Grand Avenue, Des Moines, Iowa. Subscription price, postpaid, \$1 for 2 years, biweekly. Canadian and foreign countries, \$1.25 for 1 year.

HENRY A. WALLACE, editor (on leave of absence as Vice President of the United States). Editors: Donald R. Murphy, Arthur T. Thompson, E. R. McIntyre, Mrs. Lois Johnson

Hurley, home department, F. I. Wood, service bureau.

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Mr. BARKLEY. The reason why I ask the Senator is that numerous quotations from that journal have been placed in the RECORD during the last few months, carrying the implication, because it is Wallace's Farmer, that Mr. WALLACE is the editor. It is my understanding that he is not, certainly not the acting editor, and that he is not responsible for the editorial expressions referred to.

Mr. WHEELER. I do not know whether he is or not. I simply am reading the advertisement carried in the publication:

HENRY A. WALLACE, Editor (on leave of absence as Vice President of the United States).

I assume that that explains the situation.

However, the reason why I am quoting from the editorial is not because the Vice President of the United States is editor of the magazine, but because Wallace's Farmer and the Iowa Homestead are publications which have great influence not only in the State of Iowa but throughout the central section of the United States. Because they carry the name "Wallace," and the people of the country, and especially the farmers of the country, know that Mr. WALLACE, the Vice President of the United States, formerly owned and controlled them, and because he is the editor on leave, according to the announcement in the publication as "editor—on leave of absence as Vice President of the United States"—this publication does carry great weight with a tremendous number of persons in the United States of America. Because the magazine still carries his name, and because he is "editor—on leave of absence as Vice President of the United States"—whether or not he dictates the policy of the publication, the great mass of farmers in this country, particularly those in Iowa and in the other central States, have a right to think and to believe that his connection with the publication carries some weight.

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

Mr. WHEELER. I yield.

Mr. LEE. What is objectionable in the editorial?

Mr. WHEELER. Not a thing is objectionable. On the contrary, I think it is highly pleasing. It is pleasing to me. There is nothing objectionable in it.

Mr. LEE. What particular phrase has the Senator in mind? The Senator repeated one phrase, but I did not quite understand the last part of it.

Mr. WHEELER. I said it was highly pleasing to me.

This is what is said in the editorial, and I think the writer is correct about it:

Let us try to remember that almost everybody agrees on these points:

1. Stay out of war.
2. Build up our own defenses.
3. Make democracy work more efficiently in our land.
4. Use our power to help secure a just and lasting peace in Europe.

Mr. LEE. Does anyone in America object to those points? I certainly do not.

Mr. WHEELER. I certainly do not object to those four points. I agree with them. That is the reason why I was quoting them.

I think the editorial is a very fine one as a whole, because it preaches tolerance in the United States, and advises the people to be tolerant. No matter where some of us go, or what we do, immediately some persons say, "Oh, you must be a Nazi sympathizer; you must be a Quisling; you must be doing this or that," although what we are doing is to try to keep the country out of war. I say that is intolerance.

Mr. LEE. Or we hear it said that a certain policy is cowardly if a man follows it but does not stand for a declaration of war.

Mr. WHEELER. No; what I said, and I repeat it, was that if I felt that this was our war and that England was fighting our battle, I would be in favor of declaring war tomorrow. I said that if England is fighting our war and if this is our war, then I should feel that it would be cowardly on my part not to be standing here asking for a declaration of war. But to those who say that we are buying time, and that England is fighting our war, and that we ought to be treating the English people as our mercenaries, I say—speaking for myself only—that to me it seems cowardly to say that we will let somebody else fight our war. We have never hired Hessian soldiers to fight our wars. Whenever we have been in a war we have had the courage to fight our own war, and we have not hired somebody else to do it. [Manifestations of applause in the galleries.]

I next call attention to another editorial appearing in the same periodical. The editorial to which I first referred is dated January 25, 1941. The other editorial appeared in the issue of February 22, 1941. This editorial is taken from Wallace's Farmer and Iowa Homestead. Certainly no one would accuse Wallace's Farmer and Iowa Homestead of being pro-Nazi, or of being anything but American. I think it is American, and I think it expresses American ideals when it makes this statement:

Before everybody starts yelling instead of thinking, we have two suggestions to make to folks who are inclined to let their blood pressure run away with them when they discuss the present war.

The first suggestion is to those 200 percent Americans who go around cursing Hitler and the Nazis and praying for a catastrophe to wipe out the whole German nation.

These folks should remember that they helped make Hitler. So did all of us. So did France and Great Britain. If the blockade on Germany had been lifted as soon as the World War was over, if the struggling German republic had been helped instead of hampered, it is doubtful if Hitler would ever have been more than a small-town gangster. Desperate folks will try anything. It was the world's fault—and its bad luck—that the Germans got desperate enough to grab at anything, and happened to grab Hitler.

If Senators should go to New York City and express that sentiment they would find every little, petty warmonger and columnist saying, "You must be for

Hitler, because you express those sentiments."

I say to the Members of the Senate that it is time for us to be realistic about these matters. I was in Germany in 1936, and I went to the American consul's office and said to him, "Who was responsible for putting Hitler into power?" Do you know, Mr. President, what his reply was? He said:

Of course, it was the big fellows; it was the Thyssens and the Krupps. It was the people downstairs who helped to finance him.

Mr. President, who do you suppose "the people downstairs" were? They were people, some of whom are now in this country, and saying we ought to go and fight to save democracy over in Europe, who helped to finance Hitler and to put him in power.

I desire to read further from the editorial of January 25, 1941:

We should keep in mind that Americans of German origin and German names have no reason to remember 1917-18 with pleasure. Mob hysteria of that period was cruel and unfair to many good Americans with German names, accents, or ancestry. If some Americans of German origin hang back now from approving the national decision to give full aid to Britain, one reason is that they dread lest the persecuting hysteria of 1917 may come again.

Yet I have seen Senators stand on the floor and express almost the same sentiments of hysteria as were expressed in 1917 and 1918. I have seen them stand on the floor and say, "once a German always a German," and when they did it they looked at a Senator who was of German origin himself and who came from Germany. I say that is intolerance, and I am opposed to intolerance, no matter what form it takes—whether against anybody's race or color or creed or anything else.

I am quoting the editorial, not because I disagree with it but because I think it sets forth very sound American doctrine, and I should say that if the Vice President were the editor and had written the editorial he could be very proud of the truly American doctrine it expresses. The editorial continues:

Our second piece of advice is for those few Americans of German descent who have been goaded or deceived into thinking that they should defend Hitler and his Nazis. Once in a while you find a man who thinks and says that Hitler is the savior of Germany, that the Nazis have a sound plan of government, and that the United States might well imitate both.

I say that anybody who is goaded into that position, or who believes in such things, is not a good American, and I thoroughly agree with that statement of the editorial.

We like to see Americans remember with pride the heroes of their own blood. Any American of English descent has a right to be proud that he comes from the same race as Shakespeare. Any American of German descent has the right to be proud that he comes from the same race as Beethoven and Goethe.

But English pride ought not to include the massacres by Cromwell and by Dyer. And German pride should not include the concentration camps, the end of liberty of speech, the wholesale slaughter of the best of German blood, as registered by Hitler and his men.

The real danger to national unity in the present crisis comes from two groups—the 200-percent Americans who yell without thinking, and the few Americans of German descent who feel that the Austrian paper-hanger should be defended because he speaks the language of their grandfathers.

Of the two, we think the 200-percent Americans are likely to cause by far the most trouble. The pro-Hitler crowd is small. It is only important in that it may wave a red rag in the eyes of those who are already inclined to go war crazy.

So I say to the Senator from Oklahoma I am not introducing these editorials into the RECORD because I criticize them or because I disagree with them. I am placing them in the RECORD because, in my judgment, the editorials would do credit to the Vice President of the United States of America. They contain nothing that he should be ashamed of, but that he should be proud of, in my judgment, as they are published in a paper that was established by his father and of which he himself is the "editor on leave as Vice President of the United States." I wish, Mr. President, that more people in the United States would take the same view as does this paper.

I ask that the editorials be printed in the RECORD in full.

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

The editorials in full are as follows:

[From Wallace's Farmer and Iowa Homestead of February 22, 1941]

WE DON'T NEED TO FIGHT EACH OTHER

In all the discussion over the lease-lend bill there has been a natural emphasis on the points that divide the Nation—the exact amount of power to be given the President, the size of the appropriations involved, the effect on the neutrality law, etc. All this has been useful and desirable, but it may be time now to center attention on the things on which we all agree.

Too many supporters of the lease-lend bill have given the impression that they hate isolationists even worse than they hate Hitler. Too many opponents have acted as if they preferred the dictatorship of Hitler to the milder powers given President Roosevelt under the bill.

This kind of nonsense is expected during legislative debates, but let's get over it as quickly as we can.

The Nation needs continued discussion over our foreign policy. All of us should take a deep and a lively interest in our relation to the war overseas. But folks on both sides should take special pains to remember that this is not a fight between angels and devils, and not a contrast between black and white.

The policy of all-out aid to Great Britain has advantages and disadvantages. The policy of isolation has advantages and disadvantages. Neither guarantees a sure road to peace and prosperity.

If we give all the aid possible to Great Britain, we run the risk of sliding into actual war. If we act as strict neutrals, we run the risk of having Great Britain beaten and of being forced to build a two-ocean navy and a bigger army than we now have.

Each policy has its possible benefits, and each its dangers. It will do us all good if we spend more time on the dangers of the policy we favor, and less on the dangers of the policy we don't like.

Whatever policy is adopted in regard to the World War, we can not get along without tolerance and good-will among all groups at home. Let us try to remember that almost everybody agrees on these points:

1. Stay out of war.
2. Build up our own defenses.

3. Make democracy work more efficiently in our own land.

4. Use our power to help secure a just and lasting peace in Europe.

There are very few warmongers in the country and very few pro-Hitler isolationists. There are merely two groups who disagree on the best way to secure peace and security for the United States. Let's try to remember that.

[From Wallace's Farmer and Iowa Homestead of January 25, 1941]

LET'S NOT REPEAT ERRORS OF 1917

Before everybody starts yelling instead of thinking. We have two suggestions to make to folks who are inclined to let their blood pressure run away with them when they discuss the present war.

The first suggestion is to those 200-percent Americans who go around cursing Hitler and the Nazis and praying for a catastrophe to wipe out the whole German nation.

These folks should remember that they helped make Hitler. So did all of us. So did France and Great Britain. If the blockade on Germany had been lifted as soon as the World War was over, if the struggling German Republic had been helped instead of hampered, it is doubtful if Hitler would ever have been more than a small-town gangster. Desperate folks will try anything. It was the world's fault—and it's bad luck—that the Germans got desperate enough to grab at anything, and happened to grab Hitler.

We should keep in mind that Americans of German origin and German names have no reason to remember 1917-18 with pleasure. Mob hysteria of that period was cruel and unfair to many good Americans with German names, accents, or ancestry. If some Americans of German origin hang back now from approving the national decision to give full aid to Britain, one reason is that they dread lest the persecuting hysteria of 1917 may come again.

Our second piece of advice is for those few Americans of German descent who have been goaded or deceived into thinking that they should defend Hitler and his Nazis. Once in a while you find a man who thinks and says that Hitler is the savior of Germany, that the Nazis have a sound plan of government, and that the United States might well imitate both.

We like to see Americans remember with pride the heroes of their own blood. Any American of English descent has the right to be proud that he comes from the same race as Shakespeare. Any American of German descent has the right to be proud that he comes from the same race as Beethoven and Goethe.

But English pride ought not to include the massacres by Cromwell and by Dyer. And German pride should not include the concentration camps, the end of liberty of speech, the wholesale slaughter of the best of German blood as registered by Hitler and his men.

The real danger to national unity in the present crisis comes from two groups, the 200-percent Americans who yell without thinking, and the few Americans of German descent who feel that the Austrian paper-hanger should be defended because he speaks the language of their grandfathers.

Of the two, we think the 200-percent Americans are likely to cause by far the most trouble. The pro-Hitler crowd is small. It is only important in that it may wave a red rag in the eyes of those who are already inclined to go war-crazy.

[From Wallace's Farmer and Iowa Homestead of January 25, 1941]

WALLACE'S FARMER AN IOWA HOMESTEAD
(Vol. 66—No. 2)

Dante M. Pierce, publisher; Clifford V. Gregory, associate publisher. Published every

other Saturday at 1912 Grand Avenue, Des Moines, Iowa. Subscription price, postpaid, \$1 for 2 years, bi-weekly. Canadian and foreign countries, \$1.25 for 1 year.

HENRY A. WALLACE, editor (on leave of absence as Vice President of the United States). Editors: Donald R. Murphy, Arthur T. Thompson, E. R. McIntyre, Mrs. Lois Johnson Hurley, home department; F. I. Wood, service bureau.

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Mr. WHEELER. Mr. President, while I am on my feet, I desire to place in the RECORD a letter from the mayor of the city of Barre, Vt., which is self-explanatory and says, among other things, "keep up the good work" and that he is opposed, in substance, to the pending bill. I also ask to have printed in the RECORD a telegram from the Progressive Democratic Club of Baltimore.

The VICE PRESIDENT. Without objection, the letter and telegram will be printed in the RECORD.

The letter and telegram are as follows:

THE CITY OF BARRE, VT.,
March 2, 1941.

Senator BURTON K. WHEELER,
Washington, D. C.

DEAR SENATOR WHEELER: Keep up that good work; you deserve much credit for your attempt to defeat No. 1776, and thus help this country to keep out of this war that does not concern us.

All the citizens of this country will some day be grateful to you for your efforts if it will be possible to defeat this bill or to see that it is talked to death.

Good luck, Senator WHEELER, with best wishes and kindest regards.

Cordially,

E. F. HEININGER.

BALTIMORE, MD., March 4, 1941.

Hon. BURTON K. WHEELER:

Membership opposed to lease-lend bill in present form. Telegrams sent Maryland Senator. Keep up fight.

THE PROGRESSIVE DEMOCRATIC CLUB, INC.,
F. GARRISON, President,
JAMES C. WALMSLEY, Secretary.

Mr. WHEELER. Mr. President, I likewise desire to read into the RECORD, A Letter to the Old Men. I read:

A LETTER TO THE OLD MEN

According to the 1940 census figures just released, 39 percent of the people of America are between the ages of 20 and 44; 19 percent are between 45 and 64; and only 6 percent are 65 or older.

We, the 39 percent, speak to you, the 6 percent. We are the ones who are giving up a year of our lives to learn to kill our fellow human beings under a conscription law thought up by you old men. We are the ones who will be sent overseas to be killed in the war which will inevitably follow the passage of the terrible lease-lend bill thought up by you old men.

We want you to know what we believe, we the youth of America. We believe that our America is the youngest, greatest, and strongest nation on earth. Strong because it is a young nation filled with the descendants of the most courageous and energetic of Europe's stock—for it takes courage and energy to tear oneself out of the comfortable old soil of an ancient homeland and seek liberty and advancement in a new land. Because our ancestors fled ancient oppressions in Europe we have inbred in us a fierce love of freedom and the country which to us symbolizes freedom—the United States. We will always fight to defend our America.

We believe our young, strong America has a tremendous destiny. And we will not in-

sult America by believing that this destiny depends upon the navy of any European nation. No, we, the young generation, cannot see eye to eye with you old men of little faith who croak that "America's freedom is dependent on the British Navy." That is the defeatist point of view.

And to carry out this hysterical point of view four of you most powerful men in the Government—

It then refers to certain members of the Cabinet and gives their ages, and says they—

are working feverishly to force through Congress this vicious lease-lend bill which will put into the President's willing hands the absolute control of America, including the power to fling her into war.

I shall omit one paragraph.

For we, the youth of the country, are against the colossal stupidity of war, against making our America a dictator Nation under the complete control of one man—and therefore against the lease-lend bill. Our American Youth Congress has come out strongly against it. Colonel Lindbergh, the world famed, youthful aviation authority, is unqualifiedly against it. Our last Ambassador to Great Britain, Joseph Kennedy, who has been closer to the scene of war for a longer period of time than any living American, is against it, as are most of the nationally prominent younger American Legion men, and the outstanding younger members of Congress.

The latest Gallup poll shows 88 percent of the entire American Nation is dead against our entering any foreign war. To you, aged and defeatist leaders of the 12-percent minority who want war, we say that you are betraying America, the land of youth, hope and opportunity. We the 39 percent who are the young generation, and all of the 88 percent who do not want war, must make you, our leaders, see our point of view. We each must and shall write to our own Senator in Washington, lest we be again eased into a war that is wanted by no one but defeatists.

Mr. GEORGE obtained the floor.

Mr. CLARK of Idaho. Mr. President, will the Senator from Georgia yield briefly?

Mr. GEORGE. Does the Senator wish to put something in the RECORD?

Mr. CLARK of Idaho. Yes.

Mr. GEORGE. I yield to the Senator from Idaho.

Mr. CLARK of Idaho. A few days ago there found its way into the CONGRESSIONAL RECORD an editorial from a Montana newspaper attacking rather vigorously the senior Senator from Montana. In view of that editorial, I ask unanimous consent now to insert in the RECORD a more recent editorial from the Montana Standard, published at Butte, Mont., having reference to the attitude and the speech of the distinguished Senator from Montana.

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

The editorial referred to is as follows:

[From the Montana Standard (Butte, Mont.) of March 2, 1941]

A DEBATE VITAL TO THE WHOLE NATION

Nerves grow frayed in the United States Senate, as elsewhere, when there is keen and protracted debate and men hold tenaciously to their viewpoints, insisting that they are right and their opponents are in the wrong.

Montana's Senator WHEELER is a central figure in this fight, as he has been a central figure in other battles when the administration was undertaking to depart from fundamentals of basic American law. As for his

courage and ability as a fighter, whether under the restraints of parliamentary rule on the Senate floor or in the rough-and-tumble tactics of the political arena, Senator WHEELER's opponents had better review the record when they undertake any personal aspersions.

Most of us are anxious and eager to see the United States render effective assistance to Great Britain. We have some idea of the kind of place this would be should the Hitler philosophy be unrestrained in its endeavors to find new fields to implant itself in this sorry world.

But there must be method in our assistance to Great Britain. It must be done in conformity with constitutional law. That the lend-lease bill was not drawn in conformity with our basic law is apparent from the fact that already six vital amendments have been accepted by the administration, fixing a time limit upon the grant of arbitrary power to the Chief Executive, requiring periodic reports to Congress and limiting expenditures for supplies to Britain to specific authorizations by Congress.

It could not have been an American law without those limitations, for it would have conferred upon one man the authority that is expressly reserved to the 533 Members of Congress.

Few could seriously contend that this is technically a defense measure, for it is a measure in aid of foreign countries. Yet the measure by its title undertakes something of a fiction, for it is described as a measure in the national defense.

The lend-lease bill is one of those pieces of must legislation which the administration has been in the habit of sending to Congress with orders. Senator WHEELER's challenge—and at the beginning he spoke almost alone—has brought about an invaluable debate which has served to inform the Nation of the tremendous and dangerous task upon which we are to be launched. The dangers of the measure, including the possibilities of our involvement in the war, should German submarines strike at American ships laden with munitions for Britain—all have come to be understood as a result of the debate in Congress.

It was Senator WHEELER's opposition to the measure which brought all of this about. Had he not stood firm, lashing out against his opponents, insisting upon uncontrolled debate, the Nation-at-large would still be in ignorance of the terms, the implications, and the possible effects of this measure.

At the very least WHEELER's position has made it possible for the Nation to go into this thing with its eyes open, knowing what it is doing and weighing the possible effects.

The debate has not been overlong. The production of munitions has not been affected because industry had been summoned months ago to do its utmost. We hear no more those earlier arguments in support of quick adoption of the measure because Britain had to be saved in 60 or 90 days. That argument was pure poppycock. British statesmen themselves deprecated such talk, saying it placed an entirely wrong construction upon the situation.

Through long and weary years there has been constant complaint of the concentration of legislative power in the hands of the Chief Executive. That has been a principal criticism of the New Deal. Today that concentration of power has progressed to a point involving not only our form of government but our very lives. Congress alone has the power to make war, yet the administration now asks such authorities as may enable it to force war upon the Nation without action or consent of Congress.

Eager to assist Britain, trusting that the little isle with its teeming population may withstand the hurricane of brutal and ruthless attack and praying for the day when Hitlerism and Nazi ideals may be completely

stamped out as a menace to the world, many will still appreciate the extraordinary service of Senator WHEELER and the inestimable value of this debate. The insistence that even the President shall conform to the basic law of America may save our democracy from falling before a new kind of dictatorship, even while we battle to destroy dictatorship elsewhere.

Mr. MALONEY. Mr. President, will the Senator from Georgia yield to me?
Mr. GEORGE. I yield.

Mr. MALONEY. I ask unanimous consent that I may have printed in the RECORD a telegram which I have received from 100 members of the administration and faculty of Yale University referring to the lease-lend bill, and also a telegram referring to the bill under consideration, which is signed by members of the faculty of Wesleyan University.

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

NEW HAVEN, CONN., March 5, 1941.
Senator FRANCIS T. MALONEY,
Senate Office Building,
Washington, D. C.:

One hundred members of the administration and faculty of Yale University, undersigned, urge that the lease-lend bill be brought to an early vote in the Senate. The bill has been thoroughly discussed on both sides, and we believe that no democratic purpose or process is being served by further delay.

Charles Seymour, Gordon Craig, John Chester Adams, Wilbur L. Cross, James Rowland Angell, Joseph Curtiss, Gosta Akerlof, Robert Daniell, Bert Anderson, Barnett Dodge, Henry Barbour, Christopher Dawson, Alan Bateman, Clyde Deming, Robert Bates, Samuel Dudley, Samuel Flagg Bemis, Louise Eisenhardt, Lottie Bishop, Howard Engstrom, John Brubacher, William Fletcher, Tucker Brooke, Richard Flint, Norman Buck, Joseph Fierito, Harold Burr, John Fulton, Beekman Cannon, Edgar Furniss, Francis Coker, William Gardner, James Cooper, William German, George Cowgill, Arnold Gesell, Clair Crampton, Alfred Gilman, Albrecht Goetze, William Milligan, Louis Godman, Helen Moats, Henry Graves, Frank Monahan, Herbert Harned, Andrew Morehouse, Samuel Harvey, Arthur Morse, August Heckscher, Richard Niebuhr, Samuel Hemingway, Filmer Northrop, Frederick Hicks, James Osborn, Frederick Hilles, Oystein Ore, John Hirshfeld, Martin Pond, Ira Hiscock, John Pope, Hebbel Hoff, Grover Powers, Hajo Heiborn, Richard Purdy, Alice Howell, Steven Reed, Ellsworth Huntington, Theodore Ruch, Eugene Kahn, Joseph Serende, Margaret Kennard, Edmund Silk, Sydney Sinclair, Sherman Kent, George H. Smith, William Ladd, George M. Smith, Edwin Lawrence, Percy Smith, Philip La Compte, Roscoe Steffen, Averill Liebow, Shepherd Stevens, Gustaf Linskog, Edgar Sturtevant, Harvey Mansfield, Effie Taylor, Ralph Meader, Robert Tennant, Herbert Thoms, Edward Truex, Ruth Truex, Edgar Warren, Arnold Whitridge, Marjorie Wildes, Hugh Wilson, William Willis, Charles Edward Winslow, Milton Winternitz, Karl Young.

MIDDLETOWN, CONN., March 4, 1941.
FRANCIS MALONEY,
United States Senate,
Washington, D. C.:

Undersigned members of Wesleyan University faculty admire portions of your speech on lease-lend bill, but regret introduction of amendments delaying necessary immediate passage. Convinced this is point of view of great majority of Americans. Regard prolongation of debate as contrary to public interest and national safety. Urge your greatest efforts.

J. J. O'Leary, P. B. Taylor, G. T. Moody, S. Neumann, N. M. Pusey, C. Henderson, J. Buel, H. C. F. Bell, D. Keppel, K. S. VanDyke, J. M. Stokes, A. Thomson, G. A. Hill, T. W. Busson, D. R. McKee, J. W. Peoples, W. G. Cady, N. J. Ware, K. M. Williamson, E. E. Schattschneider, B. H. Camp, H. E. Woodbridge.

Mr. GEORGE. Mr. President, I think the time has arrived when we shall now begin to consider the bill and the amendments thereto. I apprehend that certain amendments made by the committee will not be objectionable, but, if any Senator desires that a quorum be called, I will be pleased to have that done at this time.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. GEORGE. Yes; I will be glad to yield to the Senator from California.

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

Mr. GEORGE. I yield to the Senator from Michigan.

Mr. BROWN. I was very happy to hear the remarks made by the Senator from Montana [Mr. WHEELER] today. It is a fact that many persons of German extraction in my State and elsewhere are favoring and many others are opposing the pending bill. Very fortunately for this country, we do not divide on those nationalistic lines.

I have received from the former editor of the Detroit Daily Abend Post, a German-language newspaper of the city of Detroit, one of the largest of such papers in the Nation, a most illuminating letter which I desire to read to the Senate. It is very short:

EAST SIDE RECORD,
Detroit, Mich., March 3, 1941.
Hon. PRENTISS BROWN,
United States Senator from Michigan,
Washington, D. C.

DEAR SENATOR: The people of Detroit's great industrial east side, regardless of political affiliations, congratulate you upon your patriotic utterances before the United States Senate in behalf of the so-called lease-lend bill. As former editor and publisher of the Detroit Daily Abend Post, one of the oldest German-language dailies, and present editor and publisher of the East Side Record, an independent newspaper of a largely German community, I want to add my personal congratulations.

Respectfully,
ERNEST K. SAHLMANN.

Mr. Sahlmann is one of our finest and most tolerant citizens. He is of German extraction.

Mr. WHEELER. Mr. President, may I interrupt the Senator?

Mr. GEORGE. I yield to the Senator from Montana.

Mr. WHEELER. I desire to say that I am exceedingly glad to see that the

German people are not lined up solidly on one side or the other of this matter; that they are using their judgment with reference to it. As I said, I deplore the fact that everyone who happens to be on one side should be called Nazi or should be called something else.

Mr. BROWN. This letter is strong evidence of the correctness of the Senator's position in that respect. I desire again to congratulate the Senator from Montana on what he said regarding toleration. I shall follow his advice, and I hope he will follow his own advice.

Mr. WHEELER. I will do it.

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

Mr. GEORGE. I yield to the Senator from Iowa.

Mr. HERRING. I wish to express my appreciation to the Senator from Montana for so accurately estimating the strength and influence of the Wallace name in Iowa and throughout the prairies of the West. It has had such strength and influence through three generations, and the end is not yet. I really think those two editorials are perhaps the finest contribution the Senator from Montana has made to this debate. [Laughter.]

Mr. GEORGE. Mr. President, I desire to commend the editorials; but I fear that the debate may be drifting into politics.

The pending amendment is the amendment to section 3 (a). That is a controversial amendment, and the Senator from South Carolina [Mr. BYRNES] will perhaps desire a brief period in which to consider perfecting the amendment. I therefore ask unanimous consent that the amendment to section 3 (a) be passed over, and that the amendment on page 4, beginning at line 3, be taken up for consideration.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 4, beginning with line 3, it is proposed to strike out:

(c) Neither the President nor the head of any department or agency shall, after June 30, 1943, exercise any of the powers conferred by or pursuant to subsection (a), nor shall such powers be exercised if terminated by a concurrent resolution by both Houses of the Congress, except that until July 1, 1946, such powers may be exercised to the extent necessary to carry out a contract or agreement with such a government made before July 1, 1943.

And insert:

(c) After June 30, 1943, or after the passage of a concurrent resolution by the two Houses before June 30, 1943, which declares that the powers conferred by or pursuant to subsection (a) are no longer necessary to promote the defense of the United States, neither the President nor the head of any department or agency shall exercise any of the powers conferred by or pursuant to subsection (a); except that until July 1, 1946, any of such powers may be exercised to the extent necessary to carry out a contract or agreement with such a foreign government made before July 1, 1943, or before the passage of such concurrent resolution, whichever is the earlier.

Mr. GEORGE. Mr. President, this amendment speaks for itself, and nothing that could be said would add much to it. It is a rewriting of paragraph (c) of section 3 of the bill as it came from the House. The purpose of rewriting it was to undertake to make effective the so-called Dirksen amendment. That is an amendment which calls for the termination of the exercise of the powers conferred upon the President under section 3 of the bill upon the passage of a concurrent resolution of the two Houses of the Congress.

It would be difficult for anyone to say that this particular provision would be held to be valid by the Supreme Court if the matter should go to the Court, although upon very careful consideration the amendment would seem to be good and valid because it is a condition subsequent, but a condition subsequent written into the bill at the time of the passage of the bill by the Congress itself. Undoubtedly conditions precedent have been sustained by the Court from time immemorial, but I think this exact question has not been passed upon by the courts.

However, I take this occasion to say that the amendment is a valid one for another reason: If a majority of the two Houses should, by a concurrent resolution, undertake to exercise the authority here reserved by the Congress in the form of a condition subsequent, and should adopt such a resolution, since the Congress has full power to control all appropriations, since the Congress has full power over the purse, and since the President could not carry forward any of the provisions of this bill or any effort under the bill if the Congress should withdraw that support from the President, the provision could be made effective beyond all doubt.

I feel that no one would dogmatize about what would be held to be the effect of this condition subsequent; but I state in my place that after the best consideration the committee could give to it, the bill itself providing for the termination of the powers conferred under subsection (a) of section 3 upon an event which may be one of either time or condition or place, the committee reached the conclusion that the provision in the amendment is a valid one.

With that word of explanation, Mr. President, I repeat that this paragraph contains nothing that was not in the House bill as it came to the Senate, and this paragraph is a rewriting of that provision. Under the terms of paragraph (c), all the powers given the President under section 3 (a) of the bill are terminable and will terminate on July 1, 1943, or sooner if a concurrent resolution of the two Houses shall be adopted as is contemplated in this paragraph.

There is a saving clause which I think all Senators, whether they favor the bill or oppose it, will recognize as necessary if the bill is to be effective at all; and that is that contracts which are entered into prior to the termination of the act—prior to July 1, 1943—or of the passage of the concurrent resolution, may nevertheless be fulfilled until July 1, 1946. As I have said, that is neces-

sary in order to make the bill effective at all, because, with the bill as it stands, if that provision were not inserted, it would be quite impossible for the administration to make any contract with anybody to produce any defense article. Contractors would not know whether the act would be terminated by a concurrent resolution, and they certainly would not be able to take a contract which could not be fulfilled prior to July 1, 1943, when all of the extraordinary powers given under section 3 (a) will terminate.

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

Mr. GEORGE. I yield.

Mr. VANDENBERG. I have submitted an amendment, which has been printed, which reduces the life of these emergency powers from a 2-year basis to a 1-year basis. In the ordinary process it could be offered, I assume, as an amendment to the committee amendment. I am not clear that I wish to offer the amendment. It will depend a great deal upon the subsequent text of the bill. Therefore I am asking the Senator if it will be agreeable with him if I withhold the amendment at the present time, and subsequently, if I wish to offer it, that we may reconsider for that purpose.

Mr. GEORGE. That is satisfactory, Mr. President, and I ask unanimous consent that that course be now indicated by the Senate so as to preserve all the rights of the Senator from Michigan.

The VICE PRESIDENT. If there is no objection, it is so ordered.

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

Mr. GEORGE. I yield.

Mr. BARKLEY. I wish merely to corroborate what the Senator from Georgia has said with reference to the pending amendment. Personally I would not favor a policy which undertook to set the example, and establish it as a precedent, that Congress could by concurrent resolution repeal laws enacted by the Congress and signed by the President. I would not even have been for this proposal if it had not been put into the bill by the House of Representatives, and I think that we all in the committee recognized that as it was written in the House it did not constitute even a condition subsequent, but undertook outright to provide for the termination of the proposed law by concurrent resolution. It seems to me it can be defended both from a legislative standpoint and from the standpoint of constitutionality.

I merely wanted to say that I did not by my support of the proposal in the committee, and do not by my support on the floor, commit myself to the proposition that Congress can adopt the plan of bringing about the future repeal of legislation merely by concurrent resolution, which would leave the Chief Executive out of consideration in regard to the matter. I say that regardless of who might hereafter become Chief Executive of the United States. I think that under the present circumstances it is wise to have this provision. The amendment as redrawn does, it seems to me, give prima facie evidence of constitutionality, and

it should be adopted in that form. So far as I am personally concerned, I do not want it to be regarded as a precedent which commits me to the theory that hereafter Congress may repeal any law which may be enacted by providing for a condition subsequent, that by concurrent resolution it may be terminated.

Mr. WHEELER. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. WHEELER. I concur in what the Senator from Kentucky has said. I have given some thought to this question since the matter has been before us, and I do not believe that under the Constitution we can repeal laws by concurrent resolution, and thereby take away the right of the President of the United States to veto a measure. I do not believe it is constitutional, although, as I stated before, at the present time no one can say what the Supreme Court of the United States will hold upon this or any other constitutional question.

Secondly, I do not believe it is good policy even if we could do it, and I do not believe the writing in of this amendment amounts to anything at all, or means anything from a practical or political or any other standpoint.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee on page 4, beginning with line 3.

The amendment was agreed to.

The VICE PRESIDENT. The clerk will state the next amendment of the committee.

The LEGISLATIVE CLERK. On page 6, line 20, after the word "year", it is proposed to insert a semicolon and the words "but in no event shall any funds so received be available for expenditure after June 30, 1946."

Mr. GEORGE. Mr. President, the amendment speaks for itself.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GEORGE. Mr. President, in view of the provisions in subdivision (c) of section 3, which have been agreed to, on behalf of the committee I desire to offer from the floor the separability clause in the ordinary language, and I ask that the amendment be stated.

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to insert the following new section:

If any provision of this act or the application of such provision to any circumstance shall be held invalid, the validity of the remainder of the act and the applicability of such provision to other circumstances shall not be affected thereby.

Mr. JOHNSON of California. Mr. President, what does that mean?

Mr. GEORGE. It is the ordinary separability clause, that if any part of the act shall be declared invalid, that shall not affect the remaining portions of the act.

Mr. JOHNSON of California. There is not a possibility of any part of the act being held invalid, is there? [Laughter.]

Mr. GEORGE. I do not think so, but I am not able to answer.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GEORGE. Mr. President, that completes the committee amendments, except the amendment to section 3 (a). I believe the Senator from South Carolina has now returned to the Chamber.

Mr. WHITE. Mr. President, I speak upon the pending bill with substantial reluctance. I tax the tired ears of Senators only because, as the sole Minority Member of the Foreign Relations Committee voting to report the bill to the Senate, I wish my Republican colleagues of the Senate and the people of my State to know the considerations which convinced me, notwithstanding the contrary views of my party associates upon the committee, that the enactment of this measure is in the national interest and in the interest of the American people. I shall endeavor to state my understanding of the bill and my conclusions concerning it. I shall seek to avoid argument.

Unless I have misjudged their sentiment, the American people have three outstanding desires. I believe that in overwhelming numbers they wish:

First. That we render effective aid to England in her memorable struggle for life.

Second. That we confer upon the President no unnecessary power and that any new power deemed necessary and here conferred shall be limited in extent and time so far as this can be done without impairing its effectiveness and without denying the very reason for its grant.

Third. That the United States avoid active participation in this war.

It must be recognized that no assurance can be given that these three desires can all be achieved. There is risk that in aid to England steps may be taken which will imperil our peace. There is risk that in our determination to avoid conflict we may fail to render that last measure of aid which would assure safety to Britain. There is risk that the withholding of aid may bring England's defeat and disaster to the world of free men. There is risk that powers granted to the President, guard and limit them as we will, may be unwisely used and may be yielded back to the Congress and the people reluctantly. There are risks in any action we take and there is risk in no action at all. I believe, Mr. President, the bill before us meets in the largest possible measure the specifications which the people of my State wish to guide our national conduct and that it does this with less of danger to us and to the world than any other course I can now see.

What is the aid this bill authorizes to England and to others whose defense contributes to our own defense?

The heart of this pending legislation is section 3. This section in its first paragraph authorizes the Secretary of War, the Secretary of the Navy or the heads of other governmental agencies (1) to manufacture in arsenals, factories, and shipyards under their jurisdiction, and I emphasize those three words, "under their jurisdiction," or (2) otherwise to procure defense articles for

any government whose defense the President deems vital to our own defense.

Mr. President, I regard the words "or otherwise procure" as of little practical significance. To "procure" means to buy or in some other way "to get." We are not going to get defense articles from any nation at war or from any nation whose defense is in jeopardy save Canada. We may acquire needed powder from Canada. Such nations will part with no defense article in their possession. In reality then these words "or otherwise procure" authorize us to buy in our own market. We need not concern ourselves much with efforts to buy elsewhere. The important part of this first paragraph is the authority to manufacture in Government plants defense articles for nations whose defense is vital to us. This is not an authorization to manufacture these articles in the private plants of America. It does not assert or give the President plenary power over our private industrial life. It does not contemplate authority over private plants at all. It is an authority limited in time. It is limited in amount through congressional control of future appropriations. It is limited in its purpose. It does have in its provisions, promise of aid to Britain but that aid in time, amount, and character is kept within our own congressional control.

Paragraph (2) of section 3 authorizes the sale, transfer, exchange, lease, lending, or other disposition to England or to any other government whose defense is deemed our own defense of any defense article, subject, however, to the limitations set forth in this section 3. The chief criticism of this paragraph seems to arise from an alleged doubt as to the meaning of the word "transfer." Some see in this word an authorization to "transport" defense articles in American vessels in disregard of the present Neutrality Act. I see no merit in this criticism. It is not the intent of the legislation. Every other word used in enumerating the powers conferred by the paragraph has reference to title and the passing of title. To give to this word "transfer" the meaning of "transport" requires that it be disassociated from its companion words and given a distorted meaning neither required nor intended by the whole text of which it is a part. The powers given by this paragraph are definitely limited. It is not an unrestrained discretion accorded to the President. On the contrary, articles now in existence, or for which appropriations have been heretofore made, may be disposed of only after consultation with the Chief of Staff of our Army or the Chief of Naval Operations, and only to a value not exceeding \$1,300,000,000, and articles to be hereafter manufactured may be disposed of only to the extent hereafter specifically authorized by the Congress. The power of disposition over articles in being and those to be hereafter produced is further limited as to time. Mr. President, I cannot see in this paragraph peril to our way of living. I do not see in it the threat of autocratic power in our America. I do not find in it added danger to our peace. In it is the hope of

more effective aid to Britain, and for that I stand.

The third paragraph of this section gives to the President authority to test, inspect, prove, repair, or recondition any defense article for a government whose defense is vital to us. This paragraph enlarges present Presidential powers. Like all other powers conferred, it is limited in time and is subject to congressional control of the amounts to be expended for this purpose. The powers will not be exercised at all unless the Congress shall hereafter, in its wisdom, make specific appropriation therefor. I do not fear the results of the exercise of this power.

The fourth paragraph of this section authorizes the President to communicate to any government whose defense is deemed vital to us, information concerning the defense articles actually furnished to such governments. It would be an absurdity not to do this if the defense articles are to be furnished at all. I see nothing terrifying in this authority, nothing which would drag us into war.

The fifth paragraph of this section authorizes the President to release any defense articles for export. In this is the purpose to lift the provisions of present law providing a licensing system and the required possession of a license for the exportation of certain articles. It does not otherwise modify the Neutrality Act. It does not confer upon our ships the right to enter belligerent ports or to traverse combat zones. It does, however, affect the requirement of present law for cash payment upon passing of title. There is in my mind a question as to whether this paragraph liberalizes or restricts the cash-and-carry section of our Neutrality Act. It might well be urged that the requirement of resulting benefit to the United States adds a restriction upon exportation not found in the cash-and-carry provision of the present law.

These are the substantial provisions of section 3, the nerve center of this bill. They will assure in increased degree the aid we have through long months been giving to the cause we believe to be our cause and they make available new forms of aid. This, I believe, the American people would have us do.

The second thought in the minds of our people is that we shall confer upon the President no unnecessary powers.

No one could be more sympathetic with this restrictive principle and purpose than I. It has never been absent from my thought as I have studied this legislation. I believe the bill responds to this wish both in its terms and in its implications. It does not surrender our American system. It does not abandon legislative rights and responsibilities. It does not enthrone dictatorial powers. Let us examine with reference to these assertions specific provisions of the bill.

I have already pointed out that paragraph 1 of section 3 gives power only to manufacture defense articles in plants "under the jurisdiction" of the Secretaries of War or Navy or under other agencies of the Government. There are people who regard this paragraph as subjecting our whole industrial activity and

economy to Presidential control. It does nothing of the sort. This authorized activity is limited to that carried on in Government plants; it is limited in time; it is limited by the amount of future appropriations. To whatever extent it goes, it falls far short of powers we have heretofore conferred upon the Executive.

In section 9 of the act of September 16, 1940, the President was authorized to place an order with any person or corporation for any required product which that person or concern was capable of producing. The section then made it obligatory to give precedence to this governmental order over any other order theretofore placed with the person or corporation, and it provided that should the owner of the plant refuse to give such precedence to the governmental order, or refuse to manufacture the articles ordered or refuse to manufacture them at a reasonable price, as determined by the Secretaries of War or Navy, then, in either case, the President might take possession of the plant and manufacture therein the desired product, and the owner who had failed to comply with the demands upon him and upon his plant would be guilty of a felony and subject to imprisonment for 3 years and a fine not exceeding \$50,000. And yet, with this provision of law upon our books, the pending proposal to authorize the manufacture in Government plants is denounced as a peril to democracy. In truth, we strain at a gnat though we have swallowed a camel.

I next note the congressional purpose to retain control of the purse. It is found in the amendment recommended by the Foreign Relations Committee proposing to limit expenditures and contracts to the extent to which funds are made available or contracts are from time to time authorized by the Congress. An even stricter control has been suggested and may be accepted by the Senate.

There is significance and importance in the fact that those in charge of this legislation recognize that control of the purse should always remain in the representatives of the people, and it is the purpose of majority leaders, as I understand, to effectuate this cardinal principle of representative government. I believe this bill in its pending form assures an effective control over the total and over the details of expenditures, a degree of control not to be found in many pieces of legislation enacted in late years. The pending committee amendment, the Byrnes substitute, and the proposed Byrd amendment, if either is adopted, should dispel fear that we have yielded the power of the purse to the Executive.

Congress has, too, limited in time the powers conferred by this bill upon the President. The grant of authority ends in any event on June 30, 1943, or upon the passage at an earlier date of a concurrent resolution by the two Houses of the Congress declaring that the powers are no longer necessary to promote the defense of the United States.

Some see in the right given to the President by section 9 to promulgate rules and regulations an unlimited grant

of authority. This section of the bill only authorizes the President to put into effect such rules and regulations as are necessary to carry out the provisions and purposes of the act. The President may not, in the guise of rules and regulations, extend the powers beyond those specifically given. He may only implement through rules and regulations the authorities given to him in the legislation.

Mr. President, I am persuaded that closer to their hearts than other wishes is the desire of the people of the country that we should avoid active participation in war. That hope I share. I could not vote for this bill if I held the belief that it meant war. I cannot conceive that I would vote for war unless the enemies of the Republic were at our very gates. Mr. President, the future is obscure. One cannot know what it holds. I believe this bill gives greater assurance of peace than is to be found in vacillation and timidity.

Mr. President, there is much misunderstanding as to what the bill authorizes to be done. We are told that under its terms our vessels will be permitted to enter combat zones in violation of section 3 of our Neutrality Act. Nothing in the act authorizes or permits this course of action, and the bill in express terms so states. One must not overlook, however, that wholly apart from any provision of this bill, the President may, under other legislation, change the limits of combat zones as heretofore declared by him, or he may revoke every proclamation issued by him declaring a combat zone, thereby freeing American ships from any inhibition as to their ports of trade except the prohibition that they may not enter belligerent ports. This is a power now lodged in the President. It is not found in the bill before us.

It is charged that the passage of this legislation means that our warships will convoy our merchant vessels. The direct answer to this assertion is that the bill gives no such power. On the contrary, it says in terms that nothing in the act shall be construed to confer this right. There are those who insist that under his constitutional powers the President may do this thing. If they are right in this, if under his constitutional designation as Commander in Chief of our Army and Navy, or if in the powers which inhere under the Constitution in the office of President, Mr. Roosevelt can so use the naval vessels of the United States, certainly we cannot take from him any right conferred by the Constitution. If, on the other hand, such right is not constitutionally his, he does not have it. This bill does not confer it.

The truth is that a President of the United States in his commanding position may at any time through errors in judgment or through indiscretions of act or speech involve his country in situations making conflict almost inevitable. I recognize these possibilities now to exist. The danger is not added to by this legislation. I hold that if Mr. Hitler has not seen fit to make war upon us because of things already said, because of the sale of

our merchant ships by our Maritime Commission to British account, because of the transfer and delivery of our destroyers to British hands, because of the sale or gift of arms, ammunitions, and implements of war to Britain and to France, he is not now likely, with his knowledge of our increased resources of men, of planes, of tanks, of vessels of war, to attack us because of any action under this bill. Had he seen advantage in assault upon us, he would have done so in the hour of our military unpreparedness; but with every passing hour and with every aid we give to England he finds himself more fully occupied upon the other side of the Atlantic, and he must recognize that as we have grown stronger he has in a relative sense grown weaker. I cannot believe that if we face him with boldness and firmness he will attack our country; and we do not propose to attack his.

I have said that there are risks in the powers conferred by this legislation. But, Mr. President, there are other risks. There is the danger of totalitarian victory with all its threats and all its evils. In such victory there would follow methods of production and trade that would rob us of our world markets, tear down our wage scales, take from labor all its gains through the long years, wreck the economy of our country, and lower the living standards of all America. Worse still, in the victory of Hitlerism is a threat to every political and social concept of America, a challenge to our institutions and our fundamental beliefs. In his victory is the loss of those simple virtues which have their birth and development in the home and in the influence of the parent upon growing youth. In Hitler's victory, the church will meet its saddest loss in a thousand years. In a Hitler victory, freedom's cause will suffer crushing disaster.

Mr. President, in my considered judgment, this bill responds to the faith and the conscience of the American people. I believe it will contribute to our national security and so to our peace, to the cause of humankind here and elsewhere, and to the preservation of our institutions and ideals. So believing, Mr. President, I must give my support to it.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from South Carolina [Mr. BYRNES] in the nature of a substitute for the committee amendment on page 2, line 16.

Mr. BYRNES. Mr. President, because the amendment was temporarily withdrawn, as I understood, I again offer it as a substitute for the language on page 2, line 16.

Mr. McCARRAN. Mr. President, may the amendment be read?

The VICE PRESIDENT. The amendment will be stated.

The LEGISLATIVE CLERK. On page 2, lines 16 to 18, inclusive, it is proposed to strike out the language proposed to be inserted by the committee amendment.

On page 2, line 22, after the word "procure," it is proposed to insert "to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both."

On page 3, line 12, after the word "order," it is proposed to insert "to the extent to which funds are made available therefor, or contracts are authorized from time to time by the Congress, or both."

Mr. BYRNES. Mr. President, this is the same amendment I discussed some days ago. Its purpose is to make certain that the President will not have the power to incur a deficiency. There was a question as to whether that could be done.

In view of the fact that the language in the beginning of the section, "Notwithstanding the provisions of any other law," did not apply to subsection 2 in the opinion of the subcommittee, the committee adopted the amendment; and the report of the Foreign Relations Committee declared that it was intended to apply to subsection (1) or to subsection (3), but not to goods already on hand.

I think the Senate now understands that is its purpose, and I hope that the amendment may be adopted.

The only purpose the subcommittee had in offering it was to remedy the objection first voiced by the Senator from Missouri [Mr. CLARK] that under the language of the bill as it came from the House it might be possible for the President to make a contract, and, once a contract was made committing the Government to the future payment of money, that money would have to be paid. The amendment is proposed for the purpose of preventing the incurring of a deficiency.

Mr. VANDENBERG. As to the latter aspects of the Senator's explanation, I am sure we can agree that the amendment is an improvement in the language, and that it does reach the purpose he defines; but I cannot escape the feeling that there is still a more fundamental issue involved in the amendment in the form in which the Senator presents it. If I am wrong about it, I wish he would correct me.

I have no doubt it was the intention of the Foreign Relations Committee, and certainly of its majority, as expressed in its report, not to have this limitation apply to subsection (2), that being the subsection which permits the President to sell, transfer, exchange, lease, lend, or otherwise dispose of any existing Government equipment or facilities up to a limit of \$1,300,000,000.

However, as reported and as pending, certainly the committee amendment does apply to subsection (2). Does not the Senator agree to that?

Mr. BYRNES. I am disposed to agree with the Senator. At first blush, the subcommittee was of the opinion that it was inconsistent with the provisions on page 3, limiting to \$1,300,000,000 the amount of property that could be disposed of, and therefore that it could not be held to apply to it.

I am offering the substitute on the theory that as it stands in the bill it would apply, and I offer the amendment in order to make plain the intent. I submit to the Senator from Michigan that if the committee amendment applied to subsection (2), it would restrict the President to the extent to which funds were made available in selling, transfer-

ring, exchanging, leasing, lending, or otherwise disposing of property.

Obviously it would not be the same construction to say "to the extent that appropriations may be hereafter available, the President may sell"; because appropriations would not be needed in order to sell. Appropriations would be needed in order to buy, but not in order to sell; nor would an appropriation be needed to transfer, lease, or lend.

The only result would be that if the other language were written into subsection (2), the subsection then would read:

To the extent to which contracts are from time to time authorized by Congress, to sell, transfer—

And so forth. In order to obtain a contract of sale for anything the President would have to come back to Congress; but if he gave away the materials he would not have to come to Congress, because no contract is involved in giving something away, and it could not be said, "To the extent to which contracts are hereafter authorized by the Congress, the President may give away something," because no contract is involved in giving articles away.

Mr. VANDENBERG. That is correct.

Mr. BYRNES. The Senator and I agree on that, I believe.

Mr. VANDENBERG. That is true.

Mr. BYRNES. If we left the committee amendment in its present position in the bill, as applied to subsection 2, the result would be that if the President wanted to sell a rifle he would have to come to the Congress for authority, but if he wanted to give away all the rifles he would not have to come to Congress. Neither the Senator nor I would want such a provision to remain in the bill.

If the Senator thinks there ought to be a limitation upon the President's authority, requiring him to come to Congress, I submit that the way to accomplish his purpose would be for the Senator to offer an amendment to the subsection to require the President to come to Congress for authority to do any of the things the Senator has in mind, and not leave the provision in such form that the President would have to come to Congress if he wanted to sell anything, but could give away anything on hand up to the \$1,300,000,000 total.

Mr. VANDENBERG. I think that is a very persuasive statement, and I think that is probably the collateral effect.

Mr. BYRNES. That is the effect.

Mr. VANDENBERG. Let me ask the Senator a question which will make plain what is in my mind. If this had been the law, with the pending amendment applying to subsection (2), would not the President have had to bring to Congress for approval his contract for the transfer of destroyers?

Mr. BYRNES. Yes; any contract. He could give away; but if he got anything in the way of an exchange for which he had to contract, he would have to come to Congress for authority to do so. The amendment would so provide.

I would not suggest to the Senator, though I think the issue should be presented to the Senate in such a way as that it could be voted upon, an amendment requiring that the President come

to the Congress for the specific authority, without giving him the power to give away things without coming to the Congress.

Mr. TAFT. Mr. President, will the Senator yield for a moment?

Mr. BYRNES. I yield.

Mr. TAFT. Does the Senator think this gives power to give away? Is that an admission on the part of the Senator? Because as I read the language there must be a benefit, direct or indirect. It may be \$1, but in any event the bill would require a contract before it could be done.

Mr. BYRNES. I must say to the Senator that I have not discussed the bill on the floor of the Senate, but I have been daily on the floor of the Senate, and have not heard a thing discussed but the proposition of giving away—without regard to the controversy that has raged as to whether or not there is reimbursement.

My reason for offering the amendment was to attempt to remedy a situation of which the Senator from Missouri [Mr. CLARK] complained, and which complaint I believe was sound; and I desired to remove any chance that the President, under the bill as it came from the House, could incur a deficiency which the Congress afterward would have to meet.

Under the terms of the amendment I have offered, if adopted, a deficiency could not now be incurred by the President. I believe the wise thing to do is to adopt the amendment; and then Senators who have any other issue to submit may submit it squarely to the Senate, and not confuse it with this amendment. I hope the Senator from Michigan will take that view.

Mr. VANDENBERG. The Senator rather persuades me that that is the appropriate course to follow, because this language obviously does not, let us say, harmonize with the structure of subsection 2. Nevertheless, as the Senator concedes—

Mr. BYRNES. I do.

Mr. VANDENBERG. His substitute raises the fundamental question that with the language remaining as the committee has recommended, there would be a definite congressional control upon contracts for the disposal of any of this \$1,300,000,000 worth of material.

Mr. BYRNES. The Senator has stated the fact that the committee amendment was recommended without any intention that it would apply to subsection 2. As it stands, it would apply to it, and manifestly the thing to do is to carry out the intention of the committee. Then every Senator will have the right to offer any amendment he may desire. I hope the Senator from Michigan will follow that course and broaden the language, if necessary, so that it will be comprehensive and not be unsatisfactory in carrying out his own intention, as he admits.

Mr. VANDENBERG. Being very much a realist in the situation, appreciating the fact that I would be plowed under in respect of either course I might pursue, I am inclined to yield to the Senator's persuasion, and let this amendment be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from South Carolina [Mr. BYRNES] in the nature of a substitute for the amendment reported by the committee on page 2, beginning in line 16.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GEORGE. Mr. President, question was raised on the floor and was discussed at some length as to the valuation to be placed upon the articles to be disposed of under subsection (2) of section 3. It has seemed wise to insert an amendment after the figures "\$1,300,000,000," occurring in line 10 on page 3 of the bill. Before the clerk states the amendment, I merely wish to say that the amendment does not undertake to lay down any rule by which defense articles shall be valued, but undertakes to designate the agency or agencies to make the estimates of value or to fix the value so that the intent and purpose will be clear that defense articles disposed of shall not exceed in value the total of \$1,300,000,000.

It would be very difficult, indeed, almost impossible, to lay down any rule by which the value of defense articles could be fixed; that is to say, it would not be representative of true value to confine the value to the cost of production of the article as it was originally constructed or to the cost of reproduction. Necessarily there are many elements that enter into value. Value, as the courts have always held, is a matter of fact, and that is all one can say about it. We may have rules by which we undertake to arrive at it, but basically the question of the value of any article is a question of fact.

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

Mr. GEORGE. Yes.

Mr. WHEELER. While that is true, of course, the Senator recognizes the fact that there are different standards of value?

Mr. GEORGE. Exactly; I said that. We might say "fair market value," what the article will bring, or cost of reproduction.

Mr. WHEELER. The junk value and the market value would be different. What I had in mind when I was talking about the matter the other day was that there ought to be in the bill some standard of some kind not only to safeguard the United States but also by which the President himself would know what the Congress meant by the term "value"; there should be some standard to guide him. If we say "the market value," of course, a battleship may not have any market value; if we say "junk value," while that is all a battleship might be good for so far as the United States is concerned, it might be of value to some other country. But I do think there ought to be some standard fixed to help guide the President; otherwise, to me, it is practically meaningless. Why just put in a value of \$1,300,000,000?

Mr. GEORGE. The Senator is right in a sense, of course, in what he has to say, but to the committee it seemed im-

possible to fix a standard. The amendment, however, which will be offered does not undertake to do that; but I will explain to the Senator what it does undertake to do. It is as follows:

The value of such defense articles shall be determined by the head of the department or agency concerned, or such other department, agency, or officer as shall be designated, in the manner provided in the rules and regulations issued hereunder.

It is the view taken by the committee that the head of the Navy and the head of the Army would be able to value, as accurately as can be done, practically, the defense articles that might be transferred; so that the President himself would not be called upon to place a value and would not be authorized directly to do it, but that he would have to get the designated value from the head of the department affected or concerned.

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

Mr. GEORGE. Yes; I am pleased to yield to the Senator from Michigan.

Mr. VANDENBERG. What is the objection to specifically requiring that the value be the replacement value?

Mr. GEORGE. It would not be humanly possible to fix the replacement value of a second-hand or an obsolescent article of defense. It could be replaced by a new article of defense, but on a replacement basis it would be impossible accurately to arrive at the true value of something that is obsolescent or traveling toward obsolescence.

Then, also, no one can tell whether prices may not rapidly advance, in view of the large expenditures which will be made for our own defense purposes. About the only practical standard the committee is able to suggest—and, very frankly, we are approaching it in a realistic way—is to say that the President is authorized to sell or transfer or lease not exceeding \$1,300,000,000 worth of defense articles, but that he shall get the value as designated by the head of the department from which the article is taken.

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

Mr. VANDENBERG. If the Senator will excuse me, may I follow by one further question? When the President goes to the Department heads for this valuation, does the Senator know whether it is a fact, as asserted by the Senator from Oklahoma the other day, that the War Department and Navy Department do carry book values for all this equipment?

Mr. GEORGE. I have been so advised, but I have no accurate personal knowledge upon that point.

Mr. LEE. Mr. President, at the time the discussion was going on I left the floor and went to the telephone booth and called General Marshall and asked him, and he told me over the telephone that the War Department kept accurate books on all war orders, and revised its records from time to time, keeping its book value in line with the actual value.

Mr. VANDENBERG. So, if I may ask the Senator from Oklahoma, the Senator's conception of the matter is, then, that there is in the War Department a record of values of equipment which is

currently up to date in respect to usage value?

Mr. LEE. That is the way I understood the matter from General Marshall.

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

Mr. GEORGE. I yield to the Senator from Texas.

Mr. CONNALLY. Further, if I may, supplementing what has been said about value, let me say that it would be wholly impracticable to set up any particular standard of value in this bill, for the reason that some of these articles probably would have a commercial value, a sale value, while others would be second-hand, like a second-hand destroyer, for instance, one that we do not need any longer, one that is outmoded. Such a vessel probably would have no market value for sale. So, on account of the great diversity of materials and articles, we could not set up any one standard of value that would apply to all of them fairly and justly.

Mr. VANDENBERG. I think probably that is so. That is, we could not arbitrarily set up a value formula which would apply to every one.

Mr. CONNALLY. That is what I mean.

Mr. VANDENBERG. But, if my understanding of the statement of the Senator from Oklahoma is correct regarding the maintenance of this current inventory value in the War Department, I should say that a fair interpretation of the Senator's amendment would be that when the President sought a report on values from the War Department, the values he would get would be those shown on its books. Will not the Senator agree to that statement?

Mr. GEORGE. I think we necessarily should have to have recourse to the values as fixed by the heads of departments who would make the valuation for the President.

Mr. CLARK of Missouri. Mr. President, will the Senator from Georgia yield for a moment?

Mr. GEORGE. Yes.

Mr. CLARK of Missouri. I entirely agree with what the Senator from Texas said as to the difficulty of setting up a definite standard of value. That is precisely the reason why it has always seemed to me that this limitation of \$1,300,000,000 did not mean anything.

The Senator from Oklahoma now says that the War Department has a list of values. It would be very interesting to know the values they put on the various articles. For instance, in the case of the Enfield rifles which we sold to Great Britain after Dunkirk, was the standard of value the fact that we did not actually need the rifles, that we were bringing into production a better rifle, so we thought, or the fact that the British needed the rifles very badly and therefore would be willing to pay a higher price for them? On any defense article, what is the standard that can be set up in such a way as to make this limitation effective?

Mr. GEORGE. Mr. President, I have very frankly said that I know of no better way than to have the value designated by the heads of the departments concerned. At least, it does seem to be a reasonable

safeguard against an arbitrary value, such as may have been feared according to the expressions heard on the floor of the Senate. Therefore, I had offered—not as a formal committee amendment, but after consultation with many members of the committee—this amendment, to follow the figures "\$1,300,000,000."

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

Mr. GEORGE. I yield.

Mr. VANDENBERG. I suppose, in the very nature of the operation of this system under the amendment, this information would be public information.

Mr. GEORGE. I think in the very nature of things it would be, and I was about to call attention to another section of the bill which has received no special notice. I refer to section 5 (a). It reads as follows:

The Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government involved shall, when any such defense article or defense information is exported, immediately inform the department or agency designated by the President to administer section 6 of the act of July 2, 1940 (54 Stat. 714)—

That is, the Export Administration—of the quantities, character, value, terms of disposition, and destination of the article and information so exported.

The next paragraph requires reports at least as often as once each 90 days by the President; but it, of course, authorizes him to withhold information which he deems incompatible with the public interest. I need not say that the President has that power anyway. The Congress could not take it away from him. This provision is a mere recognition of his constitutional power; but I apprehend that the Congress would not desire, even if it could, to force the President to disclose to whom articles or information might be furnished, or particularly the kind of weapon or defense article that might be transported or released or furnished to any other nation in the interest of the general welfare.

Mr. VANDENBERG. Mr. President, if I may interrupt the Senator at that point, this particular clause bears precisely on my reason for submitting the inquiry to the Senator. It seems to me that the information involving values under the second subsection must be public property at least to the extent of a full access to the information on the part of Congress.

Mr. GEORGE. I do not think there is any doubt about that, and I do not think the placing of the value is a thing that would ordinarily or generally be considered as incompatible with the public interest.

Mr. VANDENBERG. Let me go a step further at that very point, because it is the reason why I raised the question.

The other day, when some Senator raised on the floor of the Senate a question as to the rifles, and so forth, which were transferred to England, to which the able Senator from Missouri [Mr. CLARK] was referring a moment ago, and the question was asked as to what value attached to that export, the Senator was told that he could get the information

by applying at the War Department. I understand that a Member of the House did apply to the War Department for that precise information, and was advised in reply that since last fall the Secretary of War has ruled that any information of that sort cannot be made public, because it would be incompatible with the public interest. That would seem to collide with the Senator's anticipation that we could find out all we wanted to find out about these values under the second subsection.

Mr. GEORGE. I think the value unquestionably would be a matter of public information, because there is a definite limitation of \$1,300,000,000 on the value of all articles that may be disposed of under the bill, and that necessarily makes the value a matter of public information; but I should think the number of rifles or the number of planes that had been sent to a country that we wished to aid would be information that might not be divulged in keeping with the general welfare, because it would advise the enemy of the nation we were aiding of facts that we certainly would not wish to disclose, particularly, under the theory of this bill, if the defense of that nation were vital to our defense. But I do not think the value would be, or could be, withheld, in view of the amendment that is being offered to section 3 (a) of the bill.

Mr. VANDENBERG. Of what advantage would information regarding the value be if a Senator or a Member of the House did not know the quantities to which the value was assigned, if he was trying to arrive at a conclusion as to whether this section was being administered in the way he thought it ought to be administered?

Mr. GEORGE. I should not be able to answer that question, and I have made no application to the Department for information. I can see how the Department could well say that how many guns of our own, from our own arsenals and armories, we have given away or sold is a matter that we do not care to disclose; but the value we have received for articles that have been sold or transferred seems to me an altogether different question. Here the question is one of value—not quantity, but value.

I call attention to the fact that under section 5 the officer in charge of the export administration offices is required to obtain all such information as to quantities, character of value, terms of disposition, and destination of articles. But what part of that information would be made public I believe would and should be determined in keeping with the public interest involved.

As to the question of value, I think undoubtedly that becomes public information in view of the amendment which is now offered to subsection (2) of section 3.

Mr. VANDENBERG. Mr. President, I am glad to hear the Senator make that statement. It may have some subsequent utility, because I feel very keenly that when a fluid definition of the word "value"—and that is what we still shall have even after the Senator's amendment is adopted—

Mr. GEORGE. That is true.

Mr. VANDENBERG. The limitation of \$1,300,000,000 amounts to no more than

the validity of the rule under which the value is assessed. Therefore it seems to me that we are entitled to all essential information hereafter in connection with any transaction which bears upon the validity of that limitation.

Mr. GEORGE. I agree.

Mr. BREWSTER. Mr. President, will the Senator from Georgia yield?

Mr. GEORGE. I yield.

Mr. BREWSTER. Are we to assume that the Senator from Michigan intends to imply that the determination of what is incompatible with the public interest is exclusively the prerogative of the Executive? While I have read of the incident which he cites, I have also read that a competent committee of the House of Representatives has summoned officials of the War Department to explain fully the situation. Certainly it would not seem wise for any discussion here to imply that this body recognizes as final the authority of the Executive in determining a question of that character.

Mr. VANDENBERG. If the able Senator is addressing himself to me, I completely concur in his analysis of the situation. But I submit to him that under the theory of the bill—and I am not speaking invidiously, I am speaking about the theory of the bill in fact—it creates a supreme, shall we say, defense authority in this country and personifies it in the White House; and I think that after that anything the President says is incompatible with the public interest is calculated to be conclusive, after this bill shall have been enacted.

Mr. BREWSTER. Would that exclude the authority of a competent committee to summon any members of the executive department to disclose information which the committee might request?

Mr. VANDENBERG. It would not affect their authority in the slightest, but it would very gravely affect their information and their disposition and their freedom.

The VICE PRESIDENT. The clerk will state the amendment offered by the Senator from Georgia.

The CHIEF CLERK. After the period in line 10, page 3, it is proposed to insert:

The value of such defense articles shall be determined by the head of the department or agency concerned or such other department, agency or officer as shall be designated in the manner provided in the rules and regulations issued hereunder.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GEORGE. Mr. President, the committee does not offer further amendments to the bill at this time, but an amendment which is in order to subsection (2) of section 3 has been considered by the committee, and I hope the Senator from Virginia [Mr. BYRD] may be recognized to offer the amendment.

Mr. BYRD. Mr. President, an amendment has been offered by the junior Senator from Virginia for the purpose of making clear that no future defense appropriations for our own defense may be transferred or diverted for the use of any foreign nation unless specifically provided by the authority of the appropriation bills. And that any funds for

Bill 1776 would be made available for that purpose.

I have conferred with respect to the amendment with the distinguished chairman of the Committee on Foreign Relations, the Senator from Georgia [Mr. GEORGE], and I believe an amendment has been worked out which will accomplish the purpose I have in mind without placing restrictions upon the operation of the pending bill which will impair the objectives of the proposed legislation.

Of course, we all know that the value of defense articles to the extent of \$1,300,000,000 already in existence, or produced from appropriations which have heretofore been made, can be transferred under paragraph (2) of section 3 (a), but, under this same section all funds appropriated for our own defense articles, as described in this bill, can be transferred to foreign nations.

Mr. President, I do not believe that the Congress of the United States should enact any law which would give to the President or to anyone else authority to transfer without limit the defense articles provided for in future appropriations. We have pending before us now a budget providing for an appropriation of approximately \$10,000,000,000 for national defense. We will soon be asked for other defense appropriations for our defense. The amendment, which I shall shortly modify, provides that no future appropriations for the defense of our own country shall be diverted unless specifically authorized by the appropriation bills.

I ask, first, the privilege of modifying my amendment as originally offered in order to make a little clearer its purpose.

The VICE PRESIDENT. The clerk will state the amendment as modified.

The CHIEF CLERK. On page 3, line 10, after the period, it is proposed to insert the following:

Defense articles procured from funds hereafter appropriated to any department or agency of the Government, other than from funds authorized to be appropriated under this act, shall not be disposed of in any way under authority of this paragraph except to the extent hereafter authorized by the Congress in the acts appropriating such funds or otherwise.

Mr. GEORGE. Mr. President, if I may, I call attention to the fact that the amendment proposed, according to the author, is to follow the figure "\$1,300,000,000," in line 10. I suggest that it would appropriately follow the amendment which has already been made to that particular section.

Mr. BYRD. I accept that modification.

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

Mr. BYRD. I yield.

Mr. VANDENBERG. I ask the Senator to look at page 3 of the bill, and I inquire of him whether there is any conflict between the limitation of \$1,300,000,000 in subsection (2) and the language of subsection (5). Subsection (2) provides that the President is limited to \$1,300,000,000 in value of existing defense facilities. Subsection (5) authorizes him "to release for export any defense article to any such government."

Is there any conflict between those two provisions?

Mr. BYRD. I should say not, because the value of any defense articles now in existence or heretofore appropriated for, which can be transferred to foreign governments would certainly be limited by the \$1,300,000,000.

Mr. WHEELER. Mr. President, if I may interrupt the Senator, let me say that I am very doubtful with reference to the construction being placed upon that language, for the simple reason that it is a well-known rule of construction that where there is a paragraph limiting certain things, and another paragraph following that which throws the matter practically wide open, paragraph 5, being a subsequent paragraph, in my judgment, would be very apt to modify, or would be correctly construed to modify, the other paragraph. In order to correct that, paragraph 5 should be included in paragraph 2. Otherwise, in one paragraph it would be limited and in another paragraph we would say, "release for export any article to any such government."

It can be said at least that one paragraph conflicts with the other. One paragraph provides that no defense article may be given away unless it is specifically mentioned in an appropriation bill, as I understand, and in the next breath it is provided that any article may be released for export.

Mr. VANDENBERG. In one paragraph it is said it must be limited by \$1,300,000,000, and in the next it is said it can be anything.

Mr. WHEELER. Yes. Let us assume, for the sake of argument, that a court should hold that the first limitation applied. Let us say the Attorney General was called on for advice; the Attorney General, or any other lawyer who was consulted, might say, "Subsection (5) gives you the authority you want." We have a conflict between the two subsections of the bill which certainly ought to be clarified.

Mr. VANDENBERG. Mr. President, may I ask the Senator from South Carolina what he has to say about that?

Mr. BYRNES. Mr. President, I had not heard it suggested until the Senator from Michigan raised the question. I must say that I do not agree with the statement of the Senator from Montana, in view of the specific limitation of \$1,300,000,000. My belief is that that provision controls. But there is no reason for having a discussion about it, because it is the intent of the Senator from Virginia, and certainly the intent of the Senator from Georgia, that it should control. I see no reason why it cannot be inserted at a place in the bill where it would have that effect. If the Senator from Virginia will withdraw his amendment for a minute I believe it may be arranged.

Mr. WHEELER. I do not see why subparagraph (5) should be eliminated. I do not think it takes away or adds anything to the bill, unless it is concluded that subsection (5) is a modification of subsection (2), with the limitation.

Mr. BYRNES. I do not agree with the interpretation of the Senator from Montana. I think it is perfectly plain and that it would be held that the \$1,300,000,000 applies to all goods on hand or goods that may be procured from funds heretofore appropriated, and that as to funds hereafter appropriated, the President must come to the Congress, and the Congress may then specifically determine that no part of the appropriation shall be applied to the particular purpose. If, on the other hand, the Congress hereafter, in the light of conditions then existing, determines to make available 5, 10, or 15 percent of appropriations provided in a certain bill, the Congress would have to do that specifically. The effect of the amendment of the Senator from Virginia is to require the affirmative action of the Congress.

Mr. VANDENBERG. I understand that; but in order to make perfectly clear that the bill says what we all agree it is intended to say, would the Senator from South Carolina object to striking out subsection (5) and amending subsection (2) to read:

to sell, transfer, exchange, lease, lend, release for export, or otherwise dispose of.

Mr. BYRNES. So far as I am concerned, I can see no objection.

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

Mr. BYRNES. I do not have the floor. I understand the Senator from Virginia has the floor. I think the Senator from Georgia should answer that question.

Mr. BYRD. I yield to the Senator from Georgia.

Mr. GEORGE. Mr. President, the obvious purpose of subsection (5) is to release for export, because of the provision of the Neutrality Act which requires the passing of title and payment in cash for things sold to a foreign government; and to release for export, it seems to me, can have no possible application or reference to anything except those things which are actually to be exported under the terms of the bill. It does not enlarge the power of the President or anyone else to increase the number of articles or the quantity or the volume of the exports, but it does authorize him to release for export to another country defense articles that may be furnished under the limitation fixed in the bill.

Mr. VANDENBERG. What does the Senator say about the suggestion which I made following the suggestion of the Senator from Montana?

Mr. GEORGE. I have not studied it. There would be no insuperable objection, in my judgment, to combining subsections (1), (2), (3), (4), and (5) all in one paragraph, with one limitation, but I have not sufficiently studied the question to pass upon it at this moment.

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

Mr. BYRD. I yield.

Mr. O'MAHONEY. It occurs to me as I have listened to the question raised by the Senator from Michigan, and as I read the bill, that subsection (5) refers to an altogether different category of goods from that mentioned in either subsection (1) or subsection (2). I understand those first two subsections to refer to materials

manufactured by the United States with funds appropriated by the Congress. Subsection (2), of course, refers to materials already owned by the Government of the United States. I was under the impression that subsection (5), however, referred solely to the authority which was being extended to the President to release for export defense articles which were not within the category of those owned by the Government, for example, airplanes manufactured by an airplane corporation which could not be exported under present rules to a particular area or a particular government. I may be mistaken about that, and my purpose in rising was merely to inquire of the Senator from Georgia or the Senator from South Carolina whether that was a correct interpretation of the meaning of that provision.

Mr. VANDENBERG. May I ask the Senator from Wyoming if he will read the opening words in subsection (2) as they would read if amended as proposed:

To sell, transfer, exchange, lease, lend, release for export, or otherwise dispose of, to any such government any defense articles.

That is a complete and total covering. Mr. O'MAHONEY. That, of course, would bring it within any limitation that may be added by way of amendment to subsection (2).

Mr. VANDENBERG. That is correct. Mr. LA FOLLETTE. Mr. President, will the Senator yield to me?

Mr. BYRD. I yield.

Mr. LA FOLLETTE. If the colloquy is concluded on the point raised by the Senator from Michigan I should like to ask the Senator from Virginia with regard to the modification which he has made in his printed amendment. It proposes on line 3, after the word "appropriated", to insert:

To any department or agency of the Government other than from funds authorized to be appropriated under this act.

It seems to me the effect of that is to defeat the purpose which the Senator's amendment has in mind in case any appropriations are made in pursuance of the authorization contained in the pending bill, and in view of the broad, sweeping authorization contained in the pending bill it might very well be that appropriations would be made to carry out the purposes of this proposed act. It seems to me the Senator's original amendment is very much more likely to attain the result which he desires than in the modified form. For example, suppose an appropriation bill should provide that "\$500,000,000 is hereby appropriated" to carry out the purposes of the act, whatever its public number may become. There would then be absolutely no limitation, and the Congress would be absolutely in the dark as to what division of the money thus appropriated was to be made, in relation either to use for our own armed forces, or those of any of the countries which may be the beneficiaries under the bill.

Mr. BYRD. In that event the appropriation would have to be specifically made for the purposes of H. R. 1776. The Senator from Virginia is desirous of preventing appropriations made for

our own national defense being diverted and transferred to other nations. With the modification made, I think the amendment unquestionably would prevent such a result.

Mr. LA FOLLETTE. I am entirely in sympathy with what the Senator from Virginia is trying to do; but it seems to me that he leaves open a method of appropriation whereby the Congress would not know what proportion of the funds was to be used for defense articles for some foreign power, and what proportion was to be used for our own defense, because H. R. 1776 does not separate the articles which may be procured and made available to one country or another from those intended for our own defense. In the first place, the bill is entitled "An act further to promote the defense of the United States, and for other purposes." Then it authorizes the President to do a great number of things.

Mr. BYRD. If the Senator will read the amendment, he will note that it says:

Defense articles procured from funds hereafter appropriated to any department or agency of the Government other than from funds authorized to be appropriated under this act, shall not be disposed of in any way under authority of this paragraph except to the extent hereafter specifically authorized by the Congress in the acts appropriating such funds or otherwise.

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

Mr. BYRD. I yield.

Mr. BYRNES. As I read the amendment, it would accomplish just what the Senator from Virginia says it would. I am trying to get clearly in my mind the point the Senator from Wisconsin raises.

It seems to me that when we say—

Defense articles procured from funds hereafter appropriated to any department or agency of the Government other than from funds authorized to be appropriated under this act—

the result the Senator from Virginia has in mind will be accomplished. His objective is that with respect to any appropriation, whether a regular supply bill or any other bill, the Congress must specifically authorize the disposition. Otherwise the last four lines apply. That is, such articles—

shall not be disposed of in any way under authority of this paragraph except to the extent hereafter specifically authorized by the Congress in the acts appropriating such funds or otherwise.

The language would not apply to an appropriation bill to carry out the purposes of H. R. 1776, because manifestly it would have no relevancy to such a bill; but in any bill other than an appropriation bill to carry out the purposes of H. R. 1776, the Congress would be required to provide that 5 percent, 10 percent, or whatever percentage it might determine, should be devoted to the desired purpose. I think that would be the effect. That is the object.

Mr. LA FOLLETTE. I understood that to be the objective of the Senator from Virginia, but I could not understand why he wanted to except a specific appropriation from funds authorized under the terms of the pending bill.

Mr. BYRNES. As I read the language, it makes plain that the provision applies to all appropriation bills other than an appropriation bill to carry out the purposes of the proposed act. Manifestly there would be no purpose in applying it to such a bill. The purpose is that no part of the funds carried in a regular or supplemental appropriation bill shall be diverted for the procurement of materials to be disposed of under the proposed act unless Congress shall specifically so provide, so that Congress may have the opportunity in each case to consider the question. The provision would not apply to an appropriation bill for the purpose of carrying out the provisions of H. R. 1776; but with respect to any other appropriation bill Congress would know that no part of the funds therein appropriated could lawfully be diverted unless the Congress should specifically so provide.

Mr. LA FOLLETTE. The Senator from Virginia has been studying this question. I saw only the penciled change, and I wanted to be certain that in the inclusion of this language he was not really opening the door to the very thing he was trying to prevent.

Mr. BYRD. I appreciate the interest of the Senator. I will say that I have consulted with the drafting experts, and they assure me that my interpretation of the language is correct.

Mr. President, in this connection, I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a letter which I wrote to Mr. Henry G. Wood, legislative counsel of the Senate, and a memorandum written by Mr. Wood in response thereto.

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

FEBRUARY 24, 1941.

Mr. HENRY G. WOOD,
The Legislative Counsel
United States Senate,
Washington, D. C.

MY DEAR MR. WOOD: Can any and all articles of defense, as defined in the pending legislation, hereafter acquired by the Army and Navy with appropriations hereafter made, be diverted to a foreign nation without further legislative action?

I shall appreciate your prompt advice.

With best wishes, I am,

Faithfully yours,

HARRY F. BYRD.

MEMORANDUM RELATING TO H. R. 1776

In response to your request by letter dated February 24, 1941, the following is submitted:

The authority contained in section 3 (a) (2) of H. R. 1776 to dispose of defense articles is broad enough to cover any such articles acquired by the Army and Navy from funds appropriated before or after the enactment of H. R. 1776.

Defense articles acquired at any time by the Army or Navy from funds appropriated before the enactment of H. R. 1776 fall within the specific limitation that the value of articles disposed of under section 3 (a) (2) and "procured from funds heretofore appropriated" shall not exceed \$1,300,000,000.

There is no limitation either upon the amount or value of articles disposed of under section 3 (a) (2) which are acquired by the Army or Navy, or any other agency, from funds appropriated after the enactment of H. R. 1776. The Committee on Foreign Rela-

tions also stated in its report that the first committee amendment applied to paragraphs (1) and (3) of section 3 (a) and not to paragraph (2).

It is assumed, however, that the Congress will still have the power to impose limitations with respect to the amount or value of defense articles to be acquired by the Army or Navy from appropriations made after the enactment of H. R. 1776 which may be disposed of under section 3 (a) (2). Such limitations may be imposed either when the appropriations are actually made, or at any other time, and to the extent that they are imposed it will curtail the authority which may be exercised under section 3 (a) (2).

Respectfully submitted.

HENRY G. WOOD,
Legislative Counsel.

Hon. HARRY F. BYRD,
United States Senate,
Washington, D. C.

FEBRUARY 24, 1941.

The VICE PRESIDENT. The question is on agreeing to the modified amendment offered by the Senator from Virginia [Mr. BYRD].

The amendment as modified was agreed to.

Mr. GEORGE. Mr. President, on the point which was under discussion a few moments ago, as to whether or not the limitations which precede subparagraph (5) of section 3 (a) might be held to have no application to subparagraph (5), I think the report fairly well covers the situation. Let me read from the report, because I want it to represent my statement. I may not have made my position quite clear.

Paragraph (5) of section 3 (a) empowers the President to authorize the Secretary of War, the Secretary of the Navy, or the head of any other Department or agency of the Government "To release for export any defense article to any such government." That paragraph should be read in connection with subsection (d) of section 3, which states that "Nothing in this act shall be construed to authorize or to permit the authorization of conveying vessels by naval vessels of the United States," and also with subsection (e), providing that "Nothing in this act shall be construed to authorize or to permit the authorization of the entry of any American vessel into a combat area in violation of section 3 of the Neutrality Act of 1939."

It is clear, in the light of these latter two sections, that nothing in the bill contemplates the carrying, in American bottoms, of goods to England or any other place located within a combat area under the 1939 Neutrality Act.

The purpose of paragraph (5) of section 3 (a) is primarily twofold: (a) it temporarily suspends existing laws proscribing the sending out of war vessels built for a belligerent's use and (b) it suspends the requirement, contained in section 6 of the act of July 2, 1940 (Public. No. 703, 76th Cong.), that the Secretary of War, for example, obtain a license from the Administrator of Export Control before releasing any defense article for export.

It seems to me that, the limitation being on the thing that may be released for export, and that limitation being as specific as it can be made under the amendments heretofore offered and agreed to, including the one just agreed to, offered by the Senator from Virginia, the question is left free of doubt. The language "to release for export" does not enlarge, by any possible construction, the thing that may be exported.

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

Mr. GEORGE. I yield.

Mr. VANDENBERG. Nothing which the Senator has read bears upon the direct point which I raised.

Mr. GEORGE. That is true.

Mr. VANDENBERG. My question was whether or not there is a conflict between the limitation of \$1,300,000,000 and what seems to be a general release of all defense articles for export.

Mr. GEORGE. I have just stated why I do not think it is a general release, because there is a specific limitation. However, I merely wanted to call attention to that part of the report, because it has a bearing on the proper construction of subparagraph (5).

Mr. VANDENBERG. As I understand the Senator's statement, his interpretation of the language is that subparagraph (5) is limited by the \$1,300,000,000 insofar as that limitation affects exports.

Mr. GEORGE. I think so, beyond all doubt.

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

Mr. GEORGE. I yield.

Mr. TYDINGS. I have already discussed with the Senator from Georgia the subject to which the Senator from Michigan refers, namely, the fifth power, "to release for export any defense article to any such government." In order that we may have the benefit of the advice and counsel of the Senator from Georgia, who has given this matter a great deal of study and who is perhaps more familiar with its interplay than is any other Member of the Senate, let me ask him if it would be fair to state that the value of defense articles disposed of in any way—meaning those that may be manufactured as a result of appropriations heretofore made, or which may be already manufactured—may not exceed \$1,300,000,000 in value, to the extent that the President would have the power to transfer, lease, give away, or otherwise dispose of them to any country outside the United States?

Mr. GEORGE. Mr. President, I do not know that I understand the Senator's question.

Mr. TYDINGS. May I put it a little more simply?

Mr. GEORGE. I wish the Senator would do so.

Mr. TYDINGS. It may be said that there are two kinds of articles, those that are already manufactured and now in the possession of the Army and Navy—

Mr. GEORGE. And those that are in process of construction?

Mr. TYDINGS. No; those that are already constructed, such as a battleship or a cannon or a machine gun.

Mr. GEORGE. And those which are already in process of construction?

Mr. TYDINGS. And those for which money has already been appropriated for manufacture. They are all the articles we have or intend to obtain, up to the present time—those that we have and those that we do not have, but which we have appropriated money to obtain.

As I understand, regardless of the things which the Army and Navy will have as a result of appropriations heretofore made, in no sense shall what they have be depleted beyond \$1,300,000,000

in value, insofar as it applies to the giving of them to any other country.

Mr. GEORGE. Or the selling. That is my understanding, I will say. I do not like to use the word "giving," because the bill does not authorize a gift. Everyone has said so. But inasmuch as the President can determine what consideration he is willing to take, I did not think it worth while to argue the point.

Mr. TYDINGS. I think we are agreed.

Mr. GEORGE. If I correctly understand the Senator, my answer is unequivocally in the affirmative.

Mr. TYDINGS. In other words, if the Army and Navy now have articles, or if articles are being manufactured for them, or if they may subsequently secure articles as a result of appropriations heretofore made, under the powers contained in this bill, in no case could such articles be disposed of by the President to any country in excess of the aggregate of \$1,300,000,000, notwithstanding that in the bill the power of export comes subsequently to the limitation heretofore agreed upon.

Mr. GEORGE. Oh, undoubtedly so. I do not think the fact that the power to release for export comes subsequently in the bill has any effect to enlarge the quantity, as fixed by value, of defense articles which may be exported.

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

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Maine?

Mr. TYDINGS. First, Mr. President, let me say that I think the Senator has completely answered my question; but, in order to make the record clear, I should like to state that I think it is a well-known rule of judicial interpretation that when various powers are conferred on an executive, and one or more powers are limited, a subsequent power granted which is not directly limited by the legislative limitation provided in the act would not be subject to the limitation.

Mr. GEORGE. I agree with the Senator's general statement, but I do not think that is a proper rule of application when the limitation itself to the prior grant of power goes directly to the thing which may be done pursuant to the subsequent grant of power.

Mr. TYDINGS. I thank the Senator for his comment.

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

Mr. TYDINGS. Yes; I am glad to yield.

Mr. ADAMS. I wonder if the Senator's problem might not be met by changing, in line 9, page 3, the single word "paragraph" to "section."

Mr. TYDINGS. Mr. President, had I been drafting the bill I should have preferred to have drafted it as follows:

To manufacture in arsenals, factories, and shipyards under their jurisdiction, or otherwise procure, and to sell, transfer, exchange, lease, lend, or otherwise dispose of, and to release for export, any defense article for the Government of any country whose defense the President deems vital to the defense of the United States: *Provided*, That no defense article not manufactured or procured under this paragraph shall in any way be disposed of under this paragraph except after consultation with the Chief of Staff of the Army or

the Chief of Naval Operations of the Navy, or both. The value of defense articles disposed of in any way under authority of this paragraph, and procured from funds heretofore appropriated, shall not exceed \$1,300,000,000.

We then would have had export, manufacture, and procurement all together, with the limitation coming thereafter; and there would not have been any question to debate.

However, in view of what the Senator from Georgia has said, so far as the Senate is concerned I think we are all agreed that the power to export is not an extra power over the limitation of \$1,300,000,000.

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

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

Mr. WHEELER. The trouble is, of course, that what the departments go by is the bill, and it is only when there is a conflict in the mind of the court that it goes back and attempts to determine what was the intention of the Congress. However, if the plain language of the bill is contrary to what is stated as the intention of the Congress, as stated by a Senator or as contained in a report, then the court takes the plain meaning of the language regardless of what anyone says, no matter who he may be.

Mr. TYDINGS. The Senator is correct about that. It is not what we think it is; but, as the court says, if the plain intentment is clear, then no other interpretation can be placed upon it.

That is the reason why I have tried to ascertain from those who drafted the bill, or from those who are familiar with the interplay of its sections, just what occurred.

Mr. WHEELER. Does the Senator know who drafted it?

Mr. TYDINGS. No.

Mr. WHEELER. Does anyone else know?

Mr. TYDINGS. No. Let me say that if paragraph (5) of section 3 is subsequent to the limitation, then the entire Navy of the United States could be lent or leased, under the power contained in the bill. However, if the limitation of \$1,300,000,000 carries to paragraph (5), there could not be a lease or a grant beyond that.

I am very sorry that the committee did not put the power to release for export along with the power to manufacture and procure, and the power to sell and transfer, so that there would not have been the slightest question of doubt about it.

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

Mr. TYDINGS. I did prepare such an amendment, and I tried to show this point to the committee, because I still have the impression that it may be interpreted to mean that, notwithstanding this limitation, goods which are already in being may be released for export, because the power is subsequent to the limitation as set forth in the bill.

Mr. GEORGE. Mr. President, perhaps we can shorten the argument. I never care to argue a point with which I fully agree, I may say to my able friend. Suppose we do it in this way: Limit subsection (5) to release for export of any defense article disposed of in any way

under this subsection to any such government.

Mr. TYDINGS. That would make it beyond the peradventure of doubt.

Mr. GEORGE. Mr. President, I offer that amendment.

Mr. WHEELER. Mr. President, I did not understand the amendment. May we have it stated?

Mr. GEORGE. I will state it. In subparagraph (5), "To release for export any defense article" and here is the amendment:

disposed of in any way under this subsection—

That would precede the present language—

to any such government.

Mr. WHEELER. I think that covers it. The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Georgia.

The amendment was agreed to.

Mr. ELLENDER. Mr. President, I inquire if all the committee amendments have been agreed to?

The PRESIDENT pro tempore. The Chair understands that all committee amendments have been agreed to.

Mr. ELLENDER. Then I offer the amendment which I send to the desk and ask to have stated.

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

The CHIEF CLERK. At the end of the bill it is proposed to add the following new section:

Sec. 10. Nothing contained in this act shall be deemed to confer any additional powers to authorize the employment or use of persons in the land or naval forces of the United States at any place beyond the limits of the Western Hemisphere, except in the Territories and possessions of the United States, including the Philippine Islands.

Mr. ELLENDER obtained the floor.

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

Mr. ELLENDER. I yield.

Mr. WHEELER. There are one or two Senators who wanted to be present when this amendment was under consideration. Would the Senator object if I suggested the absence of a quorum so that they may be present, as they have asked me to do?

Mr. ELLENDER. No, sir. I yield for that purpose.

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

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

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

Adams	Byrnes	Hatch
Aiken	Capper	Hayden
Andrews	Caraway	Herring
Austin	Chandler	Hill
Bailey	Chavez	Holman
Ball	Clark, Idaho	Hughes
Bankhead	Clark, Mo.	Johnson, Calif.
Barbour	Connally	Johnson, Colo.
Barkley	Danaher	Kilgore
Bilbo	Davis	La Follette
Bone	Downey	Langer
Brewster	Ellender	Lee
Bridges	George	Lodge
Brooks	Gerry	Lucas
Brown	Gillette	McCarran
Bulow	Glass	McFarland
Bunker	Green	McKellar
Burton	Guffey	McNary
Butler	Gurney	Maloney
Byrd	Harrison	Mead

Miller	Russell	Truman
Murdock	Schwartz	Tunnell
Murray	Sheppard	Tydings
Norris	Shipstead	Vandenberg
Nye	Smathers	Van Nuys
O'Mahoney	Smith	Wallgren
Overton	Stewart	Walsh
Pepper	Taft	Wheeler
Radcliffe	Thomas, Idaho	White
Reed	Thomas, Utah	Willis
Reynolds	Tobey	Wiley

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

Mr. ELLENDER. Mr. President, it is not my purpose or desired to prolong the debate on the pending bill. The amendment I have submitted is very simple and almost self-explanatory. However, before proceeding to discuss the amendment, I should like to place in the RECORD a few facts and figures in the light of the debate as it has proceeded up to this moment.

Mr. President, under the pending bill, we are giving great powers to the President of the United States, and I for one am willing to grant them to him because I know that he is a good and just man and he has the interest of the American people at heart. It is to be hoped that the President, in the exercise of those powers, will take into consideration the vast resources of the British Empire and other countries now engaged in war on its side before extending them too much credit to carry on their war.

I have made a study of the debts of England and the various British possessions now engaged in war with her. I have before me a statement which is very interesting, and I believe the information it contains should be taken into consideration when the pocketbook of Uncle Sam is being opened, as it were, in order to help the British.

Our country, including its possessions, has an area of 3,738,395 square miles. Its total population is 150,450,560. The public debt of the United States up to September 30, 1940, was \$44,214,604,746.

Great Britain and her possessions as of the same date had an area of 12,880,537 square miles; so that the territorial area of Great Britain and her possessions is almost four times the area of our country. Great Britain and her possessions had a population of 490,738,253. The debt of Great Britain, including all her posses-

sions, and also including the amount which is now due to the United States, which aggregates, as I recall, between \$4,000,000,000 and \$5,000,000,000, amounts to \$52,647,224,369.

To put the matter in another way, the per capita debt of the United States and all of its possessions, as of September 1940, aggregated \$293, while the per capita debt of the British Isles and its possessions is only \$107. I hope that when we make advances to England, those circumstances will be taken into consideration.

Further, Mr. President, I hope all that is now being done by the British possessions will be continued after the passage of this bill, to the same extent, if not greater, than now prevails. In other words, after we pass this bill I do not want the British possessions to assume that Uncle Sam is going to do all the work and furnish all of the materials needed.

Under the pending bill the President has the power to trade, exchange, or barter all kinds and quantities of property. It is to be hoped that he will exercise—and I am confident he will—that power so that we will receive some form of compensation for our property, rather than make outright gifts to those who will benefit.

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

Mr. ELLENDER. I yield for a question.

Mr. WHEELER. I do not know whether I was in the Chamber when the Senator began his remarks; but, likewise, we hear a great deal about our own country being a rich country, with great natural resources. I hope the Senator will call attention to the fact that the British Empire, as distinguished from the British Isles themselves, has vastly greater natural resources than has the United States of America. When people are talking about subsidizing Great Britain, and what we are doing to help Great Britain, the fact ought to be called to the attention of the American people that, when we are paying something over \$35 an ounce for gold, we are really subsidizing Great Britain to the extent of a great part of the increase of the price of gold above its normal figure.

Mr. ELLENDER. I submitted figures showing the areas of the various countries. The British Empire is almost four times larger than the United States in area. Likewise, we know that our country is entirely dependent on British and Dutch possessions for rubber, tin, and a few other natural resources that are essential to us; and in making these trades I hope the President will bear these facts in mind and obtain for us vast quantities of these natural resources. I may further add in that connection that the President may look into the feasibility of obtaining permanent bases in the Atlantic from the British rather than 99-year leases. I am not advocating the acquisition of any of the islands involved, but complete sovereignty and ownership in perpetuity of those portions of the islands or mainland as may be necessary to properly establish our bases.

Mr. President, this table which I have before me also shows the exports and imports with respect to the United States and Great Britain and their possessions for the period I have just mentioned. Annual exports from the United States and all its possessions amounted to \$3,545,043,000. For Great Britain and possessions they were \$5,226,995,677, or approximately 150 percent of our own.

As to imports, those of the United States and possessions totaled \$2,700,378,000, while the imports of England and its possessions amounted to \$6,754,902,313.

Mr. ADAMS. Mr. President, will the Senator yield for an inquiry as to his figures?

Mr. ELLENDER. Certainly.

Mr. ADAMS. In computing the British imports and exports, do they include the imports and exports between England and her possessions, or are they limited to other countries?

Mr. ELLENDER. They include all imports and exports.

Mr. President, I ask unanimous consent to place in the RECORD at this point the tables from which I have taken certain figures with regard to the area, population, and public debt of the United States and Great Britain and their possessions, and other countries.

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

Comparative tables for United States and Great Britain and their possessions

UNITED STATES AND POSSESSIONS					
	Area in square miles	Population	Public debt	Exports	Imports
Alaska.....	586,400	73,023	None	\$56,647,000	\$42,851,000
American Samoa.....	76	12,908	None
Guam.....	206	22,290	None	150,000	635,000
Hawaii.....	6,407	423,330	\$38,288,000	98,086,000	109,479,000
Puerto Rico.....	3,435	1,869,245	28,908,000	82,077,000	93,314,000
Virgin Islands.....	133	24,889	None	1,541,000	3,347,000
Philippine Islands.....	114,400	16,356,000	74,468,500	115,795,000	132,602,000
Total United States possessions.....	711,606	18,781,285	141,664,500	368,165,000	382,228,000
United States.....	3,026,789	131,669,275	44,072,940,246	3,176,878,000	2,318,150,000
Total United States and possessions.....	3,738,395	150,450,560	44,214,604,746	3,545,043,000	2,700,378,000
GREAT BRITAIN AND POSSESSIONS					
Western Hemisphere.....	3,853,865	14,256,873	\$3,324,647,612	\$1,036,871,872	\$870,763,592
African possessions.....	3,717,697	52,836,237	1,436,487,152	855,291,680	647,154,800
Asiatic possessions.....	5,213,945	376,160,143	7,462,089,605	1,592,554,917	1,494,933,913
Total British possessions.....	12,785,507	443,253,253	12,223,224,369	3,484,718,469	3,012,852,305
British Isles.....	95,030	47,485,000	40,424,000,000	1,742,277,208	3,742,050,008
Total Great Britain and possessions.....	12,880,537	490,738,253	52,647,224,369	5,226,995,677	6,754,902,313

¹ Sept. 30, 1940.

Comparative tables for United States and Great Britain and their possessions—Continued

BRITISH POSSESSIONS IN WESTERN HEMISPHERE (YEAR 1938)

	Area in square miles	Population	Public debt	Exports	Imports
Canada.....	3,694,863	11,315,000	\$3,152,559,314	\$924,926,104	\$751,055,534
Labrador and Newfoundland.....	42,734	294,800	99,898,700	31,987,344	24,460,618
Bahamas.....	4,404	67,720	1,012,000	853,260	4,555,356
Barbados.....	166	193,082	1,798,680	1,397,052	8,251,776
Jamaica.....	4,628	1,173,645	25,212,556	20,130,960	25,540,884
Leeward Islands.....	422	92,726	1,418,000	2,317,544	2,945,580
Trinidad and Tobago.....	1,832	464,889	19,730,304	35,337,764	35,497,121
Windward Islands.....	821	257,077	2,283,804	3,091,152	3,139,860
British Honduras.....	8,867	57,767	3,337,210	3,293,384	4,004,091
British Guiana.....	89,480	337,039	17,427,044	10,882,236	8,850,808
Falkland Islands.....	5,618	3,128	(?)	2,654,472	2,442,664
Total, Western Hemisphere.....	3,853,865	14,256,873	3,324,647,612	1,036,871,872	870,763,592

AFRICAN POSSESSIONS OF GREAT BRITAIN (1938-39)

South Africa.....	472,550	10,160,000	\$1,083,965,252	\$411,624,000	\$371,576,000
Southern Rhodesia.....	150,354	1,385,560	49,202,072	47,508,060	37,788,000
Somaland.....	68,000	344,760	-----	830,172	2,912,200
Tanzania.....	360,000	5,200,484	33,031,516	16,202,936	12,987,320
Northern Rhodesia.....	290,320	1,389,754	9,388,000	40,523,764	20,457,712
Nyasaland.....	37,374	1,672,787	21,495,296	4,010,700	3,335,236
Zanzibar.....	640	250,000	Nil	3,379,280	3,974,084
Southwest Africa.....	317,725	288,604	11,001,064	13,953,772	14,514,208
Gold Const.....	30,489	852,899	45,740,000	61,701,084	41,521,292
Sierra Leone.....	27,925	1,768,480	6,343,812	9,555,716	6,001,363
Gambia.....	4,068	199,520	155,040	1,155,804	1,109,760
Nigeria.....	372,599	20,588,840	99,058,396	165,562,800	46,283,416
Basutoland.....	11,716	562,411	1,796,284	1,606,048	2,996,504
Beechuanaland.....	275,000	265,756	1,93,016	-----	-----
Swaziland.....	6,705	156,715	1,857,904	-----	-----
Anglo-Egyptian Sudan.....	969,600	6,342,477	63,033,600	21,961,448	25,133,588
Cyprus.....	3,572	376,529	3,289,200	9,913,024	8,985,740
Malta.....	122	268,668	Nil	2,549,648	15,594,552
Kenya and Uganda.....	318,941	711,053	19,816,200	43,252,684	32,028,760
Total, African.....	3,717,697	52,836,237	1,436,487,152	855,291,680	647,154,800

† Assets.

ASIATIC POSSESSIONS OF GREAT BRITAIN (FIGURES FOR YEAR 1938)

British Malaya.....	132,723	5,088,327	\$68,495,738	\$299,442,997	\$281,778,623
New Guinea and other islands.....	124,046	1,065,462	6,639,460	28,766,388	17,429,240
Ceylon.....	25,332	5,780,000	48,975,100	75,982,208	63,008,632
Palestine.....	10,429	1,466,536	-----	20,081,452	45,427,852
Transjordan.....	34,740	300,000	882,244	-----	-----
Total.....	327,270	14,700,325	114,991,541	424,173,045	407,642,352
Australia.....	2,974,581	6,997,326	5,364,216,976	448,805,488	408,625,403
New Zealand.....	103,415	1,624,714	1,215,881,088	231,202,504	221,688,755
India.....	1,808,679	352,837,778	767,000,000	488,373,880	455,977,397
Total, Asiatic.....	5,213,945	376,160,143	7,462,089,605	1,592,554,917	1,494,933,913

PER CAPITA DEBT

	Population	Public debt	Per capita debt
United States.....	131,669,275	\$44,072,940,246	\$334+
United States and possessions.....	150,450,560	44,214,604,746	293+
British Isles.....	47,485,000	40,424,000,000	853+
British Isles and possessions.....	490,738,253	52,647,224,369	107+

NETHERLANDS AND POSSESSIONS

	Area in square miles	Population	Public debt	Exports	Imports
Netherlands East Indies.....	735,269	69,435,000	\$682,418,460	\$378,613,450	\$263,614,050
Dutch Guiana.....	60,288	156,332	546,695	4,218,381	4,177,647
Netherlands.....	33,314	8,728,569	1,664,200,000	51,198,000	794,010,000
Total.....	828,871	78,319,901	2,347,165,155	434,029,831	1,061,801,697

Public debt per capita: Netherlands, \$190; Netherlands and possessions, \$29.

DENMARK AND POSSESSIONS

Greenland.....	838,000	16,901	-----	\$107,265,070	\$788,310
Faroe Islands.....	540	25,744	-----	-----	-----
Denmark.....	16,575	377,000	\$244,105,000	299,174,000	331,073,000
Total.....	855,115	419,645	244,105,000	406,439,070	331,861,310

Public debt per capita: Denmark, \$646; Denmark and possessions, \$581.

BELGIUM AND POSSESSIONS

Belgian Congo.....	918,000	10,304,080	\$985,400	\$322,516,180	\$173,848,290
Belgium.....	11,752	8,336,553	9,751,540,000	3,655,170,000	3,301,400,000
Total.....	929,752	18,600,633	9,752,525,400	3,977,686,180	3,375,248,290

Public debt per capita: Belgium, \$1,162; Belgium and possessions, \$522.

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

Mr. ELLENDER. I yield.

Mr. TYDINGS. As I understood the figures the Senator just read, he showed that the visible balance of trade between the United States and the remainder of the world was favorable to the United States; but the figures for Great Britain and her dominions seem to show that the visible balance of trade was unfavorable to Great Britain to the extent of about a billion dollars a year, as I recall.

Mr. ELLENDER. For that period; yes. I may say to the Senator from Maryland that my reason for citing these facts and figures is to show the enormous difference in the amount of business that is carried on by Great Britain and her possessions, in comparison to ours—in effect, to show Great Britain's wealth.

Mr. TYDINGS. I understand.

Mr. ELLENDER. That is my purpose in submitting the figures.

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

Mr. ELLENDER. Yes.

Mr. TYDINGS. I understand why the Senator is using the figures; but what the figures really show is that the United States had a favorable balance of trade of nearly \$3,000,000,000 for the period he indicated, while, on the other hand, Great Britain had an unfavorable balance of trade of about a billion dollars for the period he indicated.

Mr. ELLENDER. Not quite; the United States had a favorable balance of about \$800,000,000 and Great Britain a loss of about one and one-half billion dollars.

Mr. TYDINGS. I took only the round figures; but that would tend to show that we were making money in the transaction, and that they were losing money in the transaction.

Mr. ELLENDER. The fact remains that the British are not so badly off. The point I desire to make is that these various angles should be taken into consideration when the President turns American materials and supplies over to the British, as he is empowered to do under the pending bill. It is not the war itself that I dread; it is the aftermath of war. So long as the war goes on we can keep our people busy in the factories, making munitions and other implements of war; but when the factories stop smoking, and industry becomes paralyzed, and we have an enormous public debt of probably \$100,000,000,000 to \$125,000,000,000, as has been variously estimated, I say to you, fellow Senators, that such a condition will probably destroy the very thing we are now attempting to save. Our liberty, our cherished freedom to pursue our own business, our own lives, our own happiness, in our own way, may be forever lost to us.

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

Mr. ELLENDER. I yield.

Mr. WHEELER. When we talk about England, many persons think of England as just the British Isles. In loaning money and giving property and money to Great Britain, we have to think of it as the great Empire. When we think of it as the great Empire, we immediately call attention to the tremendous man-

power it has, and the tremendous resources it has, and the tremendous courage it has. As a matter of fact, Great Britain today is the richest empire in all the world. I do not think there is anything that can touch it.

Mr. ELLENDER. Today, sad to say, our great country may be penalized because it has industrial advantages unequalled by those of any other nation in the world. Because of the ingenuity of our people, we have become the arsenal of democracy. In the meantime let us not forget that our natural resources are being depleted, and we should demand for our finished products some of the rich natural resources of Great Britain and her allies.

Mr. President, I believe we Senators today ought to take heed of what the distinguished Senator from Maryland [Mr. TYDINGS] brought to our attention last year, and that is, the necessity of repairing our finances. Apparently, for the next 4 or 5 years we are going to have an artificial prosperity. Prosperity dependent upon war industries cannot be permanent. What we ought to do at this session of the Congress is to impose such heavy taxes that at the end of 5 years our national debt will be reduced so that it will not afflict and burden our Nation.

We are asking our boys to forego salaries ranging from \$50 per month on up, some even as high or higher than \$1,000 per month, in order to prepare for the defense of our country.

Why not ask industry, why not ask those who manufacture the various implements of war, to make the same sacrifice in order to preserve the liberties of our great Nation? I for one stand ready now to do that, even to the extent of pouring into the Treasury of our Nation any surplus from my salary over and above exemptions as presently fixed in the Income Tax Act. We must do something, because if we fail to act, then at the end of this period of artificial prosperity we are apt to lose the very thing for which we are now fighting—our free, democratic way of living.

Mr. ADAMS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. ELLENDER. I yield.

Mr. ADAMS. I wondered whether I had understood the Senator correctly as meaning that he felt that our taxes should be increased, so that during this period which he defines as one of "artificial prosperity," we would not only meet our expenses, but reduce the national indebtedness. Is that correct?

Mr. ELLENDER. That is what I have in mind. Of course, I am not a tax expert; I do not know whether or not that much money could be collected, but we should at least try to pay for this defense program as we go, rather than further increase our national debt.

Mr. ADAMS. I was just about to add that our annual expenditures at this time are running in the neighborhood of \$25,000,000,000. If we attempt to collect \$25,000,000,000 out of a national income of \$70,000,000,000, most of it in addition to the taxes already being levied by the Government, by State governments,

school districts, cities, and counties, we will consume more than 50 percent of our national income, and I am wondering whether, if we attempted to do that, we would not bring on rather than avert the financial catastrophe referred to by the Senator.

Mr. ELLENDER. According to figures I saw recently, it may be that our national income this year will be as high as \$80,000,000,000 and for a few years to come as much as ninety billions yearly. As I stated, I am not injecting a discussion of tax matters into the debate on this bill. I do not desire to go into detail, and I must confess that at this moment I am not prepared for detailed discussion. I am merely advancing the thought at this moment, with the hope that it will receive serious consideration at a later date. Something should be done during this period of artificial prosperity, because if we do not raise the money now, while prosperity is here, we certainly will not be able to raise it later.

Mr. President, reverting to the pending amendment, I repeat that it is very simple. As I view it, the amendment carries out the platform upon which our great President was elected for a third term, and it also carries out the platform of the Republican Party and its candidate, Mr. Willkie. I wish to read now from the Democratic platform:

The American people are determined that war, raging in Europe, Asia, and Africa, shall not come to America.

We will not participate in foreign wars, and we will not send our Army, naval, or air forces to fight in foreign lands outside of the Americas, except in case of attack.

Mr. President, that is almost a verbatim statement of what my amendment provides. The only words that are not included in the amendment are "except in case of attack," and before we reach a vote I propose to add those words to the amendment so that it will be practically in the same language as is contained in the platform upon which our great President ran last November, and was elected by the people of this Nation.

I read further:

We favor and shall rigorously enforce and defend the Monroe Doctrine.

The direction and aim of our foreign policy has been, and will continue to be, the security and defense of our own land and the maintenance of its peace.

I read again from the platform:

Weakness and unpreparedness invite aggression. We must be so strong that no possible combination of powers would dare to attack us. We propose to provide America with an invincible air force, a Navy strong enough to protect all our seacoasts and our national interests, and a fully equipped and mechanized Army.

I read further:

To make America strong, and to keep America free, every American must give of his talents and treasure in accordance with his ability and his country's needs. We must have democracy of sacrifice as well as democracy of opportunity.

To insure that our armaments shall be implements of peace rather than war, we shall continue our traditional policies of the good neighbor; observe and advocate international respect for the rights of others and for treaty obligations; cultivate foreign trade

through desirable trade agreements; and foster economic collaboration with the republics of the Western Hemisphere.

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

Mr. ELLENDER. I yield for a question.

Mr. LODGE. I am very much interested in the amendment, which I think is a good one, and goes far toward mitigating one of the chief dangers of the bill. I should like to ask the Senator whether he has given any thought or cares to express himself on the question of what constitutes the Western Hemisphere.

Mr. ELLENDER. That is next on my list. I shall gladly go into that in a few moments.

Now let us see what the Republican Party said on the subject of national defense. I read from its platform:

We declare for the prompt, orderly, and realistic building of our national defense to the point at which we shall be able not only to defend the United States, its possessions, and essential outposts from foreign attack, but also efficiently to uphold in war the Monroe Doctrine.

Our sympathies have been profoundly stirred by invasion of unoffending countries and by disaster to nations whose ideals most closely resemble our own. We favor the extension to all peoples fighting for liberty, or whose liberty is threatened, of such aid as shall not be in violation of international law or inconsistent with the requirements of our own national defense.

We believe that the spirit which should animate our entire defensive policy is determination to preserve not our material interests merely, but those liberties which are the priceless heritage of America.

Mr. President, it cannot be said that there is a line of demarcation between what these two great parties stand for. Like the people of the United States today, they stand for all material aid to Britain, not because they love Britain, but because they love America. That is why I say that the American people stand behind the proposition of all material aid to Britain, provided our own defenses are not neglected, and our own safety not menaced. What we should do now, so as to allay the fears of millions of American mothers and others, is to make it certain that the bill is to be a material-aid bill, and nothing else. If we write that provision into the bill at this moment, it will help them to understand the purpose of the bill, and once that has been accomplished, will bring wholehearted cooperation in our program to save America by aiding the democracies.

Mr. President, last week I was at a dinner party and the hostess served a big pot roast. Instead of being cooked in one of the ordinary old-time cast-iron pots, the pot roast was cooked in a large aluminum pot. I turned to her and said, "Madam, I see you have a fine aluminum pot. I notice in the newspapers that America is running short of aluminum and that you may be called upon in the near future to give up your aluminum ware." She said, "Senator, I would not mind that. I am willing to give the aluminum, and anything else that I have, but keep my boy over here."

Mr. President, that lady is typical of the millions of Americans who have the

interests of their country at heart. The American people can be united today, I say, by placing language in the bill that will convince them that we mean to carry out our promises to them to keep American boys from the battlefields of foreign countries.

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

Mr. ELLENDER. I yield.

Mr. MALONEY. I should like respectfully to call attention to the language the Senator just used, and then ask him to point out if he will—and I would like to say that I am in sympathy with what I think the Senator is trying to do—how this particular amendment in any way changes the existing situation.

Mr. ELLENDER. I will say to the Senator that I expected to cover that a little later.

Mr. MALONEY. I am sorry I interrupted the Senator.

Mr. ELLENDER. However, if the Senator from Connecticut desires, I shall answer the question now, but it will probably mean a repetition.

Mr. MALONEY. No; I would like to have the Senator do it in his own way and in his own time.

Mr. ADAMS. Mr. President, while the Senator is being interrupted, there was another phrase that would perhaps be in need of explanation. The Senator referred to what we had "promised to do." I was not aware that we had promised to do anything, and I merely wanted to know what the Senator thinks the United States had promised to do.

Mr. ELLENDER. What I had in mind, I will say to the Senator, is the phrase that has been heard on so many occasions by the American people from the President himself, as I will point out in a minute, and from Senators, namely, that "under no condition shall we vote to send our boys to fight the battles of any foreign nation," or words to that effect.

Mr. ADAMS. The Senator did not mean that we had promised England?

Mr. ELLENDER. Indeed not. I had in mind what we had promised the American people.

Mr. McCARRAN. Mr. President, right there would the Senator yield?

Mr. ELLENDER. I yield.

Mr. McCARRAN. I hope I shall not interrupt the Senator's thought, but I take it that the Senator is quite serious, and I am very sympathetic with his amendment. The Senator undoubtedly in his serious thought believes that the bill as it now exists does permit of the sending of boys across the water to engage in war, otherwise he would not have offered this amendment?

Mr. ELLENDER. I have that in mind, and I am going to discuss that phase of the bill in a few minutes.

Mr. McCARRAN. And unless the amendment is adopted, the Senator will have apprehension, just as I will have.

Mr. ELLENDER. That is very true.

In answer to the question of the distinguished Senator from Massachusetts, which was propounded to me awhile ago, I will quote from a document which I obtained from the Library of Congress, which defines the Western Hemisphere.

I desire to state that there are some who do not quite agree with the conclusions reached by Mr. S. W. Boggs, who was the Geographer of the United States at the time this document was presented to the Congress. I read an excerpt from a letter dated Washington, June 8, 1940, addressed to the Honorable EDITH NOURSE ROGERS, House of Representatives, who had evidently made the inquiry, and in that letter there appears the following paragraph:

The demarcation of the Eastern and Western Hemispheres is even more difficult—

In the first part of this letter the writer distinguished between the Southern and Northern Hemispheres, and this paragraph refers to the Eastern and Western Hemispheres:

The demarcation of the Eastern and Western Hemispheres is even more difficult, because it involves both the distribution of land and water and historical considerations. The question at once arises, east or west of what? The Western Hemisphere is the New World which Columbus discovered by sailing west. By the Eastern Hemisphere we mean essentially the Old World, comprising Europe, Asia, and Africa; and by the Western Hemisphere we mean the American Continents and appertaining islands. The continental areas of the Old World and the New World are very unequal, however, and the longitudinal extent of Africa and Eurasia is nearly 208°, which is 28° in excess of half the circumference of the Equator. No simple pair of meridians 180° apart can therefore be selected which will place all of Africa and Asia within the same hemisphere, although by common consent they are regarded as belonging within the Eastern Hemisphere.

I quote another paragraph from the same letter:

Within the last century the meridian of Greenwich has been increasingly used as the prime meridian in various countries, and map makers who use Greenwich as the zero meridian usually take the meridian 20 degrees west of Greenwich as their line of demarcation in the Atlantic Ocean. In order to make a map of the Eastern or Western Hemisphere, comprising exactly one-half of the area of the earth, cartographers must therefore take the opposite meridian, namely, 160 degrees east of Greenwich. In the Atlantic Ocean the meridian 20 degrees west of Greenwich serves remarkably well, as it places all of Greenland, except a very small area in the northeast, within the Western Hemisphere, and the larger part of Iceland within the Eastern Hemisphere. It has the minor disadvantage of placing the Azores and the Cape Verde Islands in the Western Hemisphere, contrary to their historical association with the Old World. In the Pacific Ocean, however, the meridian 160 degrees east of Greenwich is anomalous in that it places New Zealand in the Western Hemisphere (whereas Australia is in the Eastern Hemisphere), and that it places the eastern portion of Siberia in the Western Hemisphere.

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

Mr. ELLENDER. I yield.

Mr. CONNALLY. Of course, the selection of the meridian 20 degrees west of Greenwich is purely arbitrary. They might have selected fifty or sixty. They are selecting the boundaries in order to get what they want within a certain area.

When we use the term "hemisphere," we do not necessarily imply technically half of the earth's sphere. When we refer to the Western Hemisphere, is it not true

that we are really referring to a geographical location of the continents and the contiguous islands on this side of the Atlantic, rather than to any particular mathematical determination, by longitudes or latitudes, of half the 360-degree circumference of the earth?

Mr. ELLENDER. That seems to be the conclusion reached by cartographers and geographers.

Mr. CONNALLY. If we were strictly determining the Eastern or the Western Hemisphere, we should have to start at Greenwich; and the Western Hemisphere would include a large portion of the British Isles.

Mr. ELLENDER. That is correct.

Mr. CONNALLY. So, in our own history, and in our legislative and diplomatic treatment of this subject, I do not think we have ever had in mind half of the earth's circumference, with strict geographical and mathematical exactness. We mean the geographical collection of lands which we commonly refer to as the Western Hemisphere.

Mr. ELLENDER. Yes. In the document from which I have been reading there is a map—

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

Mr. ELLENDER. I yield.

Mr. LODGE. During the debate on the selective-service bill I offered an amendment very similar to the one offered by the Senator from Louisiana, which prohibited the sending of troops outside the Western Hemisphere, except to Territories and possessions of the United States.

Mr. ELLENDER. If the Senator will permit an interruption, I copied his very language, or most of it, at any rate.

Mr. LODGE. I am very much flattered to hear that. At the time that amendment was proposed I had a colloquy with the Senior Senator from Texas, chairman of the Military Affairs Committee [Mr. SHEPPARD] as to his understanding of the meaning of the term "Western Hemisphere." He took the position, as did the Junior Senator from Texas [Mr. CONNALLY], that the term "Western Hemisphere," as we use it, is not a scientific or geographical term, but that it is a political or governmental expression. As the term is used in existing law, it excludes Europe, Asia, Africa, and New Zealand. I am wondering whether or not that definition would be acceptable to the Senator from Louisiana?

Mr. ELLENDER. That is exactly in accord with the map to which I was just about to refer, except with respect to Iceland. There seems to be a division of opinion as to whether or not Iceland is in the Western Hemisphere; but I think the majority of geographers place Iceland in the Eastern rather than the Western Hemisphere. However, as I have said, opinion is divided. The meridian 20° west of Greenwich would take in the Cape Verde Islands and the Azores; but, because of the fact that those islands are commonly referred to and known as part of the Old World, they have been excluded from the Western Hemisphere, although the meridian 20° west of Greenwich passes to the east of those islands. Likewise, Iceland would be in-

cluded within the meridian 20° west of Greenwich, and it required a little bulge eastward in the line around Iceland in order to place it in the Western Hemisphere.

I think it is understood and almost agreed to by geographers that the present international date line is considered as the line separating the Eastern from the Western Hemisphere in the Pacific Ocean. This line runs on the one hundred and eightieth meridian west for quite a few thousand miles, but it also has been bulged out farther to the west in one instance so as to take the Aleutian Islands into the Western Hemisphere. Farther south it has been bulged to the east so as to exclude the Fiji Islands and New Zealand.

The map to which I have just referred seems to contain all territory in the Western Hemisphere, as it is agreed to by geographers, with the possible exception of Iceland. As I pointed out a while ago, there is much difference of opinion as to whether Iceland is in the Western or Eastern Hemisphere.

Mr. President, I should like to incorporate in the RECORD a few other excerpts from the statement from which I have been reading, which bear upon the points we have just been discussing with respect to the line of demarcation between the two hemispheres.

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

Although maps of these two hemispheres differ slightly in their limiting meridians, depending partly upon the selection of a zero meridian, they almost invariably agree in placing all of Europe and Africa and most of Asia in the Eastern Hemisphere and all of the American Continents in the Western Hemisphere.

Your interest in a line of demarcation between these two hemispheres is related, in part, if I understand correctly, to an interpretation of the policy which was enunciated by President Monroe in his message to the Congress on December 2, 1823. In that message, as you will recall, reference was made to "the American Continents," to "this hemisphere" (mentioned twice), to "either continent" (North America and South America), and to "their fellow men on that side of the Atlantic." This geographical concept evidently related to the New World as distinguished from the Old World, and there appears to have been no thought at that time of laying down a pair of meridians, placed diametrically opposite each other, on one side of which one policy was to be followed and on the other side of which an entirely different policy was to be followed.

Except for purposes of making maps comprising exactly one-half of the earth's surface, it therefore seems better to regard this hemisphere in which we live, in relation to the land areas of the world, as comprising North America (including Central America and the West Indies, and also Greenland) and South America, together with all islands appertaining to the two continents. In order to include the westernmost islands of the Territory of Alaska and to embrace an area roughly approximating one-half of the earth's surface, it is necessary to include a considerable portion of the Pacific Ocean. For convenience the international date line might be regarded as a provisional western limit of this hemisphere. The vast areas of the high seas in both the Atlantic and the Pacific have no bearing upon the practical problem of delimiting the hemispheres, ex-

cept as it affects the map maker. Otherwise we are concerned only with land areas—with continents and islands, large and small.

However, looking at this language, consideration must be given to what constitutes "this hemisphere." Although there are some inferences that Greenland is not in the Western Hemisphere as far as the application of this doctrine is concerned, the weight of authority would indicate otherwise. Col. Lawrence Martin, Chief of the Maps Division of the Library of Congress, states that—

"The international date line, as the western limit of the Western Hemisphere, solves the problem concerning Siberia, New Zealand, etc., and that the four departures from the meridian of 20° west longitude take care of the situation with respect to the Cape Verde Islands, the Azores, and northeastern Greenland, as well as the view of Stefansson with respect to Iceland * * *." (Appendix of the CONGRESSIONAL RECORD, 1940, p. 2188.)

Mr. ELLENDER. Mr. President, I have attempted to show to the Senate that the platforms of the two parties stated, in effect, the very same thing that my amendment now provides. Let us see what the President has said on that subject in his many speeches.

It is not my purpose to lengthen the debate by reading too many excerpts, but it might be very interesting to the Senate, as well as to the people of this Nation, to remind them of what was said before the last November election and what has been said since.

I quote from a radio address on neutrality delivered by the President on September 3, 1939. The President said:

Let no man or woman thoughtlessly or falsely talk of America sending its armies to European fields.

In his address to Congress on January 3, 1940, the President said:

I can understand the feelings of those who warn the Nation that they will never again consent to the sending of American youth to fight on the soil of Europe. But, as I remember, nobody has asked them to consent, for nobody expects such an undertaking.

The overwhelming majority of our fellow citizens do not abandon in the slightest their hope and expectation that the United States will not become involved in military participation in the war.

I can also understand the wishfulness of those who oversimplify the whole situation by repeating that all we have to do is to mind our own business and keep the Nation out of war. But there is a vast difference between keeping out of war and pretending that this war is none of our business.

We do not have to go to war with other nations, but at least we can strive with other nations to encourage the kind of peace that will lighten the troubles of the world, and by so doing help our own Nation as well.

That is from the CONGRESSIONAL RECORD for January 3, 1940, page 8, Seventy-sixth Congress.

Here is another quotation. This address was delivered in Washington, D. C., to the Teamsters' Union Convention, September 11, 1940:

In all of these plans for national defense only those who seek to play upon the fears of the American people discover an attempt to lead us into war. The American people will reject that kind of propaganda of fear as they have rejected similar types which are occasionally spread at election time. They know

that against the raging forces loose in the world the best defense is the strongest preparedness—fighting men and equipment in front and fighting industry and agriculture behind the lines.

Weakness in these days is a cordial invitation to attack. That is no longer theory; it is a proven fact—proved in the past year.

I hate war now more than ever. I have one supreme determination—to do all I can to keep war away from these shores for all time. I stand, with my party, upon the platform adopted in Chicago:

"We will not participate in foreign wars, and we will not send our Army, naval, or air forces to fight in foreign lands outside of the Americas, except in case of attack."

Here is another quotation, from an address delivered at Philadelphia on October 23, 1940:

To Republicans and Democrats, to every man, woman, and child in the Nation I say: Your President and your great Secretary of State are following the road to peace.

We are arming ourselves not for any foreign war.

We are arming ourselves not for any purpose of conquest or intervention in foreign disputes. I repeat again that I stand on the platform of our party: "We will not participate in foreign wars and we will not send our Army, naval or air forces to fight in foreign lands outside of the Americas, except in case of attack."

It is for peace I have labored; and it is for peace I shall labor all the days of my life.

In another address, delivered at Madison Square Garden, in New York City, on October 28, 1940, the President said:

We made it possible to prohibit American citizens from traveling on vessels belonging to countries at war. Was that right?

We made it clear that American investors, who put their money into enterprises in foreign nations, could not call on American warships or soldiers to bail out their investments. Was that right?

We made it clear that we would not use American armed forces to intervene in affairs of the sovereign Republics to the south of us. Was that right?

We made it clear that ships flying the American flag could not carry munitions to a belligerent; and that they must stay out of war zones. Was that right?

In all these ways we made it clear to every American, and to every foreign nation, that we would avoid becoming entangled through some episode beyond our borders.

Mr. President, my reason for proposing this amendment is to make it certain that the same principles which prevail under the existing Neutrality Act—that is, the cash-and-carry plan—will be enforced under this bill without question. As the President has said, in effect—and I agree with him—because of the fact that our nationals, or the property of our nationals, is not exposed to enemy fire, that in itself has, up to this minute, kept us out of the conflict. I desire to make it certain that all material that is purchased by or is destined for England will be delivered, as the law now provides, at our ports, and from there on it shall be in the hands of the English Government, so that if anything should happen to it, it will not cause us, perhaps, to enter the war.

Mr. President, I quote now from an address delivered by the President at Boston on October 30, 1940:

And while I am talking to you mothers and fathers I give you one more assurance. I have said this before, but I shall say it again and again.

Your boys are not going to be sent into any foreign wars. They are going into training to form a force so strong that, by its very existence, it will keep the threat of war far away from our shores.

The purpose of our defense is defense.

I say to the Members of the Senate that the American people today are almost unanimously behind that proposition.

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

Mr. ELLENDER. I yield for a question.

Mr. STEWART. Is the Senator discussing his amendment?

Mr. ELLENDER. I think I am.

Mr. STEWART. I do not ask that question facetiously. I have been out of the Chamber for a few minutes.

Mr. ELLENDER. I understand. Do not take me seriously, Tom.

Mr. STEWART. What is there in the bill now being considered that gives rise to the quotations the Senator has been reading?

Mr. ELLENDER. The same question was asked by the Senator from Connecticut, and I propose to discuss both questions in a few minutes. I anticipated these questions; and I would prefer, if the Senator does not mind, to wait until I get to that point.

Mr. STEWART. Mr. President, if the Senator is anticipating my questions, may I ask him another question?

Mr. ELLENDER. I yield.

Mr. STEWART. In the Senator's amendment, which, I assume, has been reported, provision is made that nothing contained in the bill shall be deemed to confer any additional powers to authorize, and so forth. Does the Senator think there are any powers at all in House bill 1776 which would permit the sending of soldiers overseas?

Mr. ELLENDER. That is virtually the same question.

Mr. STEWART. Does the Senator propose to discuss that question later?

Mr. ELLENDER. I shall get to it shortly, I hope.

I desire to quote from a radio address delivered by the President on December 29, 1940:

There is no demand for sending an American expeditionary force outside our own borders. There is no intention by any member of your Government to send such a force. You can, therefore, nail any talk about sending armies to Europe as deliberate untruth.

Our national policy is not directed toward war. Its sole purpose is to keep way away from our country and our people.

Now, Mr. President, so much for the statements made by the President; and will anyone deny that those statements in a measure disclose to the dictator nations what our foreign policy is?

Let us now recall what Senators have said on the same subject. I shall not quote from all of the speeches of Senators who have spoken either on the floor of the Senate, on the radio, or otherwise; it would take too much time to do so; but during the debate on the neu-

trality legislation, which is known as House Joint Resolution 306, I made a speech from which I desire to quote. I made the same statement, in effect, when I ran for the Senate back in 1936, and I made it many times during the last Presidential campaign in Massachusetts, Ohio, Pennsylvania, and many other States where I campaigned for the President. Other Senators made statements in almost the same verbiage, and when those statements were made one could see the audience respond and almost raise the roof off. I quote from the speech made by me on House Joint Resolution 306 in the United States Senate on October 20, 1939:

It should be a comforting assurance to the American people that war can come only if the Congress declares it. War can be carried on only if the Congress raises and supports armies for that specific purpose. So far no Senator has raised his voice in favor of war; on the contrary, all have proclaimed for peace. We differ only in opinion as to the best course to pursue in these trying times. Speaking for myself, and for other fathers of fine chaps, I shall not vote, under any circumstances, to send my son or the sons of my fellow Americans to fight the battles of those who inhabit the Old World. I firmly believe that in this I express the views of every Member of the Senate; and, should I not, let those who take issue speak up. On the other hand, few, if any, of us would hesitate to vote our entire resources, if need be, in order to protect our country from the enemy should invasion be attempted.

I have before me a statement by Senator WAGNER, of New York, on the Neutrality Act, in which he made, in effect, the same statement as that made by me. I quote from his speech:

I will never vote to send troops to Europe to fight in any war. I am unalterably opposed to our country's becoming embroiled in the rivalries and the hatreds of the European Continent. Our policy should be to go about our peaceful missions without fear of anyone and without anyone's favor, taking sides with none and free from entanglements with all.

I have before me a statement by the Senator from Connecticut [Mr. MALONEY] to the same effect, also one by the Senator from Iowa [Mr. GILLETTE] along the same lines. I now quote from the Savannah (Ga.) Morning News a reference to a speech made by the distinguished chairman of the Foreign Relations Committee of the Senate [Mr. GEORGE] at Thomasville, Ga., on August 31, 1938:

Warning that conditions abroad were "driving inevitably to a great European conflict," GEORGE reminded his audience that it is Congress which holds the power to enter war, and added, "I will suffer the severance of this right arm before I will send any American mother's sons to fight again on the soil of Europe."

I have before me quite a number of other speeches from which I could read. For instance, the Senator from Kentucky [Mr. BARKLEY], our esteemed majority leader, spoke on the same subject, but I shall not take the time of the Senate to read any additional quotations.

But besides the verbal commitments to which I have just referred, consider the actions of the Congress along those lines. When the so-called National Guard bill was considered by the Senate, there

was little or no objection to this language which appears in it:

Provided, That the members and units of the reserve components of the Army ordered into active Federal service under this authority shall not be employed beyond the limits of the Western Hemisphere, except in the territories and possessions of the United States, including the Philippine Islands.

That is almost identical with the language I am now proposing as an amendment to the pending bill, and there was little or no opposition to it then.

In the Selective Draft Act, which is Public, No. 783, as the distinguished Senator from Massachusetts stated—and he is the author of this amendment—on page 3, under subsection (e) it reads:

Persons inducted into the land forces of the United States under this act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands.

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

Mr. ELLENDER. I yield.

Mr. BARKLEY. In one of those acts the Congress was providing for the training of the National Guard for a period of 1 year, and in the other for the training of the selectees under the Draft Act for a period of 1 year. Both acts contemplated temporary service. Both those bills were dealing with men. The bill we are now considering deals not with men but with things. There is nothing in this bill, as I understand it—and I think the statement is accurate—that deals in any remote degree with men. While provisions referred to were put in the National Guard Act and in the Selective Draft Act, both of which contemplated temporary training of both contingents, there is no law that in any way affects in like manner the Regular Army of the United States. I should like to have the Senator distinguish between the bill which we now have under consideration, which nowhere authorizes the sending or use of our land or military forces anywhere in the world, but deals only with equipment and not with men, and the acts to which he refers, which did deal with men exclusively.

Mr. ELLENDER. I may state to the Senator from Kentucky that it may be a close question, there may not be any specific language in the bill, but, in the light of other interpretations of law which were discussed here the other day with respect to the exchange of the 50 American destroyers, I understand that the distinguished Senator from Georgia [Mr. GEORGE] disagreed with the views of Attorney General Jackson, and there were several other eminent Senators who likewise disagreed.

The law referred to by Mr. Jackson, which he thought gave the right to transfer the destroyers, as a matter of fact had no reference to usable ships. I think the bill we are now considering may have in it some language which would afford more reasonable ground to decide the issue of sending American men in case it should come up.

Mr. BARKLEY. I am sure the Senator realizes that differences of opinion among lawyers are what keep the legal

profession alive. I do not say that facetiously, because, however sincere and honest lawyers may be, the statement applies not only to lawyers of excellent ability but to judges on the bench. Otherwise there would be no dissenting opinions in courts. I think we are bound to concede that honest, able lawyers sometimes disagree as to the philosophy of the law and as to its particular terms.

Mr. ELLENDER. There is this difference as to the interpretation of the law by lawyers: They may go to court and ventilate their views; but in this bill the President, as Commander in Chief, is supreme. We cannot go to court and test the matter if we disagree with his judgment.

Mr. BARKLEY. He is supreme only insofar as the specific authority conferred upon him by the bill makes him supreme. When it is silent he certainly could not be interpreted to be supreme.

Mr. JOHNSON of California. Mr. President, will the Senator from Louisiana pardon me for a moment?

Mr. ELLENDER. Yes; gladly.

Mr. JOHNSON of California. In response to the Senator from Kentucky I desire to say that you may reach any conclusion you desire; you may divide a hair between the north and south sides and split it in the midst; you may use any language you see fit to use; but the fact remains that the President of the United States and the Senate of the United States on 5 different occasions said that no boy should be allowed on foreign soil to fight battles there. The fact remains that Senators, persons here, made the same promise to the people; and there can be no question as to the promise. When a promise is made, even though you may say there is some attenuated technicality that will enable you to get rid of the promise, the promise still sticks, and, as honorable men, we observe it.

Mr. BARKLEY. Mr. President, will the Senator from Louisiana yield at that point?

Mr. ELLENDER. I yield.

Mr. BARKLEY. Admitting for the sake of argument, as I do, that what the Senator from California says is true, on all the occasions when, as the Senator says, the Senate said that no boy should be sent into a foreign country the Senate had before it a bill dealing with boys, not with airplanes and bullets and tanks.

Mr. JOHNSON of California. That is true.

Mr. BARKLEY. That is what we were talking about. We were drawing boys into the Army. We are not drawing anybody into the Army under this bill. In addition to that, there is nothing in this bill which by the remotest interpretation can be construed as a violation of anybody's promise with respect to sending boys into a foreign country.

Mr. JOHNSON of California. I quite disagree with the Senator in that regard. Here we have stood before the people of this land and said that no boy shall be sent abroad to fight on foreign soil, and now you want to break that promise.

Mr. BARKLEY. No; there is not a syllable in the bill which breaks that promise or even remotely refers to it.

Mr. JOHNSON of California. It does not make any difference that there is not a syllable to that effect in the bill.

Mr. BARKLEY. I think it does.

Mr. JOHNSON of California. That is not the point. The point is the promise that we made.

Mr. BARKLEY. Nobody is violating any promise, and there is nothing in the bill that violates any promise. There is nothing in the bill that even remotely hints upon the subject.

Mr. JOHNSON of California. If the Senator from Kentucky is not able to see that this bill violates a promise of the individuals who promised that no boy should be sent abroad to fight our battles, then he and I have a different view of the matter.

Mr. BARKLEY. We certainly do.

Mr. JOHNSON of California. Yes; very different.

Mr. BARKLEY. I respect the Senator's view, and I hope he respects mine.

Mr. JOHNSON of California. Why, to be sure, but my goodness! Do not get out of a promise in that sort of fashion.

Mr. BARKLEY. Mr. President, nobody is trying to get out of a promise. I should like to be shown a single word in the bill which in any way violates or impinges upon any promise that anybody in the Senate has made to anybody.

Mr. JOHNSON of California. Let us take it round about the other way: Is there a single word in the bill which says that boys may be sent abroad to fight?

Mr. BARKLEY. In this bill?

Mr. JOHNSON of California. Yes.

Mr. BARKLEY. Certainly not.

Mr. JOHNSON of California. Certainly not. Then you are going to import into the bill something that is not there.

Mr. BARKLEY. No, indeed; we are not going to import into the bill anything that is not there. That is the trouble; the Senator from California and other Senators are trying, by implication and by interpretation and by attempting to read between the lines, to put into the bill something that is not in it and to add an amendment which says to the American people that we are guarding against something that is secretly hidden in the terms of the bill.

Mr. JOHNSON of California. Suppose, for just a moment, that we send boys abroad, and thousands of them are killed upon the soil of Europe in this unholy war, what becomes of your President's promise? What becomes of his assurance to the women and the mothers and the fathers of this land that no boys shall be sent abroad to fight? What becomes of your promise, and yours, and yours, made to the people of this land?

Mr. BARKLEY. Mr. President, whenever we have before us a bill authorizing that, or commanding that it be done, it will be legitimate to argue that those who vote for it may be violating their promise. We have no such legislation before the Senate at this time; and the mere refusal to say by an amendment that we prohibit something that we are not doing is in no respect a violation of the promise. There is nothing in the

bill which says that the President of the United States may sink the Navy. We might as well add to the bill an amendment providing that nothing in the bill shall be construed to authorize the President of the United States to sink the Navy in the middle of the Atlantic or the Pacific Oceans.

Mr. ELLENDER. Mr. President, I take it that this bill was very thoroughly considered by the able members of the Foreign Relations Committees of both the House and the Senate; and although there is not a word in the bill with respect to convoying, there is an amendment which reads as follows, under paragraph (d) on page 4 of the bill:

Nothing in this act shall be construed to authorize or to permit the authorization of convoying vessels by naval vessels of the United States.

There is nothing in the bill that permits convoying, and yet the House saw fit to place that amendment in the bill.

Mr. BARKLEY. That amendment deals with ships, and not with men. It deals with things, and not with individuals.

Mr. ELLENDER. Well, how can you convoy ships without men? [Laughter.]

Mr. BARKLEY. Oh, no; of course not, and the Senator from Louisiana knows that as well as I do; but in this bill we are dealing with equipment, all sorts of equipment. We are not dealing with an army. We are not dealing with a navy. We are dealing with the things that may be lent, leased, or otherwise disposed of by the President of the United States.

Mr. ELLENDER. Another amendment that was adopted by the House, on page 5, reads as follows:

Nothing in this act shall be construed to authorize or to permit the authorization of the entry of any American vessel into a combat area in violation of section 3 of the Neutrality Act of 1939.

Mr. BARKLEY. That provision still deals with things, the very things we transfer.

Mr. ELLENDER. I know; but they are things that must be operated by men. The amendment not only deals with vessels but with men. Section 3, as the Senator knows, permits the establishment of zones by the President in which men and ships are not permitted, under penalty of the law. Why that amendment? Where is the justification for it?

Mr. BARKLEY. But we are dealing with things that we may transfer to one of the countries whose defense is vital to ours. We are not dealing with the transfer of men to a country whose defense may be vital to ours.

Mr. ADAMS. Mr. President, will the Senator from Louisiana yield for a statement?

Mr. ELLENDER. I yield.

Mr. ADAMS. As I understand, everybody in the Senate and in the administration agrees with what the Senator from Louisiana is trying to have said in the bill. I am wondering, therefore, whether there is anybody in the Senate who is opposed to the Senator's amendment, opposed to stating in the bill that which the Senators say upon the platform and upon the floor of the Senate.

I am astonished that there should be any argument about it. Since we have said these other things, why should we hesitate merely because the bill does not refer to men?

I am wondering why the Senator should have to argue in support of his amendment. Is there anybody who really is opposed to saying in the bill that it is not intended to send our boys abroad?

When a former bill was here, some effort was made to narrow the statement so as to make it narrower than that, and to limit the power to send soldiers to the continental United States, its territories and possessions. The argument then was made, "How are we going to narrow it?" It was said that we could send the Regular Army to some place, but it was asked, "How could we sort them out?" It was said that the draftees or the National Guard were going into the National Army and they could not be segregated. We are now asked, "Could you send the Regular Army abroad?" The inference is, "Yes; but you could not send the draftees." Well, the draftees and the National Guard are now part of the National Army.

So the same argument which perhaps defeated the other suggestion seems to me to support this one. My only inquiry was whether or not there was really any one who objected to saying what our platform said, what our President said, and what Senators said.

I have been disturbed by one further thing. I have listened rather carefully to the discussions, and I have read much of the debate, and while Senators say there is nothing in the bill about going to war or sending men, I find those who support the bill say that the defeat of the bill means war, and those who oppose the bill say the passage of the bill means war. It seems to me that there are many people saying that somewhere in the bill is either a promise of war, a declaration of war, or a threat of war. So I have been disturbed, and I want to support the Senator's amendment so that the declarations of my party and the declarations of my friends of the Senate will be put plainly into the language of the law.

Mr. ELLENDER. I am trying to follow the middle of the road, I may say to the Senator from Colorado, by making it plain that no provision in the pending bill shall be so construed as to authorize a departure from the policy adopted by our two major parties. As the Senator has just pointed out, I cannot for the life of me see why any Senator should object to this language.

Mr. ADAMS. Is anyone objecting?

Mr. ELLENDER. Cannot the Senator tell? [Laughter.]

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

Mr. ELLENDER. I yield for a question.

Mr. CHANDLER. The Senator from Colorado may perhaps recall that during the debates on conscription last year I supported his amendment which dealt with the question whether young men ordered out with the National Guard or drafted into the Army could be sent out-

side of continental United States for training purposes. The Senator will recall that I was one of his supporters.

I say the Senator mistakes the whole situation if he does not see that there is something more involved in the amendment than what appears at first blush. The American people want peace, and it is my belief that if they are able to secure it in their dealings with warring countries and peaceful countries, it will have to be obtained through the agency of the President of the United States and the Secretary of State. If the Secretary of State has the feeling—which I am not sure he has, but I am not sure that he does not have it—that an amendment such as this would tie his hands in dealing with those countries—

Mr. ELLENDER. Will the Senator state how it would tie the Secretary's hands?

Mr. CHANDLER. No; but I think that if the Senator would inquire of the Secretary of State he might be able to explain it. I should not like to explain it.

Mr. ELLENDER. Did not the Secretary of State explain it to the Senator from Kentucky?

Mr. CHANDLER. No; he did not.

Mr. ELLENDER. I thought perhaps he had done so, since the Senator is seemingly quoting the views of our distinguished Secretary of State, Mr. Hull.

Mr. CHANDLER. What the bill states, in substance, is that "nothing herein shall be deemed to confer any additional powers." I do not believe the bill confers any powers, and I do not see how it is possible to confer "additional" powers when none are conferred.

I am very much in sympathy with the Senator, and I made the pledge the Senator from California said others had made. I made that pledge, and I intend to keep it, so far as I am able to. But I do not believe this amendment is effective, or can be effective, and it can cause a great deal of trouble, and may result ultimately in our being attacked, and our boys being killed; and that is the thing I devoutly wish and hope will not ever happen.

Mr. STEWART. Mr. President—

Mr. ELLENDER. The Senator now has raised the question as to how the amendment can affect our foreign policy. The foreign policy of our Government has been expressed in no uncertain terms, not only by the President, but by Congress itself. It has done so on many occasions. Is it that the Senator from Kentucky is advocating that we should say to Japan, or to Germany, or to some other country, "Although we do not have the right under the pending bill to send men across the ocean, you had better look out or else we might"?

Mr. CHANDLER. I do not want to agree to tying the hands of those men we must trust. I have heard Senators say they did not trust the President. In the last few days I have heard Senators on the floor attempt to represent themselves as protecting the people of the United States from one whom those people three times elected to the highest office in their gift. I do not believe any man is so great that the people need him to save them from one in whom

they have expressed as much confidence as they have in the President of the United States by electing him three times. But if we are to have peace in America in dealing with these dangerous situations, and in this dangerous time, there is no Senator now going to be able to chart the foreign policy of the people of the United States. We must rely in this emergency on the President of the United States and the Secretary of State, and I shall not join in tying the hands of the President if I can help it, because I want him to be able to establish peace, not only in our time, but for the future.

I am anxious to help this country avoid participation in the war. I do not want to do a futile thing. I know the Senator is acting in good faith, but I do not think what he is proposing would accomplish anything. I think it would be a futile thing, and if so, why should we do it?

Mr. ELLENDER. Mr. President, I have not been able to really get the reaction of the Senator from Kentucky [Mr. CHANDLER] to this proposition, as to how this amendment will affect our foreign policy, when our foreign policy has been declared already, and coincides with the language contained in the pending amendment. We must not forget that every major nation across the Atlantic and across the Pacific is armed to the teeth, and if we make any threats, Uncle Sam had better not have a cap pistol in his back pocket. [Laughter.] This is no time for bluffing nor for kindergarten diplomacy.

I now yield to the Senator from Tennessee.

Mr. STEWART. Mr. President, the Senator read a number of statements attributed to the President of the United States, which we have all heretofore seen in print, purporting to report the statements he has made in various speeches and fireside chats he has made for the past several months, each of which declared his purpose to keep this country out of foreign wars. Does the Senator know of any instance when the President has retracted any of these statements?

Mr. ELLENDER. No; I do not. I have confidence in the President, as I have said from the beginning. But we are now discussing a bill which it has been alleged time and again is a material aid bill, and nothing else. There are some Senators who take the opposite view, that its enactment will mean war, and I say to the Senator from Tennessee that while I may be wrong about this, I will express it as my own opinion that we have not been in the war up to this time because of the present neutrality act, which makes a criminal of any citizen who goes into a war zone and exposes his person to belligerent fire. In the same way that act makes a criminal of an individual or the officer of a corporation who exposes the property of a citizen of the United States to belligerent fire. The only way by which we might become engaged in this war, as I see it, is for some of our people or their property to be destroyed by the combatants. If that occurs, we are going to have war as surely as I am speaking. As I have said, since all of us are in agreement that we will not send our

boys across the water, I cannot for the life of me see why objection should now be urged to this amendment. It is not offered because I distrust the President, but because I am anxious to allay the fears of millions of mothers who are willing to give all they possess in aid of England if it will help to keep their boys safe in America.

Mr. STEWART. I have extreme sympathy with the Senator's amendment—

Mr. ELLENDER. The way to express your sympathy would be to vote for the amendment.

Mr. STEWART. As I have told the Senator privately, I may vote for it, and I may not. It has given me considerable concern.

With respect to the statement the Senator just made, that our neutrality has kept us out of war up to this date, I can subscribe to that idea to some extent. I supported the Neutrality Act, as did the Senator from Louisiana. It was argued here at the time that if it was passed we would be engaged in conflict within less than 30 days or 60 days or 90 days. Various predictions along that line were made. I wish to say that I fear perhaps some of the opposition to the bill is based upon lack of sufficient faith in our President. I do not accuse the Senator or any other Senator—

Mr. ELLENDER. Whom is the Senator accusing?

Mr. STEWART. I say, I am not accusing anybody, but I am afraid that that idea perhaps might be prevalent here and there. I do not want to make any direct accusation. But I wish to call to the Senator's attention that in that very Neutrality Act the President of the United States is given the authority to prescribe the danger zone out of which our ships must be kept, and he has not changed that zone.

Mr. ELLENDER. That authority is given him, it is true, but it applies only to merchant ships. It does not affect ships owned by the Government. Do not forget that, Senator. In other words, it affects private ships and private individuals, and private property, and it has nothing to do with Government-owned ships or Government property. Remember, our merchant marine is now building a large number of ships. Those ships will no doubt be manned by American sailors. I do not want those ships and those American citizens to be used in order to carry munitions or anything else across the oceans to countries at war.

Mr. STEWART. No; and I do not want our boys to go across the seas. It might strike dangerously close to me if that should happen. But I wish to call the Senator's attention to another thought. Does the Senator agree with me that the President of the United States has constitutional authority to send troops to any part of the world he desires?

Mr. ELLENDER. I do not know. That has been questioned a great deal. Section 8 of article I of the Constitution gives to the Congress some rights and, of course, it is too bad that they have not been passed upon by any court. Our Presidents being supreme in dealing with

situations in the past acted within their rights, I suppose.

Mr. STEWART. As Commander in Chief of the Army?

Mr. ELLENDER. That is correct. But now we have here section 8 of article I of the Constitution, which gives to Congress some powers.

The Congress shall have power to lay and collect taxes, duties, imposts, and excises—

And so forth.

To borrow money on the credit of the United States;

To regulate commerce with foreign nations;

To coin money; * * *

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;

To provide and maintain a Navy;

To make rules for the Government and regulation of the land and naval forces.

I would interpret that to give Congress some authority in respect to these propositions.

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

Mr. ELLENDER. I do not intend to discuss the legal phase of it, but since the question was urged, I call attention to the fact that section 8 of article I of the Constitution certainly imposes on the Congress certain rights and duties with respect to the Army and the Navy.

Mr. CONNALLY. I was going to ask the Senator about the main part of his amendment. If he does not desire to yield at this point I do not wish to press my question.

Mr. ELLENDER. I gladly yield.

Mr. CONNALLY. Is it the Senator's view that under the Constitution, and without the Senator's amendment, the President could send the Army and the Navy anywhere he wants to?

Mr. ELLENDER. I will say to the Senator, I do not know. There is some question about that. I frankly state that—as the Senator knows there is conflict of opinion on the subject.

Mr. CONNALLY. I am not trying to get into an argument with the Senator. I simply wish to get his views.

Mr. ELLENDER. There may be a question as to that. I would say that in case of war the Commander in Chief could send the Army and the Navy anywhere. But I do not believe that the President would have the right to send our Navy, for instance, to Europe in order to help England in a battle off the coast of Norway.

Mr. CONNALLY. Oh, no. I was not talking about that. I was not talking about making war. The Senator's view now is that in peacetime the President has the authority, as Commander in Chief, to send the military or naval forces of the United States—

Mr. ELLENDER. In fact he has exercised that power in the past. He sent an Army to Mexico.

Mr. CONNALLY. The Senator in his amendment presupposes that there is some power of that kind, because it contains the words, "no additional power."

If the President has the power under the Constitution, there is nothing we can do about it in this bill one way or another except to refuse appropriations. Congress can control the Army and the Navy by refusing appropriations. I am simply curious to know what the Senator means when he uses the words "no additional power." He presupposes that there is authority now to do that thing. If he presupposes that, he is bound to find the authority in the Constitution, and not in a statute, because we have passed no statute on the subject, so if it is in the Constitution, which the Senator's amendment would seem to presuppose, then how can we change it by an amendment such as that proposed by the Senator?

Frankly I give the Senator from Louisiana credit for entire good faith, but it seems to me his amendment in effect only amounts to a resolution that it is the sense of the Senate, with no legal or binding effect. It is simply an expression of our wishes and hopes, and so on, but legally it would not have any effect. I submit that not in criticism of the Senator.

Mr. ELLENDER. I understand that, but I do not want to take away from the President such powers as he now has and as he has exercised in the past. The addition of the words "no additional power" is an acknowledgment that some powers exist. I am not attempting to say to what extent. It still remains an open question. All that my amendment provides for in effect is that the President shall not, by the bill, have the power to send our boys across the seas.

Mr. O'MAHONEY. Mr. President, will the Senator yield to me? I should like to ask the Senator from Texas a question in connection with the remark he has just made to the Senator from Louisiana.

Mr. ELLENDER. I am glad to yield to the Senator for that purpose, if the Senator from Texas desires to answer the question.

Mr. CONNALLY. The Senator from Texas is not undertaking to make a speech, but if he can help the Senator from Wyoming he will be glad to do so.

Mr. O'MAHONEY. No; I know the Senator is not undertaking to make a speech. Neither am I undertaking to make a speech.

Mr. CONNALLY. I mean I do not wish to take the time of the Senator from Louisiana.

Mr. O'MAHONEY. Therefore I inquired of the Senator from Louisiana if he would yield to me for the purpose of directing an inquiry to the Senator from Texas.

Mr. CONNALLY. I am very willing to attempt to answer the Senator from Wyoming. I do not know whether I can answer the Senator, but will do so if I can.

Mr. O'MAHONEY. The Senator from Texas asked the Senator from Louisiana if he believed that the President, as Commander in Chief of the Army and Navy, has the power to send the Army and Navy abroad. May I ask the Senator from Texas if he does not believe that under the Constitution the President does have that power under certain circumstances?

Mr. CONNALLY. I think he has it under any circumstances.

Mr. O'MAHONEY. For what purpose would the President have the authority, in the opinion of the Senator from Texas, to exercise that power?

Mr. CONNALLY. It depends altogether upon conditions and circumstances. For instance, the President sent Marines to Nicaragua. No one authorized him to send the Marines there. The Congress did not enact legislation authorizing him to do so. But under his handling of international affairs he sent the Marines down there under agreement with Nicaragua, and he occupied that country for several years. He also sent Marines to Santo Domingo, based upon the theory, no doubt, that American property and American lives and American interests were involved.

Mr. O'MAHONEY. Then the Senator believes that the Chief Executive, as Commander in Chief of the Army and Navy, has unlimited authority, regardless of Congress, to dispose of the armed forces wherever he may choose?

Mr. CONNALLY. Does the Senator mean by "disposing," placing them?

Mr. O'MAHONEY. No; sending them out.

Mr. CONNALLY. My view is—and it is not a view to which any great weight should be attached—

Mr. O'MAHONEY. I always attach great weight to anything the Senator from Texas says.

Mr. CONNALLY. I thank the Senator from Wyoming very much. I will put him on my preferred list. [Laughter.]

Let me say to the Senator that the Constitution means exactly the same in time of peace as it does in time of war. There is no differentiation with respect to the powers under the Constitution. In the Boxer Rebellion the President of the United States, without any congressional authorization, sent an army into China. As I remember, nobody "cut up" much about it.

The Senator refers to unlimited power. The President does not have unlimited power, because the Congress, whenever it gets good and ready, may cut off all appropriations for both the Army and the Navy. But other than that, I know of no way in which Congress can control what the President may do, unless the Congress should see fit to declare war; and if it should declare war, it would then become the duty of the President as Commander in Chief, whether he wanted war or not, to prosecute the war which Congress had declared.

Mr. O'MAHONEY. Mr. President, will the Senator further yield for a brief statement?

Mr. ELLENDER. I yield.

Mr. O'MAHONEY. In my opinion the question of the power of the Executive as Commander in Chief can be understood only by considering the circumstances and conditions under which the drafters of the Constitution acted when they passed upon the power of Congress to declare war. If anyone will consult Madison's notes upon the Constitutional Convention he will find that when the Committee on detail made its report to the convention upon the powers of Congress, to which the Senator from Louisiana has

just been referring, the committee report read:

Congress shall have power to make war.

In the Constitutional Convention the word "make" was stricken out, and the word "declare" was inserted in its place. As a reason for that change from the congressional power to make war to a congressional power to declare war, the delegates who discussed the question pointed to the fact that at that time the King of England had the power both to make and declare war. His power was above the power of the legislature. The delegates said that it was unwise and improper that in a republic the executive should have the power both to declare and to make war. So they sought to make a distinction; and the purpose of that distinction was to make it difficult for the country to wage war, but to make it easy for the country to achieve peace.

The purpose of the framers of the Constitution was twofold: First, to place no restrictions whatsoever upon the acts of the Executive in negotiating with foreign governments in the effort to achieve peace; and second, to impose no restrictions upon his power as Commander in Chief of the Army and Navy to defend and protect the right of the new Government and its citizens wherever those rights should be invaded, but to retain for Congress the power to declare war.

With this history before our minds it seems to me there can be no doubt that in view of the statements in the Constitutional Convention and the acts of the Executive all through the history of our Government, the President, as Commander in Chief of the Army and Navy, has the undoubted power to send the Navy or the Army into any area of the world in defense of American interests. However, I take it that is not the question which is involved here. I take it that that is the reason why the Senator allowed the phrase "no additional power" to enter into his amendment, because he recognizes that there are certain powers.

Mr. ELLENDER. That is exactly correct.

Mr. O'MAHONEY. Because I hesitate to seem to vote to detract from the constitutional powers of the President to defend and maintain American interests wherever they may be violated, I have hesitated to support the Senator's amendment. It is for that reason that I have drafted the alternative to which I have called the attention of the Senator, in the belief that by restricting the language which we propose to insert to the exact terms of the bill itself we shall be able to preserve two things which are essential to preserve in this great crisis of civilization, namely, the right of the Chief Executive of this great Republic to protect and defend the interests of that Republic wherever they may be violated; and the right of the Congress of the United States to say when the armed forces of this country shall be used in a warlike manner in any attack.

Mr. ELLENDER. Mr. President, in that connection, in preserving such rights as the Executive now has, I had in mind what the Senator has just said. We must not forget that in the past whenever the President used that power

it was against a nation which was almost helpless I do not mean to cast any reflections. The situation with respect to Mexico and Santo Domingo was such that there was no sign that war would follow intervention. The purpose was simply to settle local affairs. The President must have known in advance that intervention would not lead to war. But as I pointed out a while ago, I do not believe that the President has a right, in the exercise of his power, to send our Navy, for instance, to help England fight a battle in the war which is now in progress.

Mr. MALONEY and Mr. BARKLEY addressed the Chair.

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

Mr. ELLENDER. I yield to the Senator from Connecticut.

Mr. MALONEY. Mr. President, in connection with the statement of the Senator from Wyoming [Mr. O'MAHONEY], I wish to say that I am in accord up to the end of his statement, but I think he left something unsaid. I think, with him, that the President of the United States has the power to send the naval forces wherever he may choose, unless and until the Congress of the United States, in keeping with the authority of the Constitution, shall take advantage of section 8 of article I, which gives the Congress the power to make rules for the government and regulation of the Navy.

I think that at this moment the President of the United States holds the power to send the Navy wherever he may choose in our defense, but only by allowance; by virtue of the fact that the Congress has never taken advantage to the full extent of the power which it has under the Constitution.

It seems inconceivable to me that the authors of the Constitution would give the Congress the sole power to declare war without at the same time giving to Congress the right to take such action as seemed to be necessary to avert war and keep us at peace. Having only the power to declare war, with all the other powers resting in the President, it seems to me that the framers of the Constitution feared that the hands of Congress might be tied. I think that at the point in the Convention to which the Senator from Wyoming has referred, to make it definitely certain that the war-declaring power of the Congress should be complete, there was added the section—about which I must confess little is found in the records of the Convention—to make rules for the government and regulation of the land and naval forces. It seems to me that that language cannot mean anything else; and that in time of peace, at least, we have the power to make such rules and regulations as we feel are necessary for the government and regulation of our Army and Navy.

Let me repeat that I do not think the distinguished Senator from Wyoming, able constitutional lawyer that he is, has gone quite far enough when he rests his case upon the statement that he believes that to serve the defense of our country the President may send the armed

forces—the Army and the Navy, or at least the naval forces—where he may choose.

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

Mr. ELLENDER. I yield.

Mr. O'MAHONEY. I have not rested any case. The Senator from Connecticut misunderstands if he believes that I had made a complete statement with respect to my views of the Executive or congressional powers.

I quite agree that the clause of the Constitution to which he refers, which gives Congress the power to make rules and regulations to govern the land and naval forces, is quite complete. It is just as full as any other power granted in the Constitution. Congress has the power, for example, to regulate commerce among the States. That has been interpreted as a plenary power to which no limitation can be considered.

Likewise, the power to make rules and regulations for governing the land and naval forces is, in my judgment, just as plenary; and I believe that Congress does have the power and, in certain cases, the duty of saying what those rules and regulations shall be.

If the Senator from Louisiana will bear with me for just another moment, I sent to the Library for the text of the debates in the Federal Convention, and it may be of interest to read part of it into the RECORD at this point:

On the clause, "to make war"—

Mr. Pinckney opposed the vesting this power in the legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository—

Observe the compliment that Mr. Pinckney paid to this honorable body—

The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions.

Evidently, the drafters of the Constitution were of the opinion that the Senate, through its power to ratify treaties, would at all times be in close communion with the Executive on foreign affairs.

Mr. Pinckney goes on:

If the States are equally represented in the Senate, so as to give no advantage to the large States, the power will, notwithstanding, be safe, as the small have their all at stake, in such cases, as well as the large States. It would be singular for one authority to make war, and another peace.

Mr. BUTLER. The objections against the legislature lie, in a great degree, against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

I ask the Members of the Senate to observe that the opinion of Mr. Butler was that the President should have the power to make war—the same power which at that time was vested in the British King.

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make" war, leaving to the Executive the power to repel sudden attacks.

Mr. Sherman thought it stood very well. The Executive should be able to repel, and not to commence, war. "Make" is better

than "declare," the latter narrowing the power too much.

Mr. Gerry never expected to hear, in a republic, a motion to empower the Executive alone to declare war.

Mr. ELLSWORTH. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war than into it. War, also, is a simple and overt declaration; peace, attended with intricate and secret negotiations.

Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging, rather than facilitating, war; but for facilitating peace. He preferred "declare" to "make."

On the motion to insert "declare," in place of "make," it was agreed to.

The vote will be interesting:

Connecticut, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, aye, 8; New Hampshire, no, 1; Massachusetts, absent.

Mr. President, it seems to me clear from the reading of that simple extract from the proceedings of the Convention that the power of the Executive to use the armed forces of the United States, in the absence of a contrary declaration by the Congress, to repel attack—that is to say, to protect the rights and interests of the United States—cannot be questioned. Upon the other hand, it is clear that it was the intention of the drafters of the Constitution that the solemn duty of determining when the Army and the Navy of the United States should be sent into an active war is reserved to the Congress of the United States.

Mr. BONE and Mr. AUSTIN addressed the Chair.

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

Mr. ELLENDER. I yield to the Senator from Washington.

Mr. BONE. Mr. President, I have listened with a great deal of interest to this debate, and one is impelled again to look at the Constitution in order to see just what powers are specifically granted to the Congress. One of them is the power "to regulate commerce * * * among the several States"; and, as the Senator from Wyoming has indicated, that power has only very recently been declared to be practically plenary. In the *New River case* the Supreme Court went beyond boundaries that had theretofore been contemplated as possible in that particular type of case and laid at rest any question that the declaration of power, as in section 8 of the Constitution, stands alone.

In the same section there is a grant of power to the Congress "To make rules for the government and regulation of the land and naval forces." That stands isolated, like the other declaration. There is absolutely no limitation in the language. It is as complete a grant of plenary power as it would be possible for a Member of this body to write. I do not know that it has been questioned in court. I have not had time to look up cases; but I suspect that it has not been the subject of judicial determination such as is necessary to get it to the Supreme Court.

However, we have had no question raised about our right to limit the jurisdiction of the courts. There is a specific grant of power for Congress to ordain and set up inferior courts and completely to regulate their jurisdiction that has never been questioned. There is the unquestioned right to limit, if need be, the jurisdiction of the Supreme Court; and I doubt if that right has been seriously questioned.

However, above and beyond that, as I read the amendment of the Senator from Louisiana, he refers to the employment or use of our land and naval forces at any place beyond the limits of the Western Hemisphere, except in our own territory. If our armed forces were to be employed there, I think all of us might well ask ourselves, How would they be employed, and for what purpose? Obviously, if we send our armed naval and military forces to foreign soil, they are not there, presumptively, on a peaceful mission. I can only assume that they would be there for one purpose. I doubt if this country has ever sent its armed forces to the shores of a foreign country unless they were there for purely belligerent purposes. I know of no instance of that having occurred, of our landing marines or soldiers or sailors on foreign soil, except on the occasion of purely official ceremonies or in recognition of some historic event in another country, and by invitation, unless we went there with a purely belligerent purpose.

Our own party declaration is too plain for cavil or dispute. It seems that we wrote our declaration of foreign policy in the platform adopted at Chicago, and I, for one, know that in good faith I talked with people of my State about that declaration. I left no misunderstanding in their minds, nor was there any misunderstanding in my mind as to what it meant. I either had to be hypocritical or define it in the way I thought the Democratic Convention in Chicago meant by what it said. If that declaration is not a declaration of foreign policy, I do not know why a great party like ours would write it. We would not participate in foreign wars; we would not send our Army, naval, and air forces to fight on foreign lands except in case of attack. If we are not going to fight in European waters and in belligerent sections of the globe, why send them there? The implication, it seems to me, is inescapable.

I desire to call attention—

Mr. AUSTIN. Mr. President—

Mr. BONE. Just a moment, if the Senator from Vermont please. I desire to call attention to one other statement which, it seems to me, is worth considering. I wish to call the attention of the Senator from Louisiana to what the President of the United States himself said not long ago, because the Senator has repeated the declaration. Its purport is inescapable. On July 4, 1939, when the President sent a message to Congress urging the repeal of the arms embargo, there was transmitted a statement by the Secretary of State, Mr. Hull, to which the President himself appended this statement:

I am appending hereto a statement from the Secretary of State which has my full approval.

There is no backing away from the words "full approval." The President meant that statement. Mr. Hull's statement appended to the message is certainly a declaration of policy; it is certainly the thing upon which I, in good faith, rested my statements to the people of my State. I do not want to be put in the position of having said one thing to the people of my State and having my party here repudiate it, not that I am too good to be treated in that fashion, but I think that certainly the elements of good faith in dealing with the people of the United States call upon us to be perfectly candid and frank in dealing with them. This is what Secretary Hull said, which the President said he fully approved:

Controversies which would involve the United States are far more likely to arise from the entrance of American ships or American citizens in the danger zones, or through the sinking on the high seas of American vessels carrying commodities other than those covered by the arms embargo.

Let me say, parenthetically, that I fully agree with that; everything is contraband of war now; and a vessel carrying wheat would be sunk quite as promptly as a vessel carrying firearms and munitions. But to continue:

In the recommendations formulated by the Executive as a substitute for the present legislation it was especially urged that provisions be adopted which would exclude American nationals and American ships from zones where real danger to their safety might exist and which would divest goods of their American ownership—

Listen to this statement—

thereby minimizing to the fullest extent the danger of American involvement.

I submit to my brethren that when the President of the United States says that keeping our ships and our nationalists out of belligerent zones, war zones, minimizes to the fullest extent the danger of American involvement, there can be formulated to that statement no answer which is adequate or satisfying. The late Senator Pittman made a similar statement on this floor, as did Mr. SOL BLOOM, chairman of the Committee on Foreign Affairs of the other House, on the floor of that body. Repeatedly it has been said to us by men who speak for our party. We said in our platform that we would not permit Americans to go into war zones and thereby involve us. All of us went out in the campaign and told the American people we were supporting that platform declaration. Now we face the question whether or not we shall write some such declaration into the pending bill. If it is our purpose, upon a moment's notice, without giving the Congress any further chance to register its will, disregarding completely its constitutional power to regulate the use of our naval and military forces, to say that American troops, American marines, American naval units may go into foreign waters—and they might go at a moment's notice—then we have abandoned the stand we took last fall in the campaign.

Certainly, if we intend to adhere to our constitutional prerogatives here, we have a right to regulate the use of the Navy and Army in time of peace, or else the Senate now deliberately writes out of

the Constitution that provision; that is to say, it is utterly meaningless.

When we confirmed the nomination of Mr. Frank Knox, Mr. Knox said that if we did certain things they would be deliberate acts of war; and yet this bill is authorizing one or two of them. Mr. Knox said if a British war vessel should come into an American harbor he would intern it; he would be opposed to such a thing. I do not know what he will do now. He will probably have to execute some peculiar intellectual gyrations as a member of the President's Cabinet if he does not object, because Senators voted for his confirmation with that declaration on his lips and ringing in their ears.

So day by day we executed these right-about flank movements; we declare something one day and walk away from it the next. Right now we face a constitutional provision which gives the Congress the right to regulate the Army and Navy. Are we going to disregard that and say we have not any power to regulate the armed forces? Suppose the President tomorrow ordered the Navy to assail some foreign port, what would we do about it? Try to stop him; impeach him?

Mr. CONNALLY. We could say he could not do it; that is all.

Mr. BONE. Oh, yes, but under what power would we do that? Constitutional experts would go back to the Constitution and say, following the suggestion of the Senator from Texas, Congress has the right to make regulations about the Army and Navy, and, therefore, we would stop him; but suppose the men who commanded the naval units of the American fleet should say, "We are not going to be stopped by Congress; the President is our Commander in Chief; has it not been declared repeatedly on the floor of both Houses of Congress that he is our Commander in Chief we are going to obey our constitutional Commander in Chief"; what would we do about it? Would we impeach the President of the United States?

If it is improper to write this declaration of policy into this bill, then, it seems to me, it is an act of impropriety by the same negative sort of language to say that this bill shall not be construed to permit the doing of certain other things. Why do we put such declarations into the bill? To relieve the minds of American mothers and fathers of the fear they have that perhaps somehow their boys might be sent abroad. Why leave those declarations in the bill, and repel the suggestion of the Senator from Louisiana who is merely writing one of similar purport?

Mr. AUSTIN and Mr. CONNALLY addressed the Chair.

Mr. ELLENDER. I yield first to the Senator from Vermont.

Mr. AUSTIN. Mr. President, I have been interested in the constitutional question raised by the Senator from Louisiana and other Senators. I happen to have here a very clear discussion of that point by Mr. Justice Sutherland whom I regard as a great authority. I wish to read a brief extract from his work, *Constitutional Power and World Affairs*, at page 77:

The President is, of course, Commander in Chief of the Army and Navy at all times;

but in time of peace his activities are limited to matters of routine, such as the acquisition and distribution of munitions and military supplies, the location and movement of officers and men, and the building, equipment, and movement of vessels. Only in time of war is it possible to bring into activity the real war powers which attach to his military office. The war powers of Congress, on the other hand, may be as completely utilized in time of peace as in time of war, though, of course, they never are. The fact remains, however, that the actual existence of war is not a necessary prerequisite for congressional action of any kind, since the function of Congress is to provide rules of action to be put into execution by others. Statutes may be formulated and enacted, in time of peace, covering every conceivable contingency likely to arise in time of war, to be enforced, whenever conditions render them applicable, precisely as in the case of laws generally. It is, therefore, quite inaccurate to say that the powers of Congress are enlarged by the advent of war; that Congress may enact legislation at such a time which it would be without power to enact at another time. A state of war simply furnishes an occasion for the application of laws which are entirely valid in normal times but lack appropriate conditions for making them operative.

And at another place, referring to the implied powers which have been sustained by the Supreme Court in the Prize cases, and in *Freeborn against The Protector*, and in *Matthews against McStea*, Mr. Justice Sutherland states his views in this way:

The power to send citizens composing our military forces into foreign countries is established by the precedents of our history and the decisions of our courts. Our troops, even in time of peace, have carried the flag across the Pacific to China; and our victorious armies have gone into Tripoli, Mexico, Cuba, Puerto Rico, and the Philippines. The present draft law has been sustained against all these and other attacks, by every court in which the matter has arisen, including the Supreme Court of the United States, and the question of its validity may be regarded as having been conclusively and permanently set at rest.

While Congress has no power to directly interfere with or curtail the war powers of the Commander in Chief, that body may supplement and enlarge such powers or may create occasions for their exercise, as well as for the exercise of the executive powers of the President.

Mr. President, I view the amendment pending here principally upon the question of policy. It undertakes to declare a policy. It does not add to or detract from the existing powers of the President or of the Commander in Chief, as I understand and interpret it; but as a matter of policy, at this particular juncture, especially on account of conditions in the Orient, I regard it as bad policy. I think the Congress would make a grave mistake to lend to Japan and the other Axis Powers the strength and the morale that would be conveyed by such a declaration of policy as this is.

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

Mr. AUSTIN. The Senator from Louisiana [Mr. ELLENDER] has the floor.

Mr. ELLENDER. The Senator listened, I am sure, to the remarks of the distinguished Senator from Washington [Mr. BONE] with reference to our policy having already been defined, both by the

President and by the Congress, in two other acts.

Mr. AUSTIN. Yes.

Mr. ELLENDER. What is the Senator's answer to what the Senator from Washington said? How would this amendment change the policy thus defined?

Mr. AUSTIN. Simply because we are dealing with things, nothing but materials, articles; and if we go out of the bill and drag into it the matter of strategy, of policy with respect to our armed forces, we are doing a gratuitous thing that has a force, a psychological effect far beyond the mere language of the proposal, which I think does not change existing law.

Mr. TAFT and Mr. BONE addressed the Chair.

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

Mr. ELLENDER. I yield first to the Senator from Ohio.

Mr. TAFT. Mr. President, as I understand the argument of the learned Senator from Vermont, it is that we should not make this declaration because we will then tell the Japanese that we are not going to send troops to Japan. We will thereby convey to them the impression that perhaps we are going to send troops to Japan, and we will, therefore, deter them from other action. In other words, we are going to deceive the Japanese by adopting this amendment.

I say that if we fail to adopt this amendment we shall impose a similar deception on the English, if you please. In effect we shall say to the English, "After all, perhaps we are going to send men to Europe to help you." I say it is far more dangerous to give the English an erroneous impression, to lead them on to think we are going to do something we do not intend to do, than it is to deter the Japanese by implied threats that we may possibly send men to Japan.

Mr. ELLENDER. I thank the distinguished Senator from Ohio for his statement, because that is the next point that I desire to urge upon the Senate.

Mr. AUSTIN. Mr. President, I want to answer the charge of deception. Will the Senator from Louisiana yield for that purpose?

Mr. PEPPER and Mr. BONE addressed the Chair.

Mr. AUSTIN. I think the Senator from Louisiana ought to permit me to respond briefly to the charge of deception. It seems to me that is a matter of personal privilege.

Mr. ELLENDER. I yield to the Senator.

Mr. TAFT. I was not urging that the Senator from Vermont was deceiving anybody; only that the Senate of the United States would deceive someone.

Mr. AUSTIN. Oh, well, that is a sophistry, I am sure. I see no deception in our adhering to the truth with respect to the proposed legislation, and not going out and begging a question which is not raised by the bill.

Mr. BONE and Mr. PEPPER addressed the Chair.

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

Mr. ELLENDER. I yield first to the Senator from Washington.

Mr. BONE. Mr. President, my friend the Senator from Vermont [Mr. AUSTIN] suggests that to write this amendment into the bill would be to state some sort of policy. Now, "policy" is a very broad term. It may imply a great deal. It may be a statement of principle, a statement of what we intend to do or do not intend to do. But let us look at the matter.

The President is authorized by the bill to do certain things. He is given wide powers. When he does those things he establishes a policy, he lays down a principle, a rule of conduct for himself and the country, for obviously we are giving him power to do it. He may sell and otherwise dispose of defense articles upon such terms and conditions as he personally deems profitable to the United States.

I cannot conceive of a greater grant of power to any human being to exercise his discretion in doing a thing which he is directed, or at least authorized, to do than is found in those words. They not only imply the delivery of articles such as munitions of war, but they also convey to the President express power to execute the delivery in any way he sees fit. Otherwise, the words are meaningless.

Suppose that on terms and conditions which the President finds satisfactory to himself he honestly, sincerely believes it is for the benefit of this country, and in aid of national defense, to deliver 50 destroyers to Singapore, "Dang Dong," or any port in the British Isles under terms and conditions which he believes are proper. The unlimited power is there to do it. Therefore, the bill must of necessity deal with men, with human beings, as well as with property. That is why the power granted to the President is a policy-making power, because we give him unlimited power to make policy.

I listened with interest to what the Senator from Vermont had to say about the war powers and the peacetime powers with respect to warlike activities of the President of the United States; but, even so, those declarations of the Supreme Court do not write out of the Constitution the solemn, blunt declaration that Congress has the right to make rules and regulations affecting the Army and Navy—and this is in time of peace. Will anybody be heard to say that those words are utterly null and void, that they are just so much resounding noise, that they have no meaning? Has the Supreme Court ever at any time held that Congress may not make rules and regulations for the Army and Navy? If we made them, and the President said, "I will not let the Army and Navy obey them," what would we do? We would have a breach between the executive and legislative branches that would precipitate a crisis in America.

We either have the right to make rules and regulations—and, having that constitutional right, we have the further right to write that into a piece of legislation affecting the Army and the Navy

in time of peace—or we do not have it. For one, I am not willing to merely abdicate completely the right given to the Congress of the United States by the Constitution, and say that those words are meaningless, whereas the interstate commerce clause is meaningful, the clause allowing us to regulate the jurisdiction of courts is meaningful. All those things are meaningful. They are full of meaning. They have been executed, and Congress has had the enumerated powers since the birth of the Republic. But apparently we are going to say now, if we reject this amendment, that we have not any right to do this constitutionally, we are going to take out of the Constitution by that act—because we have discussed it—the declaration that we have a right to make rules and regulations for the Navy in time of peace at least.

Mr. CONNALLY and Mr. PEPPER addressed the Chair.

Mr. ELLENDER. I desire to say to my colleagues that when I started this debate with respect to my amendment I thought I would conclude in about 30 minutes. I desire to say further that I have not had anything to eat since last night, so I shall ask that they have a little pity on me. I will cheerfully yield for questions, but no more speeches.

I yield to the Senator from Florida.

Mr. PEPPER. Apropos of the inquiry made by the Senator from Ohio, I wish to ask the Senator whether he thinks it is too much to expect the English to understand the English language.

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

Mr. ELLENDER. I was about to yield to the Senator from Texas.

Mr. CONNALLY. I do not wish to insist on the Senator yielding.

Mr. ELLENDER. The Senator may proceed if he desires.

Mr. CONNALLY. In answer to the Senator from Washington, I wish to suggest that the language in clause 14, that the Congress shall have power "to make rules for the government and regulation of the land and naval forces," does not in anywise relate to the command of the Army, or as to where it shall go. That language relates to the organization and internal control of the Army.

Mr. BONE. How do we know it does?

Mr. CONNALLY. The courts say so. Control of the Army and the Navy refers to the organization, promotion, courts martial, and the internal government and control of the Army and Navy, and has nothing on earth to do with the Commander in Chief and his power.

Mr. BONE. If that is true, then the President could immediately take this country into war by merely lifting his hand.

Mr. CONNALLY. Any President who wanted to get the country into war could do it at any time he desired.

Mr. BONE. Unhappily, that is true.

Mr. CONNALLY. Any President who wanted to disregard the interests of his country could do that; and many Senators seem to think that the pending bill and all these amendments are merely intended to protect the country from the President, and assume that he is going to

do wrong, assume he is going to violate his oath, assume he is going to do something contrary to the interests of the United States. I prefer to assume, on the other hand, that any sworn officer is going to do his duty. What I said was predicated upon the theory that some willful President would just plunge the country into war. Of course, any President could get the country into war at any time he desired by bringing about a situation from which we could not well retreat.

Mr. CLARK of Missouri. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I promised to yield for a question to the Senator from Montana.

Mr. WHEELER. In view of the fact that the Senator from Vermont read from Sutherland, I wish to say that I quoted from Sutherland quite generally in my speech a few days ago; and I should like to have the attention of the Senator from Texas, if he will listen.

Mr. CONNALLY. I am delighted to listen.

Mr. WHEELER. I agree with the Senator from Vermont that Sutherland is undoubtedly one of the greatest constitutional lawyers and interpreters of our Constitution there is.

Mr. CONNALLY. Is the Senator talking about the same Sutherland to whom the Senator from Vermont referred?

Mr. WHEELER. Yes.

Mr. CONNALLY. This is Justice Sutherland, of the Supreme Court?

Mr. WHEELER. That is the one about whom I am talking.

Mr. CONNALLY. There is another Sutherland, who wrote a textbook on law.

Mr. WHEELER. I understand that. I am talking about Justice Sutherland, and the decision which the Senator cited a few days ago. What I wish to call attention to particularly at this time is what Mr. Justice Sutherland said, as follows:

The war powers vested in Congress and the war powers vested in the President, by virtue of his office as Commander in Chief, are distinct. Generally speaking, the war powers of the President under the Constitution are simply those which belong to any commander in chief of the military forces of a nation at war. The Constitution confers no war powers upon the President as such. * * * It will tend to a more distinct understanding of the President's powers and limitations as Commander in Chief, if we will leave out of consideration altogether the fact that he is President, and think of him as a person who holds the military office only.

The minute war is declared, he is in an entirely different position, and it is so recognized by Sutherland all through his opinions, and it has been recognized also by the Supreme Court of the United States.

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

Mr. WHEELER. Yes.

Mr. CONNALLY. Let me recall—

Mr. ELLENDER. Mr. President, I think I have the floor, and I made the statement awhile ago that I did not mind yielding for questions, but I do not care to yield for speeches.

Mr. WHEELER. I do not care to make a speech; I do desire to call attention to certain paragraphs from Justice Sutherland, if the Senator does not object. I am merely quoting from Justice Sutherland.

Mr. ELLENDER. I yield to the Senator from Montana.

Mr. WHEELER. Certainly no one will contend that a military officer has power in peacetime to commit acts of war or acts provocative of war without being ordered to do so by the agency of the Government entrusted with the power to effect the transition from peace to war, namely, Congress. After reviewing the President's powers as set forth in the Constitution—and I want to say that Justice Sutherland did review the very power referred to here, in other words, the power to regulate the Army, and to make rules for it—

Mr. AUSTIN. Is that in the decision?

Mr. WHEELER. No. He said:

All these duties relate, primarily, to a condition of peace; that is, they do not contemplate war as a basis for their exercise.

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

Mr. WHEELER. I yield.

Mr. CONNALLY. The Senator from Louisiana has given me consent to interrupt.

The Senator is quoting Sutherland, and he makes a distinction between the President as President and as Commander in Chief, and I think that is clear to everyone. In fact, he is occupying two offices at once.

Mr. WHEELER. That is correct.

Mr. CONNALLY. He refers to a military commander as not being able to get us into war. Let me remind the Senator that it is frequently charged—while I do not subscribe to it—that old Zachary Taylor got this country into war with Mexico because he was ordered to go down between the Nueces River and the Rio Grande with an army, and he made some show, the band played and the flags waved, and the Mexican Army came over from Mexico and attacked him. Of course, he repelled the attack immediately, without any declaration of war by Congress at that time. That is the idea I tried to convey a while ago when I said that any President who wilfully and maliciously wanted to plunge the country into war could bring about a situation from which the country could not honorably retreat.

Mr. WHEELER. I am not in disagreement with the Senator's statement, and I say that any President, if he wants to violate the Constitution of the United States, can get us into war, providing he can get the Army and the Navy to do it, but, as I stated the other day, it is one thing to have the power to do it and another thing to have the right to do it. The President has the power to do it, but he has not any right under the Constitution to do it.

Mr. CONNALLY. The Senator says the President has the power, but that he has not the right.

Mr. WHEELER. Yes.

Mr. CONNALLY. I take issue with the Senator on the question of his blanket

statement as to right. Whether certain action taken is right or wrong will depend, of course, upon the circumstances. The President had the power to send the Army into Vera Cruz. I am not prepared to say it was not right to send it there. He sent the Army into Vera Cruz, an incident with which, of course, the Senator is familiar. Another President sent the Army into Mexico in pursuit of Villa. During the Civil War the Union Navy intercepted British ships. That happened in the famous Trent case, I believe. We were not at war with Great Britain, but the Union felt it was necessary to intercept that vessel. The Slidell and Mason incident, I believe, arose out of the seizure of that ship. The books are full of such cases. I believe there are nearly 100 instances in the history of the United States of either land or naval forces having been used against foreign countries, either by sending them to a foreign land or by intercepting a ship. I am not prepared to say that in those cases the President had the power to do what he did, or that it was all wrong. If it was wrong it was wrong, but if it was right it was right. History and the people of the United States will judge of that. Only history and the people of the United States in the long years hereafter will determine whether that exercise was right or wrong, unless it is palpably in violation of the Constitution.

Let me ask the Senator a question. Suppose we adopt the Ellender amendment or any similar amendment, does the Senator from Montana contend that the President could not send any men abroad?

Mr. WHEELER. Oh, no.

Mr. CONNALLY. Well, what is the use of adopting the amendment then?

Mr. WHEELER. I will tell the Senator what the use of adopting it is, if the Senator will permit me. First, I wish to complete the quotation from Mr. Justice Sutherland, as follows:

All these duties relate, primarily, to a condition of peace; that is, they do not contemplate war as a basis for their exercise, though, of course, they may be exercised in time of war as well as in time of peace. He does not, however, command the military forces of the United States as President, but as Commander in Chief.

The war powers, with the exception of these pertaining to the office of Commander in Chief, are vested in Congress, and that body must exercise its own judgment with respect to the extent and character of their use. The advice and counsel of the President should be given great weight, but the acceptance of the President's recommendations must be the result of intelligent approval and not of blind obedience. Any other course involves a double betrayal of official trust—usurpation of power by the President and abdication of duty on the part of Congress.

It seems to me that if those two things are kept in mind, as Mr. Justice Sutherland pointed out, the situation will be clear.

Mr. President, the reason I called attention to this quotation from Mr. Justice Sutherland was because other portions of that statement had previously been referred to.

I now wish to answer the question of the Senator from Texas. Regardless of

any provision we might adopt saying that the President could not send troops abroad, still of course he could order the Army or the Navy sent aboard, and if they obeyed, they would go abroad.

It has been stated that if we do not adopt the amendment it would not do any harm. I say that if we do not adopt the amendment, our action in failing to do so will in my judgment be taken by the people as an invitation to the President to do these things. The language is not as strong as I should like to see it.

In the last Democratic convention we adopted language which was stronger than that contained in the pending amendment. The Republicans also adopted similar language.

Mr. President, it has been stated on the floor of the Senate that the President of the United States was in entire agreement with the language of the Democratic convention platform, and in his Philadelphia speech he took word for word the language that was adopted in the convention. Senator after Senator, both from the North and from the South, definitely stated upon the floor of the Senate that he did not want our boys sent abroad. If we do not want them sent abroad and if we do not intend to have them sent abroad, tell me what excuse there can be for not writing into the law a provision which everyone says he favors?

Mr. CONNALLY. Does the Senator want me to tell him?

Mr. WHEELER. Yes.

Mr. CONNALLY. The Senator admitted in answer to my question that if the amendment were adopted it would have no legal effect.

Mr. WHEELER. That is correct.

Mr. CONNALLY. Then why adopt it, except to try to make the people think that the President cannot send troops abroad when the Senator knows and everyone else knows that under the Constitution he can do so? Pray God that they will not have to be sent, but I am not going to delude and deceive the American people by making them think that we can prevent the troops from going abroad, and I shall not vote to adopt an amendment to that effect when I know in my heart that it will not amount to a snap of my finger.

Mr. WHEELER. Let me say to the Senator that I do not agree that the President as a matter of right can send our troops any place he wants to, or that he can order ships to be convoyed any place he wants to. If he can do that, then under the Senator's theory he may tomorrow establish a base in England for the purpose of convoying ships. He can send ships in convoy, and, as a matter of fact, if we follow the logic of the Senator's argument, as I understand it—and perhaps I am wrong—

Mr. CONNALLY. The Senator himself said awhile ago, in answer to my question, that the adoption of the amendment would not amount to a thing in preventing the sending of men abroad.

Mr. WHEELER. If the theory which is held by some persons is true, that the President of the United States can send our ships and troops any place at any time he wants to do so, then he can send our battleships abroad tomorrow to blow

up Hamburg or any other place in the world.

I say that under the Constitution he has no right to do that, and he does not have any right to send our troops any place he wants to. I say that if he did so he would violate the Constitution and would be subject to impeachment under the Constitution.

Mr. CONNALLY. Did he have the right to send troops to China during the Boxer uprising?

Mr. WHEELER. I do not think he did.

Mr. CONNALLY. Did he have the right to send troops to Santo Domingo and to Nicaragua?

Mr. WHEELER. I think that is questionable. But they were sent to Nicaragua, and I stood on the floor of the Senate and urged that the troops be taken out of Nicaragua because I did not think they had any business down there. Other Senators also stood on the floor and said that the President did not have any right to send troops to Haiti. We have sent our marines into the South American countries on the pretext that we were protecting American lives and property when, in my judgment, the President had no right to send them. As the result of doing so a great deal of ill will has been stirred up in Central and South America.

The fact that those things have been done does not make them right under the Constitution, and Mr. Justice Sutherland points that out.

I apologize to the Senator for taking up so much of his time.

Mr. NORRIS. Mr. President—

Mr. BONE. I was interested in what the Senator said—

Mr. NORRIS. Mr. President, I am claiming the right to the floor on the theory that the Senator from Louisiana lost the floor long hours ago, and no one is seeking recognition. Therefore, I wish to be recognized in my own right.

The PRESIDING OFFICER (Mr. Brown in the chair). The Chair feels that the Senator from Louisiana still has the floor.

Mr. ELLENDER. If the Chair had notified me that I was in danger of losing the floor I would not, of course, have yielded. If the Senator from Nebraska insists on asking for recognition I shall, of course, refuse to yield hereafter.

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

Mr. ELLENDER. I shall yield for a question.

Mr. BONE. Very well; I shall endeavor to put what I intended to say in the form of a question. I think I can phrase it properly if some Senator does not take too much advantage of me.

If, as has been suggested by the able Senator from Texas, it would be a deceptive gesture to write this suggested seeming prohibition into the bill if in so doing we would deceive the public, I wonder what the Democratic Party did in its solemn platform declarations upon which I relied? If this would be a deceptive declaration now in a crisis, what did we do to the country, sir, last year, when we wrote the same thing into the most solemn declaration that a political party could write, and also put it forth in our

speeches? If that is a question, I should like to have the Senator answer it.

Mr. ELLENDER. Mr. President, now that the constitutional questions have been settled, I shall proceed with my remarks. [Laughter.] I hardly know where to pick up again, but I think I had completed my remarks with respect to certain declarations which were made by Senators.

The distinguished Senator from Ohio [Mr. TAFT] suggested that should this amendment not be agreed to the British would be misled. Mr. Churchill, in his statement reported in the New York Times under date of February 10, 1941, said:

It seems now to be certain that the Government and people of the United States intend to supply us with all that is necessary for victory. In the last war the United States sent 2,000,000 men across the Atlantic, but this is not a war of vast armies hurling immense masses of shells at one another. We do not need the gallant armies which are forming throughout the American Union. We do not need them this year, nor next year, nor any year that I can foresee.

That statement was made by Mr. Churchill shortly after the visit of Mr. Hopkins. Prior to that time Mr. Churchill had made this statement, as reported in the New York Times of January 18, 1941:

We don't require in 1941 large armies from overseas. What we do require is weapons, ships, and airplanes.

That statement was interpreted by the American people to mean that in the future Mr. Churchill would probably request armies from the United States, but later, as I pointed out, he changed his views to a certain extent and said that he did not think the British would need armies from overseas at any time in the future that he could foresee.

Let us not mislead the British people into believing that we intend to send them an army. To my knowledge no Senator has said that he would vote to send any American boys across the seas. On the contrary, so far as I know the feeling is unanimous that we shall not send any armies across the seas to help fight the battles of any foreign nation.

As was pointed out by the Senator from Ohio [Mr. TAFT], our action in voting down this amendment may be misinterpreted by the British people. I venture to say, Mr. President, that after we pass the pending bill and begin sending planes, ammunitions, and other war materials to England, should the war become more fierce than it is now, we probably shall be asked to send troops. But if we let it be known now that we do not intend to do so, then the British cannot expect us to send an army to its rescue. Mr. President, now is the time to reaffirm our position on this vital question.

Mr. TOBEY and Mr. HATCH addressed the Chair.

The PRESIDING OFFICER [Mr. Brown in the chair]. Does the Senator from Louisiana yield, and if so to whom?

Mr. ELLENDER. I yield to the Senator from New Hampshire for a question.

Mr. TOBEY. Mr. President, the question is brief, and I think it is to the point.

As I understand, the net result of the Senator's amendment would be to say in definite, clean-cut language, "The Yanks are not coming."

Mr. ELLENDER. That is what I desire to express.

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

Mr. ELLENDER. I yield for a question.

Mr. HATCH. If the Senator means that, why does he not say so? Why does he not change his amendment to read something like this—

Mr. ELLENDER. I will say to the distinguished Senator from New Mexico that I have no pride of authorship in the amendment. If any other language can be submitted which will carry out the purposes of my amendment, I shall be glad to accept it.

Mr. HATCH. If the Senator will yield, I will say to him that I have very definite objection to the language of his amendment. I object to it because I think it is deceptive—not that the Senator means to be deceptive, but that it would mislead the people of the United States into the belief that the amendment would provide a prohibition against the President of the United States sending soldiers abroad. The amendment would not accomplish that purpose at all.

Moreover, I think it is deceptive and misleading so far as foreign countries are concerned. If the Senator really wants to be effective, why does he not write something in firm and positive language, and say that the President of the United States "is hereby prohibited" from doing thus and so? Let us not give the people of this country a false hope and a false sense of security. Because I think the Senator's amendment does that very thing, I shall vote against it.

Mr. ELLENDER. I do not know whether or not the Senator from New Mexico was in the Chamber when I started to discuss this matter; but, as I stated, I do not desire to take away from the President any powers that he is now exercising to protect American interests.

Mr. HATCH. Then why does the Senator say something which does not mean anything?

Mr. ELLENDER. I am sorry that I cannot convince the Senator from New Mexico. He has a right to his own opinion.

Mr. HATCH. I do not mean to be offensive to the Senator from Louisiana, and I do not challenge his purpose. I want him to understand that; but I am definitely opposed to his amendment, because I think it would mislead not only the people of this country but the people of other nations as well.

Mr. ELLENDER. I do not think it would be misleading. I do not understand how they could be misled when the President, on many occasions, declared that he would not send our boys across the seas to fight the battles of a foreign nation.

Mr. HATCH. I think it would be. I think it is the essence of deception.

Mr. ELLENDER. The people of the United States have seen to what extent

the President has exercised his powers in the past in sending troops to Mexico and to some of the islands not far away. I do not want to take that power away from the President.

Mr. HATCH. Mr. President, will the Senator yield to me for one further question?

Mr. ELLENDER. I yield for a question.

Mr. HATCH. I think the times in which we live are such that we ought to face issues. We ought to face them frankly and squarely. If we are wrong, let us be wrong. If we are right, let us be right. Let us not dodge any issues.

Mr. ELLENDER. I will say to the Senator that I am not trying to dodge any issues. I agree that we should face the issue squarely. This is no time for bluffing.

Mr. HATCH. I do not intend my remarks to apply to the Senator personally.

Mr. ELLENDER. I understand.

Mr. HATCH. But I think the language of his amendment does exactly what I have said it does.

Mr. ELLENDER. Mr. President, I come now to the discussion of the question as to what language in the bill would give the President the right to send armed troops across the ocean. As I said in the beginning of my remarks, personally I trust the President. So far as I am concerned, I really and truly believe that he will carry out his promises. When I offered my amendment I made the statement that my purpose in so doing was to allay the fears of millions of American mothers who fear for the lives of their sons. The debate before the Senate and hundreds of speeches heard over the radio have confused the American people to a large degree. I will point out, as best I can, certain language—

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

Mr. ELLENDER. I yield.

Mr. TYDINGS. Suppose the amendment offered by the Senator from Louisiana is adopted, and then suppose the war in Europe or in the Orient becomes much more intense, and there is some agitation in the press or on the radio that perhaps American warships ought to convoy cargo vessels to Great Britain, or that we ought to send troops to British Honduras or to some other place: Does not the Senator think that if his amendment is adopted, hundreds of people who will read it in the press will assume that the Army cannot be sent? On the other hand, I think it is universally admitted on the floor of the Senate that even if the amendment should be adopted, the Army could be sent by the President if he willed to send it.

Therefore, if the Senator really does not want the Army to go to Europe, the net result would be to leave the people in such a position that they always would realize the truth, and, through public sentiment and public effort, would continue to agitate against sending the Army, if they did not want it to be sent, rather than to hide behind a false premise that the Army could not be sent, and then find that they had waited too long, and that the die had been cast?

Mr. ELLENDER. Mr. President, as I have tried to point out, I want it unequivocally understood that nothing in the bill shall give the President that right. If such a condition should arise as that which has been suggested by the distinguished Senator from Maryland, let the Congress have something to say about it; and we, as representatives of the people, can then act accordingly.

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

Mr. ELLENDER. I yield.

Mr. TYDINGS. I appreciate the objective to which the Senator addresses himself; but is it not true that the President would have the same powers with the adoption of the amendment that he would have under the bill without the adoption of the Senator's amendment, so that nothing would be accomplished except to lull the American people into the belief that under the terms of the bill the Army could not be sent abroad, when in truth that is not the case?

Mr. ELLENDER. The Senator will admit that there is a question as to the extent of the power of the President to send the Army across the seas or anywhere else in time of peace. As has been brought out by several Senators, the President's power to send armies across the seas, or to dispatch troops here or there, is not given him for the purpose of engaging in any war now raging, in order to help out one of the belligerents. I think it is given him with the intention of protecting our own rights.

Mr. TYDINGS. I think the Senator will find, if he will look through the history of the United States—I have not looked it up, but I can remember half a dozen or more cases—that there are 40 or 50 instances in American history in which, without any declaration of war, our armed forces have been used outside continental United States, either on the sea or by the use of our soldiers, in disorders of one kind or another, when Congress did not say either "Yes" or "No" while the incident was happening. Of course, I may say that I have no such list.

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

Mr. ELLENDER. Let me say to the Senator from Maryland that those cases, as I pointed out awhile ago, are cases in which the President knew there was no chance of leading us into war by such intervention. In most cases in which that was done it was against helpless nations, nations that did not have the power to fight back.

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

Mr. ELLENDER. I yield.

Mr. TYDINGS. Whether it was done because there would be no war or whether it was done because there would be a war, the truth is that the Senator's amendment cannot change the Constitution. The bill will be just the same if the Senator's amendment is adopted as it will be if the Senator's amendment is rejected. Therefore, what good is the amendment, unless it will stop what the Senator wants to stop?

Mr. ELLENDER. I have stated the reasons many times.

I now yield to the Senator from Kentucky.

Mr. TAFT. Mr. President—

Mr. BARKLEY. Mr. President, to whom does the Senator yield?

Mr. ELLENDER. I yield to the Senator from Kentucky.

Mr. BARKLEY. In reply to the question of the Senator from Maryland, I desire to state that I have here a list which I wish to submit to the Senate when I have an opportunity to do so. It is a list of 85 instances, running from 1812 to 1932, in which, without any declaration by Congress, without any declaration of war, without any previous authority of Congress, Presidents of the United States have sent the land and naval forces of the United States into all parts of the world to protect the lives, property, and interests of the people of the United States.

Mr. ELLENDER. That was not done during any wars; was it?

Mr. BARKLEY. Sometimes it was. I do not agree with the Senator from Louisiana that it is the duty of the President of the United States to protect American interests only when they are attacked by feeble, little nations, and when our actions may not lead to war. It is as much the duty of the President of the United States to protect American life and interests in one part of the world as it is to protect them in any other part of the world.

Fortunately, the instances I mention did not lead to war, but they might have done so; and I dare say the President who exercised that authority was not governed by the question of whether his action would or would not lead to conflict.

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

Mr. ELLENDER. I yield.

Mr. TAFT. I desire to state that the bill does extend the power of the President of the United States to send troops abroad. I do not think the President of the United States would today have the right to land an American regiment in Gibraltar. There is no reason for him to land it there. I do not think he would have any constitutional right to land it there.

However, the bill would establish a new policy for the United States. It says that the defense of Britain is the defense of the United States. I say that if we should pass the bill we would extend the President's power to send troops, because after the passage of the bill he could land a regiment of American soldiers in Gibraltar under his constitutional power, for we would have said that the defense of Gibraltar is the defense of the United States.

So I say this amendment does accomplish something. The amendment says that in establishing this new and untried policy—and, to my mind, this extremely dangerous policy—we at least are not saying to the President that he may use that power as an excuse for landing American troops on British soil in order to defend British interests instead of American interests, as in the cases referred to by the Senator from Kentucky.

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

Mr. ELLENDER. Mr. President, I should like to complete my statement as soon as possible.

Mr. PEPPER. I simply desire to ask a question.

Mr. ELLENDER. I will yield to the Senator if he desires to ask a question, but not for a speech.

Mr. PEPPER. Where in the bill does the Senator find the language or the authority referred to by the Senator from Ohio?

Mr. ELLENDER. Mr. President, I have been trying to come to that subject since a quarter after 2, and I have been unable to get to it because of interruptions. If my colleagues will bear with me, I shall attempt to point out the language in the bill which I think might give the President the right to send troops.

Mr. PEPPER. Will the Senator also apply himself to the statement made by the Senator from Ohio?

Mr. ELLENDER. I understood that he said the bill refers to language—

Mr. PEPPER. No; that the bill says that the defense of Gibraltar is vital to the defense of the United States. I have not seen that provision in the bill, and I should like to have the Senator point it out if he can.

Mr. ELLENDER. The Senator from Florida has been saying for the past year that our first line of defense is the British Isles. That includes Gibraltar; does it not? [Laughter.]

Mr. PEPPER. Does not the Senator distinguish between a discussion of a general policy and a bill which says that if certain conditions exist, then certain specified and limited powers may be exercised?

Mr. ELLENDER. I do not know that I can answer the question of the Senator from Florida, but I presume that in his own time the Senator from Ohio [Mr. TAFT] may answer it.

Now, if I may be permitted to do so, I shall attempt to point out the language in the bill which might give the President the right to send American men to foreign warring countries.

Section 3 (a) of the bill provides:

Notwithstanding the provisions of any other law, the President may, from time to time, when he deems it in the interest of national defense, to the extent to which funds are made available or contracts are from time to time authorized by Congress—

I do not know to what extent this particular language has been changed:

Authorize the Secretary of War, the Secretary of the Navy, or the head of any other department or agency of the Government—

To do what?

(1) To manufacture in arsenals, factories, and shipyards under their jurisdiction, or otherwise procure, any defense article for the government of any country whose defense the President deems vital to the defense of the United States.

That provision covers a great deal of territory. It covers every kind of munition or implement of war that is manufactured by our Government in its own arsenals.

Then it is further provided that the officials shall have the right—

(2) To sell, transfer, exchange, lease, lend, or otherwise dispose of, to any such government any defense article—

That is, these various implements of war; how?

Under paragraph (b) of Section 3 it is provided that—

The terms and conditions upon which any such foreign government receives any aid authorized under subsection (a) shall be those which the President deems satisfactory. * * *

The President may fix "the terms and conditions" so that the articles may be delivered to the belligerent nations.

When we say "transfer" it means, and it may be interpreted to mean "to convey from one place to another; to transport, remove, or cause to pass, to another place."

There is nothing in the bill which defines or states or limits the right of the President in determining the terms and conditions under which these implements of war are to be delivered. Subparagraph (b) of section 3 specifically states that the President shall determine how such foreign governments receive any aid authorized in subsection (a), how? Under such terms and conditions as he may determine to be satisfactory.

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

Mr. ELLENDER. Just a moment. I say, in all good faith, that under the language I have just read it is possible that the President could determine that these implements of war should be sent to Great Britain aboard American vessels—vessels owned by the American Government and manned by American sailors.

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

Mr. ELLENDER. Yes.

Mr. PEPPER. Does not the language to which the Senator is referring relate to what the other governments are to give us, and not to what we are to give them?

Mr. ELLENDER. No; I do not think so, because the bill says:

The terms and conditions upon which any such foreign government receives any aid authorized under subsection (a) shall be those which the President deems satisfactory.

Then there is a comma—

and the benefit to the United States may be payment or repayment in kind or property, or any other direct or indirect benefit which the President deems satisfactory.

The clauses are separated by a comma at the point I have indicated. In other words, the first part of the provision does not refer to the second part. They are separated by the comma. I consider them separate and distinct provisions, not related one to the other.

There is in the bill other language which I desire to read. My construction of this language may in a measure, I admit, be a little far-fetched; but a lawyer can take language of the kind I am about to read and probably evolve an argument similar to that which Mr. Jackson made in the opinion he rendered the President regarding the sale of the

50 destroyers. I refer to section 3 (a) (3), which reads:

To test, inspect, prove, repair, outfit, recondition, or otherwise to place in good working order any defense article for any such government.

That language also must be read in conjunction with section 3 (b). As I understand, we proposed to send to England thousands of airplanes, bombers and pursuit planes. It may well be said that when we give to the President or his subordinates authority "to test, inspect, prove, repair, outfit, recondition, or otherwise to place in good working order any defense article," the President may determine that making those repairs and keeping those articles in good working order is to be done in England, or it may be done in Greece, because it would be costly in both time and money to carry the articles across the ocean to the United States in order to make the repairs, and then transport them back again to the warring nation.

Let me read some more language found in section 8 of the bill:

The Secretaries of War and of the Navy are hereby authorized to purchase or otherwise acquire arms, ammunition, and implements of war produced within the jurisdiction of any country to which section 3 is applicable, whenever the President deems such purchase or acquisition to be necessary in the interests of the defense of the United States.

In that case, again I say, if the countries that manufacture such material have laws similar to those that we now have on our statute books, we should have to go to them to get any articles referred to in section 8. Our ships and their complements may be obliged to expose themselves to belligerent fire and some incident may follow which would cause us to go to war. It may be argued that because these implements of war will be used in our defense, we should make every effort to obtain them. I say that they will not become necessary, unless we enter the war by exposing our boys and our property to enemy fire.

Mr. President, this may be stretching the point, as it were; but we do not know what is in the future. We do not know what condition might arise tomorrow or next month that would lead to quick action, and then a resort to this measure, and perhaps an interpretation of it whereby it might be possible that our boys or our property would be exposed to enemy fire. If American lives should be snuffed out, or American property destroyed, we would have throughout the length and breadth of the land a howl to avenge the death of our men and the destruction of our property.

Let us make of this bill what is now the law under the present Neutrality Act. It is now "cash and carry." Let us make this bill a "lease-and-carry, lend-and-carry, trade-and-carry, exchange-and-carry, cash-and-carry" measure. Let us make it say—and I know the American people understand it in this way—that we intend to give to England and other warring democracies all material aid that we are able to furnish, consistent with our own defenses, but let us say to them, "After this bill is passed

you must continue to take possession of all articles at our ports, as you have done in the past."

I have contended that the only way by which we will become involved in the war is to subject our nationals or their property to enemy fire. That is the only thing that is going to bring us into the war. We may get into the war, it is true, if we are attacked. And if we are attacked, it will then be time for us to use for our defense everything at our disposal. But let us not, by refusing to adopt this amendment, create a possible situation where American ships and American men might be used to transport materials and supplies to warring nations, and thereby become exposed to belligerent action, with the probable result that we will be drawn into the war.

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

Mr. ELLENDER. I yield to the Senator from Illinois.

Mr. LUCAS. I should like to point out to the Senator something which has been discussed on the floor of the Senate time and time again, and that is a comparison of what is going on in this country today with what happened in 1917, or prior to 1917, just before we entered the war.

I desire to point out that in my opinion there is not any comparison at all between the two periods. I do so because of the fact that back in 1915 and 1916, before we entered the war, we lost 21 ships at sea, and 9 of our ships were fired upon by the enemy. In addition to that, we lost 155 citizens who were drowned at sea as the result of going down with those ships. As a result of what Germany did at that particular time in inaugurating unrestricted warfare in her submarine zones, and because of the loss of life and property, we finally went to war.

At the present time, under the guidance of President Roosevelt, who is the Commander in Chief of the Army and the Navy, I desire to point out that not a single American ship has been lost, nor has a single American life been lost, during this war, which was declared in September 1939. That has been true notwithstanding the fact that there are more submarine-infested waters and more mine-laden waters throughout the world in this war than any during any other war in the history of civilization. It seems to me there is no comparison at all between the two periods; and, in my opinion, before the American people will ever be brought to such a point of frenzy that they want war, American lives and American vessels will have to be destroyed.

I desire to compliment the President of the United States on the course he has pursued since September 1939, in keeping our ships in the safety zones, notwithstanding the fact that he has the power, as has been expressed here time and time again, to send our vessels here and there and practically everywhere on the high seas. It is commendable and it is worth while when we compare what has gone on during the last year and a half with the year and a half prior to the time we entered the World War.

I do not at all subscribe to the theory, which we constantly hear repeated on

the floor of the Senate, that the international bankers were responsible for getting us into the war in 1917, and that we are pursuing the same kind of course now which led us into the war back in those days.

Mr. President, we will not go to war until the people of the United States say we shall go to war, and there is nothing in the events now occurring in the world, and nothing in the bill we are considering, which will create enough hysteria in this country to cause the people to say to their representatives, "The time has come when we must go into the war."

I thank the Senator from Louisiana for permitting me to trespass upon his time, but I did desire to point out the dissimilarity between the conditions of the present day and those of 1917. There is no comparison. In my humble opinion the reason why we are not in the present war, perhaps at this very moment, is the fact that we passed the Neutrality Act last year. Practically all of those opposed to the pending bill voted against the Neutrality Act, because they said that the repeal of the arms embargo was far more important, from the standpoint of getting us into war, than was the cash-and-carry plan. They voted against the bill because the arms embargo was repealed; and we did not have a separate vote upon that.

Had we not passed the Neutrality Act, with the cash-and-carry plan included, it is my honest opinion that American ships would today be at the bottom of the ocean, American citizens would have been permitted to sail upon belligerent vessels, and we would have had the same experience we had back in 1914, 1915, and 1916, before we declared a state of war with Germany.

Mr. ELLENDER. Mr. President, I thank the Senator for his remarks. During the course of the debate I attempted to bring out these very arguments.

I desire to say now that I have concluded my arguments in support of my amendment. I know, as well as all the rest of us know, that few Senators, and I would say few people in the country, are against furnishing aid to Britain. As a matter of fact, the only substantial difference in opinion is as to the method of furnishing that aid to Britain.

The latest Gallup polls I have read show that 54 percent of the American people favor the fullest possible aid to Britain, but 85 percent oppose actual participation in the war.

Mr. President, in presenting this amendment to the Senate, I am merely attempting to make it certain that the bill is to be construed as a material-aid bill and nothing else, and that we shall, consistent with our own defense, give full aid to Britain but continue our policy of keeping our American citizens out of the war zones. We must tread cautiously in these tumultuous times lest we be drawn into the whirlpool of destruction which now threatens the whole Eastern Hemisphere. Our people want peace. I want peace. I have pledged myself long ago to keep our American boys out of European wars. My amendment seeks to carry out that pledge, and it is consistent with the pledges made by every other Senator on this floor today.

Mr. President, I urge the Senate to adopt my amendment.

Mr. O'MAHONEY. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Louisiana [Mr. ELLENDER] there may be printed in the RECORD the full text of the amendment which has been offered by the Senator from Louisiana and concerning which he was speaking; the full text also of an amendment which has been offered by the senior Senator from Connecticut [Mr. MALONEY], and the full text of an amendment which I have offered, and which is lying on the table.

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

The amendments are as follows:

Amendment proposed by Mr. ELLENDER to the bill (H. R. 1776) further to promote the defense of the United States, and for other purposes, viz: At the end of the bill add the following new section:

"Sec. 10. Nothing contained in this act shall be deemed to confer any additional powers to authorize the employment or use of persons in the land or naval forces of the United States at any place beyond the limits of the Western Hemisphere, except in the Territories and possessions of the United States, including the Philippine Islands."

Amendment proposed by Mr. MALONEY to the bill (H. R. 1776) further to promote the defense of the United States, and for other purposes, viz: On page 5, between lines 4 and 5, insert the following new subsection:

"(f) Except in time of war, no member of the land or naval forces of the United States and no naval vessel or military or naval aircraft shall be permitted to enter or travel through any combat area defined as such in any proclamation of the President issued pursuant to section 3 of the Neutrality Act of 1939; but nothing in this subsection shall be construed to prohibit (1) any member of the land or naval forces from acting as an observer or in a similar noncombatant capacity, or (2) the use of any naval vessel or aircraft to assist in the evacuation of citizens of the United States who are in any foreign country under the authority of the Department of State."

Amendment proposed by Mr. O'MAHONEY to the bill (H. R. 1776) further to promote the defense of the United States, and for other purposes, viz: At the end of the bill insert the following new section:

"Sec. . Without the consent of the Congress, no defense article of which the President shall make disposition under section 3 of this act shall hereafter be delivered by the land or naval forces of the United States, and no part of such forces shall be used in connection with any delivery of such defense articles, to any foreign government unless such delivery takes place within the Western Hemisphere or at a place subject to the jurisdiction of the United States."

Mr. CLARK of Missouri. Mr. President, in connection with the request of the Senator from Wyoming, I desire to give notice at this time that I intend to propose an amendment on the same subject. The amendment has not as yet been prepared, but I can state the gist of it at this time. I intend to offer an amendment to provide that no part of the money appropriated or authorized to be appropriated under this or any other act shall be used for the purpose of transporting military or naval forces outside the Western Hemisphere, except to our own possessions.

As I have said, the amendment has not as yet been prepared, and therefore I cannot ask that it be included among

those requested to be printed in the RECORD by the Senator from Wyoming, but, in view of the fact that the other amendments are to be printed in full in the RECORD, I think it proper to give notice that I propose to offer an amendment along similar lines.

If the Senator will permit me a moment further, I wish to say that I have before me a statement of principles of a pamphlet entitled "College Men for Defense First," signed by several hundred university and college students. I do not intend to do as the Senator from Vermont [Mr. AUSTIN] did last night—insist on reading it in full, and reading all the names which are attached to it. And unless the Senator from Vermont rejoins, I do not intend to bring over all the telegrams and postal cards and letters I have received from college students, but I ask that this statement of principles and the names of the committee be printed at this point in the RECORD as a part of my remarks.

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

COLLEGE MEN FOR DEFENSE FIRST

OUR BASIC PRINCIPLES

We believe that American democracy can be preserved only—

- (1) By building an impregnable national defense; and
- (2) By staying out of war in Europe.

AID TO BRITAIN?

We believe in continued aid to Britain, provided only that it remains short of war. We oppose only those steps which are not short of war but war itself. We therefore oppose:

- (1) Use of American warships as convoys.
- (2) Use of American merchant ships to carry goods to belligerent countries.

NATURE OF THE ORGANIZATION

This committee was formed by a group of 18 college and law school graduates who have divergent views on many points of American domestic and foreign policy, but who are united in the belief that America must build an impregnable national defense and must stay out of this war.

We are convinced that the vast majority of Americans share this view. We are also convinced that war may ultimately be declared by default for the simple reason that the millions who feel as we do are remaining silent. We are fearful that willingness to aid Britain may soon be construed as willingness to declare war—or to take those steps which make war no longer a matter of choice. It must be made clear where America draws the line.

We believe that this group offers an effective means for expressing and publicizing the views held by the great majority of Americans. Our experience in the brief time since our first informal meeting convinces us that this organization can quickly spread throughout the country.

NONCOLLEGE MEN AND WOMEN INCLUDED

Originally, as a practical matter, it seemed best to draw on college alumni for members for the simple reason that they were easy to reach. The original 18 members, for instance, knew each other only through college or professional school association.

Almost immediately, however, there arose a strong and insistent demand from noncollege men and women to share in the great work of keeping America out of war. Much encouraged by this unexpected support, the committee welcomes to membership the noncollege man and woman.

The immediate response to our program in a city that is in the heart of the interventionist movement convinced us that a large majority of American men and women, college or otherwise, are anxious to voice their opposition to intervening in another of Europe's wars. To give these men and women a chance to express their patriotic opposition, College Men for Defense First exists.

WHAT WE CAN DO

Our ultimate purpose is to convince Congress that the Nation feels as we do. Our job, therefore, is to encourage others who share our views to make their opinions heard. The specific steps by which we can accomplish our program include the following:

(1) A constantly increasing membership. Each new member will tell others. You can win new members in your office, at lunch, over the telephone, and wherever you happen to be. This is the best possible means of promoting our program.

(2) Help form a committee in your own congressional district. Write us for suggestions. Your Representative is eager to know your views. Remember Congress alone has the power to declare war.

(3) Urge the President to keep us out of war; write your Senator, your Congressman, your newspaper, your radio station; tell your friends.

(4) Carefully examine every legislative and administrative action affecting the issue of peace or war.

(5) Demand public information on the state of our national defense. America must not be misled on the vital question of whether or not it is prepared.

(6) A direct mail campaign to reach thousands of men and women known to committee members.

(7) Newspaper publicity. As we grow, our activities will necessarily command attention in the press. As funds become available, we plan to recruit additional support through newspaper advertising.

(8) Protest to college heads. It must be made clear that college men and women do not agree with the few war-minded university presidents.

American democracy may depend upon the rapid and successful execution of such a program. Apathy means war.

Amherst: Edwin Bartow, Richard W. Rewter, Philip Schofield.

Beloit University: W. Willard Wirtz.

Bowdoin: Louis W. Doherty.

University of California: Dr. Harold Fletcher, Dr. Russell Fletcher, Murray Richards.

California Institute of Technology: Gordon R. Ewing.

University of Chicago: R. D. Englehart, J. Parker Hall.

College of the City of New York: Ralph Di Gia.

Colgate: Daniel B. Chaffee, Elliott L. Cummings, Jr., Rev. David T. Erickson, Frederick W. Horner, John McGrath, Donald B. Shaw.

University of Colorado: Theodore W. Leet.

Columbia: Walter W. Davis, Ed. Dunaway, Louis Halmoff, Donald F. McManus, Daniel F. O'Connor, Edward C. O'Shea, Frederick H. Torp.

Cornell: Joseph C. Antrim, George R. Brownell, Dr. O. K. Champlin, Lester H. Chase, Alvin E. Cormeny, Ralph A. Desposito, Carleton H. Endemann, Roger W. Gilbert, Paul F. Hartzsch, Jr., James E. Neary, Jr., Charles K. Rice, Richard A. Rosan, Christopher W. Wilson, Jr.

Dartmouth: Richard F. Barrett, Daniel J. Bell, Paul S. Cleaveland, Lincoln Daniels, William E. Dietz, Alvin G. Dodd, David E. Duffy, Frank R. Elliott, Jr., Herman F. Funke, Bernard S. Goodrich, Edward J. Hanlon, John M. Harlow, Ralph N. Hill, Jr., Herman Hormel, Jr., John W. Huck, Jack B. Huntress, David Johnson, Jr., Samuel A. McCray, Earle L. Morrow, Theodore B. Purcell, John V. Renchard, Donald E. Richardson, Fred J. Robinson, Dud-

ley Russell, Jr., Herman H. Schnepel, Jr., Wilfred E. Shaw, Robert A. Southworth, Ralph B. Sperry, William Timbers, Thomas G. Vent, Jr., Henry L. Walker, Jr., Charles B. Wiggin, Jr., William J. Wiggins, Clifford G. Williams, Jr., M. H. Wolff.

De Pauw University: Raymond Happel.
Duke University: Claiborne B. Gregory, James L. Newton, William F. Womble.

Fordham: Thomas I. Fitzgerald, Thomas W. Hayes, Edmund McCann, Jr., John P. McDonnell, Charles B. McGroddy, Francis A. O'Connell, Jr.

Georgetown: John F. Clarke, Paul J. Coughlin, Vernon Murphy, William L. O'Connor, Jr.

Harvard: William A. Adler, Amyas Ames, John P. Austin, Edward Tatnall Canby, Westcote H. Chesebrough, Robert B. Coe, Quentin L. Coons, William B. Cudahy, Dr. T. Harry Culhane, John L. Dane, Robert G. Davis, Morton DeWolfe, John Dorman, Walter E. Faithorn, Dr. I. H. Friedberg, Tudor Gardner, Marshall Goodsell, James A. Gorell, James P. Hall, Lewis B. Harder, Alfred T. Hartwell, Jr., Carl R. Hauers, Henry T. Holsapple, Carl Koch, Grayson F. Lathrop, Phil C. Neal, Malcolm I. Ruddock, William B. Sefton, Stephen S. Taft, Jr., Edwin O. Tilton, James Tobin, William P. Van Evara, Bernard S. Van Rensselaer, Josiah Willard, A. Townsend Winnmill.

Haverford: Robert Brancher, Richard C. Bull, Ray B. Houston, Professor Fred Rodell, E. Dexter Brown.

Holy Cross: John J. Foley, Albert J. O'Connor.

University of Illinois: John O. Honnold, Henry M. Wells, Jr.

University of Indiana: Herman F. Trautman.

Johns Hopkins: William W. Wagner, Jr.

University of Kentucky: A. Ross Jones.

Lehigh: J. Theodore Clauss, Jr.

Macalester College: Vernon Patterson.

University of Maine: Nathaniel W. Coffin, Donald I. Coggins.

University of Michigan: Dean Emerson, Jr., Donald A. Johnston, Donald H. Larmee, Richard W. Loveland.

University of Missouri: SESCO V. Tipton.

University of Minnesota: J. Millard Ahlstrom, John F. Finn, Jr., David W. Louisell, Lionel Nicholson, Lloyd O. Stein.

Notre Dame: Daniel B. Kelly, George Wenz, Jr.

New York University: Daniel M. Kelly.

University of North Carolina: Joel B. Adams.

Northwestern University: Edwin B. Dike, Harold H. Velde.

Oberlin: F. Walter Huffman.

Oxford University: Charles A. Bane, John B. Martin.

Pace Institute: Robert E. Kanski, Dermott A. Noonan.

ark College: George Buckland.

University of Pennsylvania: Harold Berry, Jr.

Princeton University: William B. Asher, Arthur H. Bolte, William G. Botzow, Edward J. Boyd, Jr., Frederic E. Camp, Richard B. Cowdery, Joseph Denmark, John M. Duff, Jose V. Ferrer, Robert N. Gilmore, Richard T. Henshaw, Jr., Frank C. Hibben, Edward T. Haase, David S. Hemingway, Joseph C. Kennedy, Joseph T. Lambie, Richard G. McClung, Philip V. Mohan, H. W. Nelson, Jr., Philip G. Nelson, Williamson Pell, Jr., Jay Reist, A. O. Reynolds, W. R. Reitzell, Merritt K. Sawyer, C. Bryson Schreiner, H. O. Schundler, Jr., Francis Shackelford, Gordon Smith, Robert Sincerbeaux, Langdon Van Norden, Charles Wardell, Jr., Jerome R. Zipkin.

Purdue: Charles M. Enders.

University of Richmond: George F. Whiteley.

University of Rochester: Albert E. Gilbert.

Rutgers University: Clifford Kawulitzki.

St. Peters College: William J. Kupfer.

Seton Hall: Maj. Eugene Kinkead.

University of South Dakota: Joseph J. Slechta.

Leland Stanford: William M. Trumbull.

Swarthmore: Robert S. Rushmore.

University of Texas: Leo Jaffe

Trinity College: John S. McCook, Barclay Shaw.

United States Military Academy: Robert W. Wood.

Virginia Military Institute: Wilson H. Madden, Clyde Muirhead.

Washington University: John A. Gilchrist.

Wesleyan: Nathaniel P. Gardner, Jr., John B. Poor, Samuel Poor, Jr.

Western Reserve: Harry M. Leet, John E. McCarthy.

Willamette: P. M. Hammond.

Williams: David Appenzeller, Denton DeBaum, William Everdell III, J. Randall Williams III.

Wittenberg College (Ohio): Roy F. Insley.

Yale: Charles H. Abbott, D. Nelson Adams, Albert O. B. Andrews, Donald Appenzeller, Erwin W. Bard, Robert Beresford, Jonathan B. Bingham, Richard M. Boardman, Francis Gordon Brown, Charles C. Bunker, Sydney Buskin, John M. Cates, Jr., Park Chamberlain, Milton L. Cohn, John B. Coleman, Jr., Edward Darling, James A. Deering, Vance R. Dittman, Jr., Peter H. Dominick, Francis P. Garvan, Jr., Thomas B. Gilchrist, Jr., Carl Goepel, Prof. Gordon S. Haight, Frank H. Hamlin, William Baird Hart, William Hausberg II, Walter Hehmyer, Allen S. Hubbard, Sr., Allen S. Hubbard, Jr., Peter Cooper Hitt, Huston Huffman, Lewis H. Hyde, J. Stephen Knight, Peter B. Langmuir, George R. Lashnits, Daniel A. Lindley, Harman W. McBride, John M. McGauley, Seth Milliken, Richard A. Moore, John Henry Nichols, Jr., Benjamin Nields III, Robert Boyd Parker, Frederick S. Pierson, Robert Upjohn Redpath, Edward Ryerson, Franklin Cary Salsbury, Gustav Schwab, Dr. William B. Scoville, Frank C. Shattuck, Louis G. Shields, William Shields, Jr., Lucien Jouvaud Sichel, Lyman Spitzer, Jr., Robert I. Stevenson, Potter Stewart, Charles B. Swope, John S. Tilney, Colby Townsend, Roul Tunley, Louis Walker, Kenneth Ward, Robert L. Weber, George W. Wharton, Mather Kimball Whitehead, Charles P. Williamson, Maclean Williamson.

Mr. AUSTIN. Mr. President, I think I will follow the good precedent set by the Senator from Missouri [Mr. CLARK], and simply call attention to the receipt by me of telegrams from students of various colleges and universities in favor of the pending bill. I do not care to encumber the RECORD by having them printed. One is from the University of Wyoming. I have shown this telegram to the senior Senator from Wyoming [Mr. O'MAHONEY] and he tells me he is personally acquainted with the signer, who represents himself as chairman. There are telegrams from Northwestern University, University of Indiana, University of North Carolina, Bryn Mawr College, Amherst College, Wayne University, Detroit, Averett College, Danville, Va., and the University of California. I have here another telegram, but I am not able to state the name of the college. It comes from Tallahassee, Fla. The sender refers to "the students and faculty of this campus." There are telegrams from Dartmouth, Cornell, Columbia, and Radcliffe, together with a telegram from 50 Howard draftees, that is to say, from Howard University.

Mr. DANAHER. Mr. President, I wish to have stated an amendment I propose to offer, in order that it may appear in the RECORD and be printed and lie on the

table. I send it forward and ask that it be read.

The PRESIDING OFFICER. The clerk will read the proposed amendment.

The LEGISLATIVE CLERK. It is proposed to strike out the period on line 19, page 7, and insert a semicolon and the following new language:

Provided, That nothing in this act shall be construed to confer upon the President or any such department, agency, or officer the power or the authority to establish control of censorship in any manner not now provided by law, over the use of the radio, the press, or other instrumentality engaged in the publication or the dissemination of news, opinion, or information; and no rule or regulation shall be promulgated or fixed which shall abridge or interfere with the freedom of speech or of the press.

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). The amendment will be received, printed, and lie on the table.

EXECUTIVE SESSION

Mr. BARKLEY. 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. BANKHEAD in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF COMMITTEES

The following favorable committee reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Foreign Relations:

Sundry persons for appointment as Foreign Service officers, unclassified, vice consuls of career, and secretaries in the Diplomatic Service.

By Mr. BARKLEY, from the Committee on Foreign Relations:

Wesley Frost, of Kentucky, now a Foreign Service officer of class 1 and lately counselor of Embassy at Santiago, Chile, to be Envoy Extraordinary and Minister Plenipotentiary to Paraguay.

By Mr. GUFFEY, from the Committee on Foreign Relations:

Pierre de L. Boal, of Pennsylvania, now a Foreign Service officer of class 1 and counselor of Embassy at México, Mexico, to be Envoy Extraordinary and Minister Plenipotentiary to Nicaragua.

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

Several postmasters.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will state the nominations on the calendar.

COAST GUARD

The legislative clerk proceeded to read sundry nominations in the Coast Guard.

Mr. BARKLEY. I ask that the nominations in the Coast Guard be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Coast Guard are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask that the nominations of postmasters be confirmed en bloc.

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

That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 11 o'clock a. m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 28 minutes p. m.) the Senate took a recess until tomorrow, Thursday, March 6, 1941, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 5 (legislative day of February 13), 1941:

FEDERAL COMMUNICATIONS COMMISSION

Ray C. Wakefield, of California, to be a member of the Federal Communications Commission for the unexpired term of 7 years from July 1, 1940.

CONSUL GENERAL

Cecil M. P. Cross, of Rhode Island, now a Foreign Service officer of class 2 and a secretary in the Diplomatic Service, to be also a consul general of the United States of America.

COLLECTOR OF INTERNAL REVENUE

William H. Burke, of Little River, Kans., to be collector of internal revenue for the district of Kansas, to fill an existing vacancy.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5 (legislative day of February 13), 1941:

COAST GUARD OF THE UNITED STATES

Ludvig V. T. Sieck to be a chief machinist.
Joseph L. Temple to be a chief carpenter.
Joseph H. Chagnot to be a chief carpenter.

POSTMASTERS

DELAWARE

John T. Webb, Delaware City.

FLORIDA

Joe Hinely, Live Oak.

SOUTH CAROLINA

Harvey L. Burnette, Cheraw.

VIRGINIA

Nehemiah J. B. Etheridge, Princess Anne.
James Monroe Roberson, Wise.

WASHINGTON

Ester A. Bergquist, Clinton.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 5, 1941

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. McCORMACK.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We pause, blessed Lord, at the altar of our fathers, whose Rock is our salvation. We pray that we may be prompted by Thy spirit to speak, to work, and to aspire to the better and the higher life. Give us words of wisdom that we may declare them, deeds to perform that we may obey them, and call us to the paths in which

are exercised the riches of the soul beyond the unseen and the unrealized. Enable us to do that which Thou dost bid, follow where Thou dost lead, allowing them not to be defeated by neglect nor indifference. Oh, remind us of the strange, subtle influence of example which distills from our daily conduct. Unlike speech which can be heard gifts which can be estimated, it casts an incorruptible treasure or strikes the note of lamentation. Heavenly Father, let us guard with jealous care this supreme force in society aiming at the sincerest, deepest, purest personal life, diffusing the abiding power of true, consecrated character. In our moods let us remember that some act may prove fatal; what a note mingled with alarm and tenderness cometh from Thy word: "Make straight paths for your feet, lest that which is lame be turned out of the way, but let it rather be healed." In our Saviour's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION TO A COMMITTEE

Mr. MARTIN of Massachusetts. Mr. Speaker, I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 128

Resolved, That WILLIAM G. STRATTON, of Illinois, be, and he is hereby, elected to the District of Columbia Committee of the House of Representatives.

The SPEAKER pro tempore. The question is on agreeing to the resolution. The resolution was agreed to.

PERMISSION TO SIT DURING SESSIONS OF THE HOUSE

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the Committee on Public Buildings and Grounds may meet tomorrow during the session of the House.

The SPEAKER pro tempore. Is there objection?

There was no objection.

TECHNICAL STAFF, BUREAU OF INTERNAL REVENUE

Mr. KEEFE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

[Mr. KEEFE addressed the House. His remarks appear in the Appendix of the RECORD.]

EXTENSION OF REMARKS

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in connection with the St. Lawrence seaway project and include a newspaper item and a resolution adopted by the Duluth Chamber of Commerce.

The SPEAKER pro tempore. Is there objection?

There was no objection.

CANADA'S CONTRIBUTION

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and extend my remarks in the RECORD and include an article by Blair Moody.