SENATE

TUESDAY, MAY 13, 1941

(Legislative day of Thursday, May 8, 1941)

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

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

O Thou, who art imaged in the loveliness of sunrise and sunset, who dwellest in the heart of man, who art in the life of every living thing, in the death of them that die, in the bloom and beauty of the summer fields, and in the inspiration of the soul that giveth understanding: Grant unto us the assurance of Thy presence wherein is strength to do our duty and courage to endure whatever may betide. Bear Thou dominion over us, rule Thou our hearts in faith with holy fear, that royal largeness may be ours as we face the troublous days that lie ahead.

Bless Thou our Nation, gracious Father; govern her and lift her up that she may become a beacon to the world, a leader among the races of mankind because of her perfect trust in Thee.

Fulfill now our petitions; grant us the yearnings of the pure and selfless heart, and "Thou, who art the author of peace and lover of concord, in knowledge of whom standeth our eternal life, whose service is perfect freedom, defend us, thy humble servants, in all assaults of our enemies; that we, surely trusting in thy defense, may not fear the power of any adversaries, through the might of 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 Monday, May 12, 1941, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts:

On May 1, 1941:

S. 478. An act 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; and

S. 482. An act to provide for the appointment of one additional United States district judge for the northern district of Ohio.

On May 5, 1941:

S. 1254. An act to limit the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States, with respect to counsel in certain matters.

On May 12, 1941:

S. 242. An act to repeal certain provisions of the act of February 25, 1929, entitled "An act to authorize appropriations for construction at military posts, and for other purposes," and the act of July 3, 1930, entitled "An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1930, and prior fiscal years, to provide supplemental appropriations for the fiscal years ending June 30, 1930, and June 30, 1931, and for other purposes."

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the bill (S. 916) authorizing the Secretary of War to grant a revocable license to Guy A. Thompson, trustee, Missouri Pacific Railroad Co., and successors in interest, to maintain certain railroad trackage and station facilities on Jefferson Barracks Military Reservation.

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

H. R. 4109. An act to provide aid to dependent children in the District of Columbia;

H. R. 4305. An act to authorize the attendance of the Marine Band at the diamond anniversary convention of the Grand Army of the Republic to be held at Columbus, Ohio, September 14 to 19, inclusive, 1941;

H. R. 4365. An act to give additional powers to the Board of Public Welfare of the District of Columbia, and for other purposes;

H. R. 4498. An act to provide for the admission to St. Elizabeths Hospital of insane persons belonging to the Foreign Service of the United States; and

H. R. 4599. An act to authorize the Federal Security Administrator to accept gifts for St. Elizabeths Hospital and to provide for the administration of such gifts.

EXECUTIVE COMMUNICATION

The VICE PRESIDENT laid before the Senate the following letter, which was referred as indicated:

DEFERMENT OF CERTAIN AGE GROUPS UNDER SELECTIVE SERVICE ACT

A letter from the Deputy Director of the Selective Service System, transmitting a draft of proposed legislation to authorize the deferment of men by age group or groups (with an accompanying paper); to the Committee on Military Affairs.

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 letter in the nature of a petition from Louis Schneider, of Cincinnati, Ohio, praying that the United States keep out of foreign war; to the Committee on Foreign Relations.

A letter in the nature of a memorial from Ethel C. Smith, of Berkeley, Calif., remonstrating against the use of United States armed ships as convoys; to the Committee on Foreign Relations.

A paper in the nature of a petition from Maurice Alexander, of Toledo, Ohio, praying for peace and protesting against the use of United States armed ships as convoys; to the Committee on Foreign Relations.

By Mr. TYDINGS:

A resolution of the Soroptimist Club, of Baltimore, Md., protesting against the enactment of legislation which would in any way increase unemployment or reduce the volume of business transacted by the cane-sugar refining industry in Baltimore; to the Committee on Finance.

By Mr. CAPPER:

A petition of sundry citizens of Eldorado, Kans., praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; to the Committee on Military Affairs.

By Mr. WALSH:

Petitions of sundry citizens of the State of Massachusetts, praying for the enactment of the bill (S. 860) to provide for the common defense in relation to the sale of alcoholic liquors to the members of the land and naval forces of the United States and to provide for the suppression of vice in the vicinity of military camps and naval establishments; to the Committee on Military Affairs.

THE DEFENSE PROGRAM—RESOLUTION OF THE FLORIDA LEGISLATURE

Mr. ANDREWS. Mr. President, I present for appropriate reference and printing in the RECORD Senate Concurrent Resolution No. 3 of the Legislature of the State of Florida, which heartily endorses the great defense program inaugurated by Congress and now being prosecuted under the fine leadership of the President.

The VICE PRESIDENT. Without objection, the resolution will be received and referred to the Committee on Military Affairs; and, under the rule, printed in the RECORD.

The concurrent resolution is as follows:

Senate Concurrent Resolution 3

Whereas by military and economic oppression and violence of autocratic powers, practically every nation of the Old World has either been unmercifully besieged and their governments dismembered or are now facing an unrelentless attack by an uncomprising tyranny such as the world has never known; and

Whereas this subversive and destructive philosophy of government has not only destroyed and threatens destruction to the democracy of the Old World, but the safety and security of the democracy of the Western Hemisphere; and

Whereas the President and Congress of the United States have long since taken cognizance of the urgency of this perilous situation, and Congress has, by appropriate legislation, put into motion the machinery, not only to build adequate defense for the safety and security of our Nation, but for a total effort for total victory for democracy throughout the world; and

Whereas the President of the United States in the course of his functions as Chief Executive and as Commander in Chief of our Army, Navy, and Air Corps, has issued to all Americans a call to the colors for national unity, a will to sacrifice in whatever position we hold in our national life, and an urgent plea to labor as well as business management and ownership to sacrifice for national defense, not in the tempo of business as usual or normalcy, but longer hours and greater production, to meet the extreme seriousness of the present situation confronting our very national life and liberty; and

Whereas the State of Florida, on account of its geographic and strategic situation has been placed in one of the few defense areas of the Nation, and must play a most vital part in national and hemispheric defense, it being the spearhead of air defense and the operations base for our aerial defenders, and that an enormous amount of national-defense construction and training is being conducted within the confines of the State of Florida; and,

Whereas the Legislature of the State of Florida is fully aware of the great need for

national unity and the responsibility for sacrifice on the part of the State government; all the people of our State, whether officials or private citizens, and the urgency for full speed ahead in united cooperation for adequate national preparedness; and

Whereas the State legislature acknowledges with gratitude and commendation the fine response with which the State government and the people of Florida are cooperating with the Federal Government in the national-defense program that this Nation be adequately rearmed at the earliest possible moment, but it is also cognizant of the fact that a more urgent responsibility lies ahead for a greater adherence to national will, a greater conformity to national unity and a greater public and private sacrifice for national safety and security; and

Whereas it is the desire of the members of the Legislature of the State of Florida to fully assist further the National Government in the more aggressive prosecution of the national-defense program, especially in view of the increasing urgency of the responsibility of world democracy to speed ahead to insure total victory; and to lend every possible facility of the State government to the total and complete execution of adequate preparedness: Be it

Resolved by the Senate of the State of Florida (the House of Representatives concurring), That the Legislature of the State of Florida most heartily endorses the great defense program inaugurated by Congress, which is being prosecuted under the fine leadership of our great President and the defense machinery, which is now in full speed ahead, and commends the Governor, Hon. Spessard L. Holland, and each and every one of the citizens of the State of Florida, for their unity of will, loyalty, devotion, and cooperation that they have shown in lending their aid to this program; and call upon the State government in all of its branches and agencies and upon all citizens of Florida to continue a more aggressive assistance and example, in loyalty to a total effort for a total completion of our defense program. The legislature further commends and urges the citizens of the State of Florida for a more loyal will to work and sacrifice, a greater integrity for national unity and a more devout awakening to the importance of total and complete national defense and a total victory for democracy; and the legislature pledges itself to do everything within the scope of its power to lend the facilities of the State government to said program; be it further

Resolved, That a copy of this resolution be sent to the President of the United States, to the Secretary of War of the United States, to the Secretary of the Navy of the United States, to the Chief of the Air Corps of the United States, to the Governor of the State of Florida, to the Secretary of State of the State of Florida, and to each of the United States Senators and Congressmen from the State of Florida.

Approved by the Governor, May 6, 1941.

THE TOWNSEND PLAN—RESOLUTION OF BOARD OF COMMISSIONERS, CASS COUNTY, N. DAK.

Mr. LANGER. Mr. President, I present a resolution adopted by the Board of Commissioners of Cass County, N. Dak., in favor of House bill 1036, providing for old-age assistance under the Townsend plan. I ask unanimous consent that the resolution may be printed in the RECORD and referred to the Committee on Finance.

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

Resolution of Board of Commissioners of Cass County, N. Dak.

We, the undersigned members of the Board of County Commissioners, County of Cass, State of North Dakota, realize something must be done to provide financial security for our deserving senior citizens, and at our regular meeting have adopted this resolution:

"Whereas the members here assembled believe that a national uniform system of pensions for our senior citizens should be adopted throughout the United States of America; and

"Whereas the proposals embraced in the bill H. R. 1036 will greatly relieve, if not entirely abolish, unemployment, and will help to provide to the people the American standard of living; and

"Whereas the various States of the Union are finding it difficult, if not impossible, to raise a sufficient revenue to finance the payment of even a small pension to our aged: Now, therefore, be it

"*Resolved*, That a universal tax be levied and moneys so raised shall be divided pro rata and paid to all citizens of the United States of America who have attained the age of 60 years or over; be it further

"*Resolved*, That we most respectfully urge upon the Congress of the United States of America to bring out of committee and give a fair discussion and consideration to the basic principles of the Townsend plan, bill H. R. 1036, now in Committee on Ways and Means; and be it further

"*Resolved*, That one copy of this resolution be forwarded to each of the following: The Honorable ROBERT L. DOUGHTON, chairman of the Ways and Means Committee; and to each of our Senators and Representatives in Washington from North Dakota; and one to Townsend National Headquarters, 450 East Ohio Street, Chicago, Ill."

W. F. SUTTON,
Chairman,
Board of County Commissioners.
JOS. SPICKERMEIER.
D. A. MALSTROM.
ROY T. LANDBLOM.

FOOD FOR THE SMALL EUROPEAN DEMOCRACIES

Mr. BONE. Mr. President, the Secretary of the National Committee on Food for Small Democracies has called my attention to the fact that a resolution has been adopted by the Washington State Council of Churches and Christian Education dealing with that particular food question. I ask unanimous consent that the resolution be printed in the RECORD as a part of my remarks, and appropriately referred.

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

Resolution Passed by Washington State Council of Churches

Whereas there are between thirty and forty million people in the five small democracies of Norway, Holland, Belgium, Finland, and Central Poland which have been occupied by Germany who face imminent starvation unless they are permitted to purchase food which will be permitted to pass through the English and German blockades; and

Whereas Herbert Hoover and a committee of outstanding leaders has proposed a plan which provides for a neutral commission to supervise all food in order to insure its going only to those for whom intended; and providing also that Germany agree to take no more food from these peoples and to return the equivalent of all food already taken, and further, that to assure these guaranties the British would be free to stop the supplies any moment these guaranties were not fulfilled by the Germans: Be it

Resolved, That we express ourselves as in favor of the principle of the Hoover plan; that we so notify our Senators and Representatives in Congress; and, through their respective embassies, urge Britain and Germany to give it favorable consideration.

WESLEY F. RENNIE,
General Secretary, Y. M. C. A.; Secretary, Washington Council of Churches and Christian Education.

SHORTAGE OF AIRCRAFT PILOTS AND MECHANICS—DEFERMENT BY LOCAL DRAFT BOARDS

Mr. O'MAHONEY. Mr. President, I have in my hand a letter, which was written to me by a constituent, on the operation of the Selective Training and Service Act. The author of the letter points out that in many instances persons in training in aviation as air pilots and mechanics are not being deferred. He makes out a very excellent case for the deferment of such persons. I feel that the subject is of such importance that the letter should be published in the RECORD and referred to the Committee on Military Affairs.

The VICE PRESIDENT. Without objection, the letter will be referred to the Committee on Military Affairs and printed in the RECORD as requested by the Senator from Wyoming.

The letter is as follows:

LARAMIE, WYO., *May 3, 1941.*

Senator J. C. O'MAHONEY,
Washington, D. C.

DEAR SIR: In view of the acute shortage of aircraft pilots and mechanics, the action of some local draft boards in refusing to defer persons engaged in or training for these professions almost amounts to sabotage.

I am an instructor for one of the contractors under the civilian pilot-training program. I am over the draft age myself and could probably get a job as civilian instructor for the Army if all civilian trainees were drafted. So I have no personal ax to grind. It simply seems to me to be a tremendous waste of skilled manpower and money for the draft boards to take a boy on whom the Government has spent hundreds of dollars to create a pilot and make him spend a year in a nonflying branch of the Army.

Such short-sightedness will not only cripple our military aviation but will destroy our civilian reserve. If this country is involved in the war, we will not only need many times our present number of military pilots but will also need a vast number of civilian pilots behind the lines to handle the transportation of men and materials incident to keeping these military pilots effective. We are going to need at least as many mechanics as pilots to build airplanes and keep them running.

At present the students in the civilian pilot-training program are required to meet the same qualifications as military pilots. Hence, they would be in demand for actual combat service. There are many others in the country who would make good pilots, and since they do not meet the military qualifications, they would be the logical ones to engage in the supporting transport services. The Government is not yet giving any help to the latter, but those who can afford it are learning to fly at their own expense.

It seems to me that in the interest of national defense, anyone actively engaged in flying instruction or aviation mechanics, or in aviation transportation business, or anyone enrolled in a course of training for these

occupations should be specifically exempted from the draft.

* * * * *

Sincerely,

A. H. KNOUFF.

REPORTS OF COMMITTEE ON NAVAL AFFAIRS

The following reports of the Committee on Naval Affairs were submitted:

By Mr. WALSH:

S. 372. A bill awarding a Navy Cross to Hector Mercado; without amendment (Rept. No. 278);

S. 874. A bill relating to allowances for rental quarters of certain naval officers stationed in the Canal Zone; without amendment (Rept. No. 279);

S. 1073. A bill for the relief of Peter Joseph Costigan; without amendment (Rept. No. 280);

S. 1469. A bill to amend the act of April 15, 1935, as amended (49 Stat. 156; U. S. C., Supp. V, title 34, sec. 842), and for other purposes; without amendment (Rept. No. 281);

H. R. 1801. A bill amending the act of February 27, 1936 (49 Stat. 1144); with an amendment (Rept. No. 282); and

H. R. 4368. A bill authorizing a reduction in the course of instruction at the Naval Academy; with amendments (Rept. No. 283).

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on May 12, 1941, that committee presented to the President of the United States the following enrolled bills:

S. 392. An act for the relief of Anna Dolak, mother and sole surviving parent of Gene Dolak, deceased; and

S. 941. An act for the relief of Ralph C. Hardy, William W. Addis, C. H. Seaman, J. T. Polk, and E. F. Goudelock.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. LANGER:

S. 1504. A bill to amend the Selective Training and Service Act of 1940 so as to provide for the deferment, in time of peace, of certain college and university students; to the Committee on Military Affairs.

By Mr. ANDREWS:

S. 1505. A bill to extend the benefits of the act of December 17, 1919, as amended, to the widows of certain officers and enlisted men who died subsequent to July 15, 1919, and prior to December 17, 1919; to the Committee on Military Affairs.

By Mr. GREEN:

S. 1506. A bill for the relief of B. J. Rooks & Son, of Warren, R. I.; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

S. 1507 (by request). A bill to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of the heirs of James Taylor, deceased Cherokee Indian, for the value of certain lands now held by the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. WALSH:

S. 1508. A bill to provide for the pay of aviation pilots in the Naval and Marine Corps Reserve, and for other purposes; to the Committee on Naval Affairs.

By Mr. TYDINGS:

S. 1509. A bill to authorize Lt. Robert M. Morris, United States Navy, to accept the decoration tendered him by the Government of Finland in appreciation of services rendered; to the Committee on Naval Affairs.

By Mr. CLARK of Idaho:

S. 1510. A bill for the relief of Pete Elguezabal, Marcelino Yturbe, Bartolome Errea, Zenon Zubieta, Francisco Lorono, and Steve Milo Solaga; to the Committee on Immigration.

By Mr. VAN NUYS:

S. 1511. A bill to amend the act providing punishment for killing or assaulting Federal officers; and

S. 1512. A bill to amend the Alien Registration Act, 1940, by making it a criminal offense to reproduce alien registration receipt cards; to the Committee on the Judiciary.

By Mr. PEPPER:

S. 1513. A bill to permit qualified aliens to enlist for service in the armed forces of the United States; to the Committee on Military Affairs.

By Mr. BREWSTER:

S. J. Res. 77. Joint resolution to provide for the utilization of beryllium and its alloys for national-defense purposes; to the Committee on Banking and Currency.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H. R. 4305. An act to authorize the attendance of the Marine Band at the diamond anniversary convention of the Grand Army of the Republic to be held at Columbus, Ohio, September 14 to 19, inclusive, 1941; to the Committee on Naval Affairs.

H. R. 4109. An act to provide aid to dependent children in the District of Columbia;

H. R. 4365. An act to give additional powers to the Board of Public Welfare of the District of Columbia, and for other purposes;

H. R. 4498. An act to provide for the admission to St. Elizabeths Hospital of insane persons belonging to the Foreign Service of the United States; and

H. R. 4599. An act to authorize the Federal Security Administrator to accept gifts for St. Elizabeths Hospital and to provide for the administration of such gifts; to the Committee on the District of Columbia.

ACQUISITION AND USE OF MERCHANT VESSELS—AMENDMENT

Mr. VANDENBERG (for himself and Mr. CLARK of Missouri) submitted an amendment intended to be proposed by them, jointly, to the bill (H. R. 4466) to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT TO URGENT DEFICIENCY APPROPRIATION BILL

Mr. BARBOUR submitted an amendment intended to be proposed by him to House bill 4669, the urgent deficiency appropriation bill, 1941, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

At the proper place in the bill, to insert the following:

"CANAL ZONE BIOLOGICAL AREA

"For expenses of administration and for the construction and maintenance of laboratory and other facilities on Barro Colorado Island, C. Z., under the provisions of the act approved July 2, 1940, without reference to section 3709 of the Revised Statutes and civil-service requirements, $10,000, to be immediately available."

STUDY OF RADIO BROADCASTING AND COMMUNICATION PROBLEMS

Mr. WHITE. Mr. President, I ask leave to submit a Senate resolution for reference to the Committee on Interstate Commerce. The resolution proposes a study of the recent rules and regulations promulgated by the Federal Communications Commission, and of some of the problems presented to us by those rules and regulations.

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

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

Mr. VANDENBERG. May I ask the Senator if his resolution also requests the Federal Communications Commission to suspend its recent rather incendiary order pending the outcome of the investigation?

Mr. WHITE. The resolution requests that the effective date of the above-mentioned rules and regulations shall be deferred until the committee shall have completed its investigation and made a report to the Senate, and for 60 days thereafter.

The VICE PRESIDENT. Without objection, the resolution will be received and referred as requested by the Senator from Maine.

The resolution (S. Res. 113) was referred to the Committee on Interstate Commerce, as follows:

Senate Resolution 113

Whereas the Federal Communications Commission (hereinafter referred to as the Commission) is an administrative agency created by the act of June 19, 1934 (48 Stat. 1064), known as the Communications Act of 1934, as amended, by act of June 5, 1936 (49 Stat. 1475) and by act of May 20, 1937 (50 Stat. 189); and

Whereas said Commission has by the terms of said act certain delegated powers and duties in respect of interstate commerce in communications and the facilities and instrumentalities used and usable in said commerce and has no powers and duties not so specifically conferred upon it; and

Whereas the Commission on May 2, 1941, in a proceeding before it styled "In the matter of the investigation of chain broadcasting," Docket No. 5060, made and published certain rules and regulations enacted and promulgated by it which said rules and regulations are alleged to constitute an attempt upon the part of the Commission to exercise a supervisory control of the programs, of the business management and of the policy to be employed by radio-broadcast stations which are licensed by said Commission pursuant to said act; and

Whereas it is urged that the Supreme Court of the United States in the case of Federal Communications Commission against Sanders Brothers Radio Station, decided March 25, 1940, interpreted and construed the Communications Act of 1934, as amended, as conferring no such power or authority upon the Commission as that which it is charged the Commission has attempted to exercise in its said rules and regulations of May 2, 1941, as aforesaid, and in so doing stated:

"But the act does not essay to regulate the business of the licensee. The Commission is given no supervisory control of the programs, of business management, or of policy. In short, the broadcasting field is open to anyone, provided there be an available frequency over which he can broadcast without interference to others, if he shows his competency, the adequacy of his equipment, and financial ability to make good use of the assigned channel." Now, therefore, be it

Resolved, That the Committee on Interstate Commerce of the Senate, or a subcommittee thereof, be, and it hereby is, authorized and requested to undertake a study (1) of said rules and regulations; (2) of the probable effects thereof upon the broadcast system of

the United States and in particular upon the network organizations and licensees affiliated with said organizations or independent thereof; (3) of the probable effects thereof upon the quality of programs broadcast to the American public; (4) of whether said rules and regulations attempt to confer or do confer upon the Commission supervisory control of the programs, business management, or policies of network organizations and of broadcast licensees; (5) of whether said rules and regulations if enforced will adversely affect the broadcast structure of the United States and the service rendered thereby to the people thereof; (6) of whether they constitute a threat to the freedom of speech by radio in the United States; (7) of whether they will contribute to Government ownership and operation of broadcast stations or to regulation of them as common carriers; (8) of whether said rules and regulations are in their effect an effort to define monopoly or monopolistic practices and to assert the power of the Commission to find a licensee guilty thereof and to deny a license to an applicant because of such finding; (9) of any problem of radio broadcasting which said committee finds is raised or is affected by said rules and regulations and of the principles and policies which should be declared and made effective in legislation for the regulation and control of the radio industry, of broadcasting and of interstate and foreign communication by radio and which should guide and control the Commission in the administration of said Communications Act of 1934 as amended; (10) and finally to consider whether said Commission is authorized by present law to promulgate and enforce the rules and regulations adopted by it as aforesaid; and be it further

Resolved, That all testimony, exhibits, briefs, arguments, and reports or photostatic copies thereof, submitted by or to the Commission in connection with said proceeding Docket No. 5060 be transferred to and filed with said committee of the Senate for its study and consideration; and be it further

Resolved, That the committee shall report to the Senate as soon as practicable its findings and its recommendations concerning the matters which it is hereby requested to study; and be it further

Resolved, That said Commission be and it hereby is requested to postpone the effective date of said rules and regulations until said Interstate Commerce Committee shall have made its report to the Senate in pursuance of this resolution and for 60 days thereafter.

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

PRINTING OF MANUSCRIPT RELATIVE TO STRIKES IN DEFENSE INDUSTRIES

Mr. THOMAS of Utah submitted the following resolution (S. Res. 114), which was referred to the Committee on Printing:

Resolved, That the manuscript entitled "Statement Showing Basic Data for the Formulation of a Policy Toward Strikes in Defense Industries in the United States, Together With Facts as to the Extent, Duration, and Severity of Those Strikes, and the Causes Therefor; Also a Summary of the State and Federal Law and Jurisprudence Which Defines the Rights and Status of Labor Insofar as They Relate in Any Way to Strike Situations," be printed as a document.

CHARLES J. KAPPLER—COMPILATION OF VOLUME V, INDIAN LAWS AND TREATIES

Mr. THOMAS of Oklahoma submitted the following resolution (S. Res. 115), which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Senate is hereby authorized and directed to pay, from the contingent fund of the Senate, to Charles J. Kappler the sum of $2,000 for the work of compiling, annotating, and indexing the fifth volume of Indian Laws and Treaties (S. Doc. No. 194, 76th Cong.), same having been authorized by Senate resolution of February 11, 1937.

SORTING INDEXING, ETC., CERTAIN SENATE PAPERS

Mr. TYDINGS submitted the following resolution (S. Res. 116), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate hereby is authorized to expend from the contingent fund of the Senate not to exceed $2,000 for the employment of necessary clerical and other assistance in sorting, indexing, and transferring from their present storage space in the Senate Office Building the files of bills, documents, books, and other material of the Senate Document Room and Senate Library, as directed by the Committee on Rules.

THE RESPONSIBILITY OF THE RADIO—ADDRESS BY THE VICE PRESIDENT

[Mr. HATCH asked and obtained leave to have printed in the RECORD an address by the Vice President of the United States at the convention of the National Association of Broadcasters, on May 13, 1941, on the responsibility of the radio, which appears in the Appendix.]

ADDRESS BY SENATOR THOMAS OF UTAH ON THE SELECTIVE SERVICE ACT

[Mr. HILL asked and obtained leave to have printed in the RECORD a radio address delivered by Senator THOMAS of Utah on May 12, 1941, on the subject Does the Selective Service Act Need Amendment, which appears in the Appendix.]

ADDRESS BY SENATOR THOMAS OF UTAH ON RESPONSIBILITIES AND OPPORTUNITIES OF UNIVERSITY EXTENSION

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an address entitled "Responsibilities and Opportunities of University Extension," delivered on May 7, 1941, by Senator THOMAS of Utah at the twenty-sixth annual conference of the National University Extension Association, in Oklahoma City, Okla., which appears in the Appendix.]

AMERICAS LAST CLEAR CHANCE—ADDRESS BY SENATOR PEPPER

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a radio address delivered by him at Washington, D. C., on February 20, 1941, on the subject America's Last Clear Chance, which appears in the Appendix.]

ADDRESS BY SENATOR TOBEY AGAINST INVOLVEMENT IN WAR

[Mr. TOBEY asked and obtained leave to have printed in the RECORD an address delivered by him at a mass meeting of the American Mothers of Massachusetts, in Boston Common, on Sunday, May 11, 1941, which appears in the Appendix.]

CORRESPONDENCE WITH SENATOR TOBEY ON WAR SITUATION

[Mr. TOBEY asked and obtained leave to have printed in the RECORD a letter from Alfred E. Stearns, headmaster emeritus of Phillips Academy, Andover, Mass., and his reply thereto, relative to the participation of the United States in the European war, which appear in the Appendix.]

THE LAW OF NATIONAL DEFENSE—ADDRESS BY THE ATTORNEY GENERAL

[Mr. VAN NUYS asked and obtained leave to have printed in the RECORD an address by the Attorney General of the United States before the annual meeting of the American Judicature Society on Wednesday, May 7, 1941.]

ARTICLE BY GEN. DAVID P. BARROWS ON SOUTH ATLANTIC DEFENSE

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD an article entitled "South Atlantic Defense," written by former President David P. Barrows of the University of California, which appears in the Appendix.]

EDITORIAL FROM THE STATE MAGAZINE ON NORTH CAROLINA AND RELIEF

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial from the State Magazine, published at Raleigh, N. C., by Hon. Carl Goerch, entitled "North Carolina and Relief," which appears in the Appendix.]

CALL OF THE ROLL

The VICE PRESIDENT. The pending question is on the amendment offered by the Senator from Kentucky [Mr. CHANDLER].

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

Mr. HILL. I announce that the Senator from Arkansas [Mrs. CARAWAY] is absent from the Senate because of a death in her family.

The Senator from Mississippi [Mr. HARRISON], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from New Mexico [Mr. CHAVEZ] is detained on important public business.

I ask that this announcement stand for the day.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

PRINTING OF EXTRANEOUS MATTER IN CONGRESSIONAL RECORD

Mr. HAYDEN. Mr. President, before we begin dividing the time, I should like to make a statement on behalf of the Joint Committee on Printing.

There has been submitted to each Member of the Senate and to each Member of the House of Representatives a regulation recently adopted by the Joint Committee on Printing under the authority of a law, which provides that the committee "shall take all needed action for the reduction of unnecessary bulk" in the CONGRESSIONAL RECORD.

I desire to point out to the Senate—and I shall print in the RECORD a table of figures showing the facts—that in the Seventy-third Congress, which began in 1933, the total cost of printing the CONGRESSIONAL RECORD was $981,630. In the Seventy-sixth Congress, which came to an end last January, it cost $1,795,310, or nearly twice as much. A large part of this expense was due to extensions of remarks in the Appendix of the RECORD.

The extension of remarks, or printing matter in the Appendix of the RECORD, is done by unanimous consent of each House. There is to be no change in the rule that if the matter to be published is less than two pages it may be inserted without an estimate; but if the material amounts to more than two pages the new rule provides that not only must an estimate be obtained but, in obtaining the consent of either body—the Senate or the House—the Member shall state what the cost will be. There have been many instances in which Members did not realize the cost. A very large number of insertions have been made in the back of the RECORD at a cost of about $45 a page, with the resultant expenditure of very large sums of money.

Mr. SMITH. Mr. President, it will not be necessary to secure an estimate of cost if the Member introducing the matter knows that it is short and will not cover more than two pages?

Mr. HAYDEN. If the matter to be printed is less than two pages there is no question about its insertion. There is an old saying that——

Little drops of water, little grains of sand
Make the mighty ocean and the pleasant land.

Extensions of remarks inserted one after another add up to a very large total. Therefore, the Joint Committee on Printing, in endeavoring to protect the Federal Treasury, has made this regulation, to which the attention of Senators is directed.

I ask leave to have published at the conclusion of my remarks the statement of cost of the RECORD to which I have referred, and a letter from the Joint Committee on Printing embodying the new rule.

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

Cost of all prints of Congressional Record for each session of Congress—68th to 77th Congresses

	Total cost
68th Cong.:	
1st sess	$562,088.71
2d sess	328,202.80
Total	890,291.51
69th Cong.:	
1st sess	715,456.79
2d sess	340,830.34
Total	1,056,287.13
70th Cong.:	
1st sess	650,305.75
2d sess	313,370.07
Total	963,675.82
71st Cong.:	
1st sess	370,710.52
2d sess	766,616.07
3d sess	421,008.17
Total	1,558,334.76
72d Cong.:	
1st sess	983,584.86
2d sess	274,352.09
Total	1,257,936.95
73d Cong.:	
1st sess	292,452.83
2d sess	689,177.26
Total	981,630.09
74th Cong.:	
1st sess	829,806.36
2d sess	599,664.64
Total	1,429,471.00
75th Cong.:	
1st sess	731,876.32
2d and 3d sess	815,726.73
Total	1,547,603.05
76th Cong.:	
1st sess	683,559.16
2d sess	101,751.29
3d sess	1,010,000.00
Total	1,795,310.45
77th Cong.: Jan. 3, to May 9, 1941	315,000.00

Cost of RECORD for special sessions of Senate:

Mar. 4–18, 1925	$17,987.60
Mar. 4–5, 1929	1,157.29
July 7–21, 1930	19,324.19

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON PRINTING,
Washington.

PERSONAL ATTENTION

"LAWS AND RULES FOR THE PUBLICATION OF THE CONGRESSIONAL RECORD

"Code of Laws of the United States

"Title 44, section 181. CONGRESSIONAL RECORD; arrangement, style, contents, and indexes: The Joint Committee on Printing shall have control of the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it shall be substantially a verbatim report of proceedings shall take all needed action for the reduction of unnecessary bulk, and shall provide for the publication of an index of the CONGRESSIONAL RECORD semimonthly during the sessions of Congress and at the close thereof. (Jan. 12, 1895, ch. 23, sec. 13, 28 Stat. 603.)"

DEAR SIR: Pursuant to the foregoing statute requiring the committee to "take all needed action for the reduction of unnecessary bulk," and in order to provide for the prompt publication and delivery of the CONGRESSIONAL RECORD and remedy waste in the expenditures for public printing and binding, the Joint Committee on Printing, at a meeting held on April 23, 1941, adopted the following amendments to paragraphs 8 and 10 of its rules relating to the publication of the RECORD, to which the attention of all Members of Congress is respectfully invited:

"8. Appendix to daily RECORD: When either House has granted leave to print (1) a speech not delivered in either House, (2) a newspaper or magazine article, or (3) any other matter not germane to the proceedings, the same shall be published in the Appendix, but this rule shall not apply to quotations which form part of a speech of a Member, or to an authorized extension of his own remarks: *Provided*, That no address, speech, or article delivered or released subsequent to the final adjournment of a session of Congress may be printed in the CONGRESSIONAL RECORD.

"10. Estimate of cost: No extraneous matter in excess of two pages in any one instance may be printed in the CONGRESSIONAL RECORD by a Member under leave to print or to extend his remarks unless the manuscript is accompanied by an estimate in writing from the Public Printer of the probable cost of publishing the same, which estimate of cost must be announced by the Member when such leave is requested; but this restriction shall not apply to excerpts from letters, telegrams, or articles presented in connection with a speech delivered in the course of debate or to communications from State legislatures, addresses, or articles by the President and the members of his Cabinet, the Vice President, or a Member of Congress. The Public Printer or the Official Reporters of the House or Senate shall return to the Member of the respective House any matter submitted for the CONGRESSIONAL RECORD which is in contravention of this paragraph."

In the event of doubt as to whether certain matter exceeds two pages, an estimate should be obtained in advance from the Public Printer through representatives having contact with the Government Printing Office.

Respectfully yours,

CARL HAYDEN, *Chairman.*

SENATOR FROM WEST VIRGINIA

The Senate resumed the consideration of Senate Resolution 106, seating Joseph Rosier as a Senator from the State of West Virginia.

The VICE PRESIDENT. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Kentucky [Mr. CHANDLER] to the resolution reported from the Committee on Privileges and Elections by the Senator from Texas [Mr. CONNALLY].

Mr. HATCH. Mr. President, I inquire of the chairman of the Committee on Privileges and Elections when the time limit begins, and how much time he is willing to yield to me.

Mr. CONNALLY. Mr. President, I will say to the Senator that we have an informal agreement that the time consumed in interruptions due to the presentation

of resolutions and other formal matters will not count on either side, so I assume that the time starts now; and I yield to the Senator from New Mexico such time as he may desire.

Mr. HATCH. I thank the Senator from Texas. I shall conclude my remarks as quickly as I can.

Mr. CHANDLER. Mr. President, may I amend the statement of the Senator from Texas with the observation that the speech of the Senator from New Mexico is not to extend more than 2 hours?

Mr. HATCH. I guarantee that it will not.

Mr. President, I am fully aware that we have already considered this case for 3 days. Practically all that time has been spent in a discussion of more or less technical propositions of law. We are not exactly responsible for that situation, for the case itself is quite technical. However, in the argument which I shall make I desire, if I can, to avoid repeating a great deal of the argument that has been made, although it will be necessary, in some respects, at least, to go over some of the points which have already been urged by the Senators who support the view held by those of us who think Senator Neely's appointee should be seated.

Already during the course of the debate I have voiced some of my views on the questions of law involved. I have said that if the decision had been left to me originally, when this midnight transaction took place I would have sent both men back to West Virginia and said to the people of West Virginia, "Hold an election and select the Senator of your choice." That was my original thought; but upon looking into the laws of West Virginia and the precedents of the Senate I could find no legal authority for even attempting such a course. The problem is before us. It is here for us to determine and to decide to the best of our abilities.

Senators have said, in beginning their arguments—all of them, I think—that they disclaim any personal interest in the political fortunes of either man, and especially in the political conditions of West Virginia. I shall follow suit, and reiterate my own impartiality and friendly feeling toward everybody concerned. However, Mr. President, I do not think the political fortunes of either man should be involved in this discussion in any way whatever. I do not think any personal friendships or any prejudices should enter into this decision. We are not concerned with the political factions of West Virginia. We are concerned with laying down a precedent in the United States Senate of which we shall not be ashamed. That is our duty, and that is our responsibility.

I wish to say now that, while I said that I did not criticise the men individually, I do criticise with all the force I have the course of action taken by both in sitting up until midnight on January 12, in the dead hours, when usually men of nefarious ways perform their functions. I do not think a Senator of the United States ought to be selected at such a time and in such a manner. While I do not hesitate to criticize that course of action, I still am willing to say for the two principals involved that I quite believe that Governor Holt, the outgoing Governor, and Governor Neely, the incoming Governor, both thought, according to their lights, that they were pursuing the course which was best for the people of their State.

It will be impossible for me, Mr. President, to discuss all the points that have been raised in this debate; but, as the Senator from Vermont [Mr. AUSTIN] said on Friday, I do not want my failure to discuss the points which have been made by the chairman of the committee, the Senator from Texas [Mr. CONNALLY], the Senator from Illinois [Mr. LUCAS], the Senator from West Virginia [Mr. KILGORE], and the Senator from Delaware [Mr. TUNNELL], to imply that I have abandoned any of those points. I agree with every word they have said, and I think the arguments they have made are unanswerable.

Probably the point which I should first discuss is the question whether or not Senator Neely vacated his office as United States Senator when he took the oath of office at 11:45 o'clock. I mention that point first, because it has been argued and stressed in this body that when Senator Neely, at 11:45 on the night of January 12, took his oath of office as Governor, he thereby vacated his position in the Senate of the United States, and the vacancy thus created occurred in the term of Governor Holt, and Governor Holt was thereby entitled to fill the vacancy.

Mr. President, I think that in the committee at least the majority gave hardly a moment's consideration to the contention that a statute of West Virginia could deprive a Senator of the United States of his seat in this body. The only thing relied upon is, our opponents say, that he was ineligible to take an oath of office until he had divested himself of his seat in this body. They do say that, but they do not support it, and they cannot support it by any law of the State of West Virginia or the Constitution of West Virginia, because it is not written there. What is written there is that no man shall hold two offices at the same time, and that is all that is written.

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

Mr. HATCH. I yield.

Mr. CHANDLER. Does not the Senator answer his own question when he says that no person can hold two offices at the same time?

Mr. HATCH. I certainly do; and in order to make the Senator's argument effective he would have to say that when Senator Neely vacated his office as Senator and became Governor he was holding two offices at the same time; and the Senator does not say that, and he will not say it.

Mr. CHANDLER. Wait a moment. I will say that Senator Neely took the first oath, not at 11:45, but he took it at 11:35, and another at 11:45. The Senator from New York [Mr. MEAD] asked the Attorney General, "It is your contention"——

Mr. HATCH. I know what the Attorney General said.

Mr. CHANDLER. The Senator from New York asked:

> It is your contention that Senator Neely had to quit, give up the office of Senator, before he could qualify for the office of Governor?

Mr. HATCH. I did not ask the Senator what the Attorney General said. I ask the Senator, What does the law say?

Mr. CHANDLER. The law says that a person cannot hold two offices at the same time.

Mr. HATCH. Absolutely; and that is all it says.

Mr. CHANDLER. No two bodies can occupy the same space at the same time. Neely was paid for being United States Senator the first 12 days of January, and I submit to the Senate that he was not Governor and Senator at the same time.

Mr. HATCH. And the Constitution was not violated.

Mr. CHANDLER. He said he could not do it.

Mr. HATCH. Of course, he could not do it. There was no vacancy in the office of Governor. That raises another question. I lay it down, not merely as what I say, but as what the law says—and if the Senator disputes it I have the authorities to support it—that in order to make the taking of the oath effective as a divestment of the first office there must be a vacancy in the second office into which he enters. That is the law, and that is what the books say.

Mr. CHANDLER. May I interrupt the Senator again?

Mr. HATCH. Yes. However, I am speaking under a limitation of time. What does the Senator desire to ask?

Mr. CHANDLER. Never mind; I will have a little time of my own.

Mr. TYDINGS. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. TYDINGS. Under the laws of West Virginia is it possible for Governor Neely's term to have commenced on January 12?

Mr. HATCH. Not at all. It was absolutely impossible, and that was the point I was making. Governor Neely's term, under the Constitution of the State of West Virginia, began precisely at midnight January 13.

Mr. CHANDLER. When did the vacancy occur?

Mr. HATCH. Precisely at midnight.

Mr. CHANDLER. Who was Governor then?

Mr. HATCH. Governor Neely became Governor precisely at midnight.

Mr. CHANDLER. That is where we are in sharp disagreement. I claim that Governor Neely——

Mr. HATCH. I know what the Senator claims. The Senator claims there was an interval of time, and he claims there has to be——

Mr. CHANDLER. I claim Governor Neely could not be Governor until he qualified and did all the things——

Mr. HATCH. He did all the things.

Mr. CHANDLER. Which the law required him to do before he became Governor.

Mr. HATCH. That is exactly the point I am making. He complied with the laws and the constitution of his State, which almost commanded him to

take his oath of office before the term of his office began.

Mr. CHANDLER. The Senator cannot give him a better case than he has. He did not file all those oaths until the 25th of January.

Mr. HATCH. I hope the Senator will not argue that.

Mr. CHANDLER. I have to do it.

Mr. HATCH. That shows the weakness of the Senator's case. When he relies on such a thin argument as that, such a diaphanous argument as that, he has an exceedingly weak case.

Mr. CHANDLER. I know what a weak case is.

Mr. CONNALLY. Mr. President, will the Senator from New Mexico yield?

Mr. HATCH. I yield.

Mr. CONNALLY. I hope the Senator from New Mexico, in view of the limitation of time, and in view of the fact that the Senator from Kentucky will have two hours and a half of his own time, will not waste any time undertaking to convince the Senator from Kentucky, because I know he cannot convince the Senator from Kentucky.

Mr. CHANDLER. Mr. President, will the Senator from New Mexico yield for just one more observation?

Mr. HATCH. I yield for one more observation.

Mr. CHANDLER. The Senator from New Mexico is fully capable of taking care of himself and controlling his own time. If he needs a little more time, I will give him some of mine, because I am anxious to clear up some of these matters.

Mr. CONNALLY. I control the time on this side.

Mr. CHANDLER. The Senator does, and he has given time to the Senator from New Mexico.

Mr. HATCH. Unless someone makes a point of order and takes me off the floor, I refuse to yield further.

Mr. CHANDLER. One more question.

Mr. HATCH. Very well, one more.

Mr. CHANDLER. Who controls the Senator's time, he, or the Senator from Texas?

Mr. HATCH. The Senator from Texas has been very gracious to yield me such time as I may require, or need, and he is the chairman of my committee, in charge of this debate. At any time he wishes to rise and interrupt me and make any suggestion, I shall gladly yield to him.

Mr. CHANDLER. I want to know whom to ask. I want to know if the Senator from New Mexico has the floor, and if so, I wish to ask him.

Mr. HATCH. The Senator may ask me.

Mr. CHANDLER. I merely wish to know whom to ask.

Mr. HATCH. The Senator may ask me.

Mr. President, I have already said that the effect of the oath taken at 11:45 o'clock was a mere compliance with the laws, almost the commands, of the State of West Virginia; that there was no vacancy in the office of Governor; that Senator Neely did not hold two offices at the same time, and when his term began, he automatically instantly vacated his office as Senator.

What I have said has already been pointed out by most of the Senators who have preceded me, but is conclusively established by the decisions, which I think can admit of no dispute. I wish to read once more from the decision in the Taylor case, just a short excerpt from it, merely to show that I am not arguing what I think, but I am arguing, or trying to argue, what the law is. This is the decision in that case:

> Until the time when he could legally enter upon the discharge of the duties of the new office—

He could not do that at 11:45 o'clock, because Governor Holt's term had not expired then.

> There was nothing in the spirit or letter of the law declaring that his preparation for entering upon such duties would vacate his former office.

I say that is sound, it is logical, and it is reasonable.

> His taking the oath and executing the bond were but such preparation.

Mere preparation for the assumption of the duties which would later begin. The Senator from Kentucky has left the Chamber; I started to make an observation to him.

It is further said:

> Had the term of his new office then commenced such qualification would be the statutory acceptance such as would vacate his former office.

If the vacancy had been in existence at the time, then, when he took the oath, he would automatically have gone from the old office into the new.

I think that draws a line of distinction which the opposition has failed to make in this case. I do not think, honestly, they have realized that that distinction existed. I do not think the junior Senator from Kentucky has realized it.

But the distinction is there, and it is a sound and a reasonable distinction.

> If there is no vacancy to be filled at the time the qualifying oath is taken, that qualification does not divest the person of his former office.

I do not take it that it is necessary to continue arguing such a fundamental point as that. No one has ever said that the office was vacant, and that by taking the qualifying oath Senator Neely became Governor at 11:45. He could not. That was still Governor Holt's term.

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

Mr. HATCH. I yield.

Mr. LUCAS. Is the Senator quoting from the Kentucky case?

Mr. HATCH. Yes.

Mr. LUCAS. The two offices in that case were incompatible.

Mr. HATCH. Yes.

Mr. LUCAS. Just as were the two offices we are considering in this case; and the facts, as I recall, were on all fours with the facts here, and there was nothing cited in the brief filed by counsel for the appointee, Martin, which tended to overrule or overturn or contravene in any way the law laid down by the Supreme Court of Kentucky in that case.

Mr. HATCH. The Senator from Illinois is exactly correct, and I cannot see that there is any doubt at all about the proposition I am arguing as to whether the oath taken at 11:45 did have any potent effect. It is a proposition which the opposition does not face squarely and has not faced squarely since this debate began. They center their criticism and their plea for an interval of time on the oath that was taken after midnight or instantly after midnight. So far as I have heard not a Senator has recognized for any purpose the oath taken at 11:45, except to say that it vacated the office of United States Senator. Not one time have opposition Senators met the issue that under the laws of West Virginia a man can and should take his oath of office and perform the other qualifying acts so that the instant his term of office begins he instantly, without any fraction of time, without splitting any second, becomes the new officer. That is what happened in this case.

I have said I did not want to split seconds. I have refused to split seconds, and I have tried to find a rule which would prevent the Senate from trying to split seconds, and the rule I have announced does that.

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

Mr. HATCH. I yield.

Mr. TYDINGS. Can the Senator tell me whether it had been the custom and the precedent in West Virginia heretofore for the new Governor on beginning his term of office on a certain day, for instance, January 13, to have completely dominated the whole day from midnight on, or whether the old Governor had a part of the time up until the new Governor was actually inducted at the inaugural ceremonies?

Mr. HATCH. I cannot answer that question. As a matter of fact, I do not know what the custom has been in West Virginia in that regard.

Mr. TYDINGS. I think we can all follow the argument of the Senator, and I think it is very conclusive, except there seems to be one hiatus to some of us, and that is——

Mr. HATCH. The Senator knows I cannot make my whole argument at once, but I hope the point the Senator is about to make is one I am coming to.

Mr. TYDINGS. I hope so, too. It was argued on the floor the other day that even though the Governor did not take his oath until say 12 o'clock noon on the 13th of January, that automatically carried him back until midnight on the 12th–13th. I do not altogether concede the logic of that argument, because it would be perfectly possible——

Mr. HATCH. I intend to present that theory in a minute or two.

Mr. TYDINGS. Very well.

Mr. HATCH. I shall read from a case which I have on my desk, not to cite it simply because some supreme court has said so and so, for I think we may be a little bit vain in that regard, and that Senators are just as capable of making up their minds about what the law is and what it may be as is any supreme court; but I think the reason and the logic of any group of men might appeal to us, and that is the reason I shall read the case.

Mr. TYDINGS. I certainly hope I can be here and hear the Senator read the case, but I shall not be on the floor all the

time, and therefore I will take the liberty of asking a question which will perhaps bring into focus what I have in mind.

Mr. HATCH. Very well.

Mr. TYDINGS. Let us suppose that X is elected Governor of West Virginia, and prior to the date fixed for his term of office he takes the oath, just as Senator Neely did. But let us suppose that at half past 11 p. m. on the 12th, while walking across the street, he was struck by an automobile and was carried to the hospital.

Mr. HATCH. Does the Senator mean Governor Holt?

Mr. TYDINGS. No; Governor-elect Neely, having been elected, and having taken the oath of office at noon, let us say, on the 12th, is struck by an automobile at 11:30 o'clock p. m., he is taken to the hospital, and, actually, physically, is not in a condition to become Governor for 30 days. Who is Governor of West Virginia during that 30-day period?

Mr. HATCH. If there is a failure to qualify, the president of the State senate automatically takes the office.

Mr. TYDINGS. The Governor-elect already had taken the oath before he was hit by the automobile.

Mr. HATCH. He has qualified; then he becomes Governor.

Mr. TYDINGS. Then the old Governor would go out of office when?

Mr. HATCH. Immediately at midnight.

Mr. TYDINGS. Immediately at midnight?

Mr. HATCH. Yes.

Mr. TYDINGS. Is there dispute over that assertion by the Senator?

Mr. HATCH. I do not think so. I do not think there could be any dispute about that.

Mr. TYDINGS. The Senator can see the significance of the question, I am sure.

Mr. HATCH. I do not believe even the opposition would dispute that proposition.

Mr. TYDINGS. Even though he was not present at midnight on the 13th, or any time during the day on the 13th, and was absent in the hospital for 30 days, it is the Senator's contention that even though ill he had qualified completely and actually and was the Governor?

Mr. HATCH. And it required no other act to be done; that is the point.

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

Mr. HATCH. I yield.

Mr. GILLETTE. Before the Senator leaves the point he was discussing when the Senator from Maryland interrupted him I wish to ask him a question. I believe the Senator took the position that the oath taken at 11:45 qualified Mr. Neely, provided he had performed all the other qualifying acts.

Mr. HATCH. Yes.

Mr. GILLETTE. And in the Senator's opinion he had performed all the other necessary acts.

Mr. HATCH. There is no question about it. That is admitted by all. There is no question about the other qualifications having been met by Senator Neely.

I now wish to say a few more words about the attempt to divide this fraction of a second. The Senator from Vermont [Mr. AUSTIN]—and I have the highest regard in the world for the Senator—very frankly said to me in answer to my question that the interval occurred when Governor Holt's term was still in existence at some point after midnight, and he recited at length to us how quickly Governor Holt could sign a commission, and how long it would take Senator Neely to take the oath of office, and he arrived at the conclusion that in that interval of time—the fractional part of a second—Governor Holt remained governor and had authority to appoint a Senator of the United States. Senators may be able to make so fine a division, but do they know what it reminds me of? It reminds me of an old doggerel on our profession:

> He could distinguish and divide
> A hair 'twixt south and southwest side.
> And wisely tell the time of day.
> The clock does strike by algebra.

I think Senators who attempt to divide a fraction of time, a second, as they attempted to in this case, go beyond even those old lines of doggerel. I do not believe algebra is high enough in mathematics to make such a division as that.

The Senator from West Virginia [Mr. KILGORE] also appealed to mathematics, and pointed out that there was a point of time, which I believe he said had length. I am not criticizing his mathematics. I have not looked at an algebra for many years, but, as I recall a point, it is a dimensional figure without length, breadth, or thickness. There was a point of time, that point of time when the terms of the outgoing Governor and the incoming Governor met, and that point was a dimensional figure which had neither length, breadth, nor thickness. Let Senators divide that if they can.

It cannot be done. To my mind it is ridiculous to ask us to determine a mad race such as the one which took place in West Virginia at midnight between two Governors each seeking to appoint a United States Senator. Who knows which one won that race? No judges with stop watches were present in one office here, and in another office there, to see how long it took. Even on a race track a record cannot be established without accurate knowledge as to the time involved. Yet we are asked, without any accurate knowledge, without any information, to say that one outran the other. If anybody can do that, he must adopt means and methods unknown to me. I say it cannot be done.

I think the Senator from Kentucky [Mr. CHANDLER] is at my rear. I seem to recognize his voice, saying under his breath, "May I ask you a question?" Yes; I yield for a question.

Mr. CHANDLER. I was afraid to ask out loud because I was afraid the Senator from Texas [Mr. CONNALLY] would stop me [laughter].

The Senator said that we are to try to decide which one won the race.

Mr. HATCH. I have already submitted a proposition which does not involve any race; and I am about to submit another proposition which does not involve any race.

Mr. CHANDLER. I understand that my friend is so disgusted with both contestants that he wants to send the matter back to West Virginia.

Mr. HATCH. The Senator heard me make my statement on the floor and in the committee; and he heard my statement today.

Mr. CHANDLER. I merely wanted to see if that was still the Senator's position. He says we shall have to decide who won the midnight race.

Mr. HATCH. No; I do not. I say that we are not going to decide that kind of a race. That is what I refuse to do. There is no race.

Mr. CHANDLER. If the Senate is to make a decision, it must decide as between two contestants who stayed up all night watching the clock. If we seat either one of them, we must seat someone who was up all night watching the clock, taking oaths, and trying to appoint somebody to the Senate.

Mr. HATCH. We do not have to seat either one of them on any such theory.

Mr. CHANDLER. We must seat one of them on such a theory, or in spite of it.

Mr. HATCH. We will seat the proper man, in spite of such theories.

Mr. CHANDLER. We cannot send the question back to West Virginia, for the reason that the United States Senate cannot call an election in West Virginia. There are certain practical difficulties which my friend realizes.

Mr. THOMAS of Oklahoma. Mr. President, will the Senator yield for a question?

Mr. HATCH. I yield.

Mr. THOMAS of Oklahoma. I should like to know whether or not any photographic record was made of the finish of the race in West Virginia?

Mr. HATCH. There was no photographic finish, and no man on earth knows which nose went under the wire first.

Mr. THOMAS of Oklahoma. Will the Senator further yield?

Mr. HATCH. I yield.

Mr. THOMAS of Oklahoma. If the Senate should see fit to reject both the resolution and the amendment in the nature of a substitute, would not such action automatically send this case back to West Virginia for further consideration?

Mr. HATCH. Under the laws of West Virginia, a special election could not be called before the next general election. There is no provision for it. West Virginia would be deprived of a seat in the Senate.

Mr. THOMAS of Oklahoma. If we should reject both the resolution and the amendment in the nature of a substitute, such action would give the appointing power in West Virginia the right to proceed to fill the vacancy.

Mr. HATCH. Yes. That is the thing to which my friend, the Senator from Kentucky, objects. He says that we might as well seat Dr. Rosier in the first instance.

Mr. CHANDLER. I think that is true. If I were the Governor, I should certainly submit the name of the same man.

Mr. THOMAS of Oklahoma. If that should be done, there could hardly be a question raised about the validity of the next appointment.

Mr. HATCH. No; there could be no question whatever about it.

The point I was making was that there was no interval of time, and that the three things happened at one and the same time. Governor Holt's term expired at midnight. Governor Neely's resignation as Senator became effective at midnight. Governor Neely's term as Governor began at midnight. He had taken the oath of office before that time; and regardless of any race, he became Governor precisely at midnight, and the appointment made by Governor Holt must fail because his term of office had expired and his power had died with it.

On that point I will say to the Senator that no one contends that Governor Holt could have made an appointment effective over into the term of Governor Neely. Yet that is exactly what he tried to do. That is exactly the point made by those who argue this case in behalf of his appointment. They contend that, because the constitution of West Virginia says that a man shall continue to discharge the duties of his office until his successor is appointed and qualified, Governor Holt's term did extend beyond midnight. That might be true if Governor Neely had not already qualified, and if his term had not already commenced instantly at midnight.

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

Mr. HATCH. On that point, before I get away from it, I wish to say that I am not so sure the argument that Governor Holt's term was extended is sound. My thought is that the constitution of West Virginia means what it says. I know that the statute and some of the decisions refer to an extension of term. The constitution does not. The constitution says that he shall discharge the duties of his office, and many cases hold that a Governor holding over under such circumstances is merely acting by sufferance; that his term is not extended; and that his tenure by sufferance is for the purpose of protecting the welfare and business of the State until his successor can qualify.

Mr. CHANDLER. Mr. President, will the Senator yield for a question on that point?

Mr. HATCH. I yield.

Mr. CHANDLER. Senator Neely resigned and asked that the resignation take effect "precisely at" 12 o'clock. Is not that correct?

Mr. HATCH. That is correct.

Mr. CHANDLER. He said that he took oath "instantly after" 12 o'clock. The Senator is giving him a better case than he gave himself. In one case he said, "precisely at," and in another case he said "instantly after." What is the difference?

Mr. HATCH. That is exactly what I have said all the time.

Mr. CHANDLER. What is the difference?

Mr. HATCH. The Senator refuses to face the oath taken at 11: 45.

Mr. CHANDLER. Oh, no.

Mr. HATCH. The Senator wants an interval of time.

Mr. CHANDLER. Oh, no.

Mr. HATCH. Oh, yes.

Mr. CHANDLER. The Senator is mistaken.

Mr. HATCH. The Senator wants some interval between "precisely at" midnight and "instantly after" midnight, because that is the only way under the sun that he can possibly obtain an interval of time and the only way Governor Holt could reach out into Governor Neely's term and appoint a United States Senator.

Mr. CHANDLER. My friend is mistaken. I expressly refuse to rely on that point, because I think the other case is stronger. Senator Neely drew pay as a United States Senator——

Mr. HATCH. Mr. President, I have been speaking for nearly an hour already, and I promised that I would not consume more than an hour. The Senator may make his own speech after a while.

I wish to come to another point and lay down the proposition that, even if the oath at 11:45 had not been taken and even if the oath had not been taken instantly after midnight and even if Governor Neely had waited until 12 o'clock noon, he still had the power to appoint a United States Senator, and there was no power in Governor Holt to do so. There is no doubt that Governor Holt's term expired at midnight. The constitution of West Virginia provides that the terms of all incoming officials shall begin on the first Monday after the second Wednesday, and the law says that the first day of an official's term begins at midnight and that the preceding term ends at midnight. There is no interval. It is against the policy of the law to permit an interval to take place. A vacancy in an office between the end of one term and the beginning of another is a thing unknown to the law. There is no doubt about it.

I have said that if Governor Neely had waited until 12 o'clock noon to take the oath, it would still have been good, and he could still have filled the vacancy in the Senate. The reason why I say that is that the law which recognizes that an officer holds over into his successor's term is one of necessity. It is laid down for certain purposes and reasons. The purpose is not to enlarge the term of the outgoing official; that is not the reason at all; it is not to extend his powers, but to protect and care for the business of the State until the new Governor can qualify. It was never contemplated by the law that a new Governor, in order to protect the prerogatives of his office and have the opportunity of discharging all the duties devolving upon him by reason of the office to which the people of his State had elected him, and prevent a predecessor from embarrassing him, should have to sit up and take an oath at midnight. No law ever contemplated such a course—a course repugnant and repulsive to every thought and theory of decent government. That is exactly what I think about it; and it is not a new question. I refer Senators to the decision from which I shall now read, and I ask them to listen to me, for it is not long. Perhaps I can shorten it by reading from my notes.

In this case there was involved the employment of a sheriff.

The important question—

Said the court—

is, Would the old board have the authority to fill the vacancy for the ensuing 2 years caused by the death of Mr. Walsh?

Under a constitutional provision which fixed the official year as commencing on the first Monday of January, the outgoing board met on that day. They held a special meeting at 1:30 in the afternoon, and the outgoing board appointed a sheriff for a term of 2 years to begin on that day, which was the first Monday of January. The appointee was present. He took his oath and executed his bond. At the time that happened, the new board had not qualified; but immediately or shortly after those transactions had taken place—not at midnight but in the daytime—the new board did qualify; and the new board refused to approve the bond the sheriff had given. Later—several weeks later—the new board met and appointed a different sheriff.

That case was much clearer than the one we have here. No splitting of seconds was involved. Yet the Supreme Court of Minnesota said:

The day begins at 12 o'clock midnight, and the law does not recognize fractions of a day. (Citing cases.) It is fair to assume, however, that it was not intended by the framers of the constitution that the change in office should take place at 12 o'clock midnight. The incoming officers should have a seasonable and reasonable time at the beginning of the business portion of the first official day—

Not in the dead hours of midnight—

in which to qualify and assume their duties. Some unforeseen circumstance might delay the opportunity to qualify until the latter part of the day; but that fact could not result in depriving that day of the prestige accorded to it by the constitution. It is fairly to be inferred from the language of the section that, although the whole of the day belongs to the new official year, yet for convenience, and to prevent an interregnum, the qualification of the new officer may take place at a convenient hour, according to the exigencies of the case. If any business at all be transacted on that day by the outgoing board prior to the qualification of the new members, it should be confined to the closing up of pending matters, or to matters of necessity. All business which naturally pertains to the new official year is within the jurisdiction of the incoming board.

Governor Neely's resignation took effect at midnight, the beginning of the new day. The appointment of his successor was official business belonging to the new term; and Governor Neely, regardless of any question of public policy, was Governor of that State, chosen by the people; and, whether a person likes him or not, he was entitled to perform every duty that fell to his term of office.

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

Mr. HATCH. I yield.

Mr. LUCAS. Probably it should be pointed out as an observation that the constitutional section upon which this decision was written was very similar to

the constitutional provisions with which we are dealing in the West Virginia case.

Mr. HATCH. Yes; very similar. It is not so much a question of precedent; it is the logic and the reason of the case that appeal to me; and, as I have said so often during this argument, the idea that officers should sit up until midnight to perform the functions of their office and to try to keep somebody else from doing something is repugnant to me.

Picture that scene in Charleston, W. Va., at midnight. One Governor sits in his office, with his pen poised—sending down, as he said, to have his watch set by Western Union time—ready to sign a commission for a Senator. In another office sits another Governor, I presume with his hand lifted to high heaven, before Almighty God, ready to take an oath as fast as he can, before the other one can sign a commission.

What is wrong with the reasoning of the case I have just announced? Why should not the incoming officer have all the day, and why should not the outgoing officer be restricted to performing only those duties which are necessary to conduct the business of the State and to protect the welfare of the people, as might well be required? I can think of many things.

Mr. President, I have said enough, and probably too much. I have presented my views. I do not desire to see this case turn on a split second of time. I do not desire to see it turn on a contest between two Governors, honest and sincere as they may be, each one trying to have his way. I desire to see the case turn upon a principle upon which the Senate can stand in the future. I desire to see the Senate lay down a precedent by which we can abide, and as a result of which we can say, "This is the law. This is what the Senate of the United States believes in; and no Governor in this land will ever again have to sit up until midnight to make an appointment of that kind."

Mr. President, I say to all Members of the Senate that we can make that decision. We can adopt the reasoning of the case which I have read, and say that it is the law for it is the law, that Governor Neely had the right to fix the time when his resignation should become effective. He did fix it; no one disputes his right to do so, and it became effective precisely at midnight. Under the Constitution of the State of West Virginia Governor Holt's term expired at midnight; and Governor Neely having already qualified, his term began. There was no interval. No power resided in Governor Holt to make an appointment. We can decide the case on that ground, and not split a second of time; or we can take the broader ground—and, to me, the better ground—and say, "Public officials shall have a reasonable time to qualify and to perform the duties of their offices in ordinary business hours of the day."

Mr. O'MAHONEY. Mr. President——

Mr. HATCH. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. The other day the Senator from New Mexico indicated, when I rose to interrogate the Senator from Vermont [Mr. AUSTIN], that in the Committee on Privileges and Elections he had raised the question whether the whole matter should not be referred to the people of West Virginia. Does the Senator recall what are the statutes of West Virginia with respect to special elections?

Mr. HATCH. I cannot recall the exact wording; but, with regard to the appointment of a Senator, I think if the vacancy is less than 2 years, the Governor appoints, and the appointee holds until the next general election. If the vacancy is for a period of more than 2 years, a special election must be held. This vacancy being for less than 2 years' time, there is no statutory provision for holding a special election.

Mr. O'MAHONEY. So, under the West Virginia law, this vacancy could be filled by election only at the next general election?

Mr. HATCH. Yes; and that is the reason which causes me to forsake the plan in which I believe, and in which I think the Senator from Wyoming likewise believes.

Mr. O'MAHONEY. In other words, a decision by Senators to vote against seating of either of the appointees would serve, under the present state of the West Virginia law, merely to keep a vacancy?

Mr. HATCH. No; not that. If neither qualified, then Governor Neely, of course, would appoint a man, either the same appointee or someone else. If we kept on refusing to seat an appointee, of course, the Senator is correct; there would be a vacancy until the next general election.

Mr. O'MAHONEY. I thank the Senator.

Mr. HATCH. Mr. President, I have concluded.

Mr. CHANDLER. Mr. President, the Senator from New Mexico having concluded, I yield 30 minutes to the Senator from Colorado [Mr. ADAMS].

Mr. WILEY. Mr. President, will the Senator yield to permit me to put something in the RECORD?

Mr. ADAMS. The Senator will have to take that matter up with the Senator from Kentucky.

The VICE PRESIDENT. Has the Senator from New Mexico concluded?

Mr. HATCH. Yes; I have surrendered the floor.

Mr. O'MAHONEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

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

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

Mr. ADAMS. Mr. President, I am impelled to make my statement as brief as I can, for two reasons: First, I wish to make it clear upon the RECORD that my own decision is not based upon any of the rumors and stories and personal matters which circulate about the Senate and on the floor; and, as I happen to be a member of the Rules Committee, certain other things have come to my attention. The other is that I have a clear, definite conviction as to the law of this case. I believe—and I am expressing merely my own belief—that a large part of the argument has been aside from the real point in the case. I disagree with my good friend from Kentucky [Mr. CHANDLER] as to the importance of the filing of the oath. I have tried to follow through the various arguments that have been made on both sides, and I have made up my own mind very clearly, very definitely; and that conviction I wish to express at this time.

I am entirely in accord with the Senator from New Mexico [Mr. HATCH] as to there being no interval of time between the 12th and the 13th. I recognize that there is a dividing line between Sunday the 12th, and Monday the 13th, but it is a line without breadth or duration. It is simply a contact line. One day comes up in immediate contact, as a matter of time, with the other day.

I am not in accord with the Senator from Illinois [Mr. LUCAS] in his argument that the president of the State Senate might, under these conditions, for a short or a long time, have had the powers of the Governor; but I am not concerned with that. My view is limited solely to Sunday, the 12th of January. My view is not in anywise affected by anything that happened after the midnight line between the 12th and the 13th. So I am not concerned with the midnight meetings. I am not interested in the activities of gentlemen who took oaths or signed commissions, seeing how close they could get to the midnight line. The decision, at least so far as my mind is concerned, is based upon unquestioned documentary evidence, all dealing with this 1 day.

Senator Neely sent in his resignation to Governor Holt. He fixed the time of his resignation. I recognize that he had a right to fix the time of his resignation. He fixed the time. When did he fix it? At the last instant on Sunday, the 12th of January. He resigned during the term of Governor Holt. Governor Holt was Governor, by everybody's concession, until the dividing line between the 12th and the 13th was reached.

So Senator Neely provided in terms that his resignation should take place on Sunday. Every second, every instant, every fraction of a second on Sunday was during the term of Governor Holt. There is no question as to that.

No part of Governor Neely's term began on the 12th. It began, at the earliest moment, on Monday the 13th. He served as Governor no instant on Sunday the 12th. He sent in his resignation to take effect at a certain time. He fixed the time on Sunday, and during all of Sunday Holt was Governor.

I may say that the first point that disturbed me was the question of an anticipatory appointment. My original impression was that no man could make an appointment to a vacancy which did not exist when he made the appointment. That was my curbstone feeling about it; but I find it is generally conceded that an official may make an anticipatory appointment to take effect during his term of office if it is definitely known that the vacancy also will take place within his term of office.

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

Mr. ADAMS. I yield.

Mr. HATCH. I am not suggesting this as a legal argument, but merely as a matter of precedent. It has been the practice in appointments to the Senate, and perhaps under the seventeenth amendment it is not only the practice but the law, that no authority vests in a Governor to make an appointment until a vacancy happens. That is the seventeenth amendment to the Constitution of the United States, and if the Senator will read it—and I say this without flattery, knowing his fine legal mind—if he will take the seventeenth amendment to the Constitution of the United States and read when power is conferred upon a Governor to make an appointment, he will find that it does not arise until a vacancy happens. I merely make that suggestion. I am not putting it forth by way of argument.

Mr. CHANDLER. Mr. President, will the Senator from Colorado yield?

Mr. ADAMS. I have to be excused. I am following the advice of the Senator from Kentucky. He told me not to yield.

Mr. CHANDLER. The Senator misunderstood me.

Mr. HATCH. He meant not to yield to the opposition.

Mr. CHANDLER. I said the Senator had a right to yield and a right to refuse to do so.

Mr. ADAMS. I am speaking in the Senator's time, and I am going to try to be as expeditious as possible.

I made specific inquiry of the able, learned Senator from Illinois [Mr. LUCAS], who made an argument based on his own personal legal judgment and personal integrity. I asked him the question whether or not an appointing officer could make an appointment anticipating a vacancy when the happening of the vacancy was certain and the appointment was to take place during his term, and the Senator assured me that was the unquestioned law.

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

Mr. ADAMS. The Senator does not need to repeat it. I am backing up the Senator. That is correct, is it not?

Mr. LUCAS. I merely wanted to corroborate what the Senator said. There can not be any question about it. All lawyers agree that an anticipatory appointment, to be good, must be made during the tenure of office of the appointing power.

Mr. ADAMS. And can be made if the vacancy is to occur. The vacancy was to occur, according to Senator Neely's own written document. According to his own statement it was to take place. He said:

> I hereby respectfully tender my resignation as United States Senator from the State of West Virginia, to become effective at precisely 12 o'clock midnight on Sunday, the 12th of January 1941.

The Senator from West Virginia therefore resigned during the term of Governor Holt. There is no question about that. His resignation became effective. There is no question as to the right of Senator Neely to submit an anticipatory resignation and to fix the time when it should take effect. If Senator Neely could reach forward and fix the time of his resignation, the Governor could reach forward and make an appointment, as he did, to take effect—when? The Governor said the appointment was to be effective from the taking effect of the resignation of the Honorable Matthew M. Neely as United States Senator. The resignation took effect during Governor Holt's term, and his appointment was made to take effect at the same instant. Therefore he made the appointment during his term.

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

Mr. ADAMS. Certainly.

Mr. LUCAS. If I understand the resignation correctly, Senator Neely resigned precisely at midnight on January 12.

Mr. ADAMS. Sunday at midnight.

Mr. LUCAS. Precisely at midnight on January 12.

Mr. ADAMS. That is correct.

Mr. LUCAS. Did not the constitutional term of Homer Holt expire precisely at midnight on January 12?

Mr. ADAMS. I have not gone into the question of holding over. I have specifically avoided that. There is no question that what Senator Neely sought to do was to fix his resignation within the term of Governor Holt, but at its uttermost limit. But Governor Holt fixed the appointment at the same instant, and I know of no reason why, the resignation being offered to take effect within his term, the appointment should not take effect upon the going into effect of Neely's resignation. There need be no interval. It took place instantly.

Mr. LUCAS. Will the Senator yield further?

Mr. ADAMS. I am glad to.

Mr. LUCAS. If Governor Holt's term legally expired at midnight on January 12, as I contend it did, under the Constitution of West Virginia, how is the Senator to differentiate between that and the resignation of Senator Neely, who said that his resignation took effect at midnight on January 12?

Mr. ADAMS. He did not say that. His resignation was to take effect on "Sunday." He specified the day. Governor Holt was Governor all of Sunday. He was Governor at the instant when Senator Neely said his resignation would take effect, and at that instant on Sunday he made the appointment.

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

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Colorado yield to the Senator from Illinois?

Mr. ADAMS. I yield.

Mr. LUCAS. Does not the Senator more or less condemn what happened immediately after midnight, Senator Neely and Governor Holt attempting to split seconds?

Mr. ADAMS. I have not condemned it. I disregard it. I do not enthuse about that performance. I say to the Senator that I have tried to treat this as a case of two men in high places writing out two documents in advance. Senator Neely sent a resignation in on the 10th of January. Governor Holt, I suppose, in the daylight hours of the 11th, having received Neely's resignation, sent in a document and made an appointment. There was no midnight involvement in that, but two men sending in documents, one closing his career in the Senate, the other filling the place.

Mr. LUCAS. If the Senator will yield for one further observation, I shall not take more of his time, because I know how valuable it is. The Senator is making a great argument, and I appreciate hearing him. I say, with all sincerity that, while in the position he has taken, the Senator is disregarding what happened immediately after midnight because of the split-second proceedings, the Senator himself, under the facts, inasmuch as the resignation took place precisely at midnight and Governor Holt's term expired precisely at midnight, is now dealing with split seconds.

Mr. ADAMS. The Senator can use such terminology as he pleases. It is conceded that Senator Neely must have separated himself from his Senatorship before he became Governor, and he was very careful to do that. That is what I am trying to say. Senator Neely was coming into office at the first instant on Monday, and he said, "I want to resign at the last instant on Sunday." He did not want to have any conflict. He drew a contact line. On one side of the line he was to be Senator and on the other side he was to be Governor. And Holt said, "At the time on Sunday when Senator Neely is still considering himself a Senator, at that instant when his resignation goes into effect, my appointment goes into effect." That is on one side of this line. It is not an imaginary line. It is a line without duration, but it is there, a definite line between those 2 days, based upon these two documents signed by these two men. I have no objection to two men, representing different groups, seeking to have their own choice in the senatorship. I am disposed to think very little of the antics which took place at midnight.

Under the law I think those actions were wasted; I think the whole matter was concluded by the resignation made on the 10th and the appointment made on the 11th, both taking effect at the very conclusion of the day on Monday the 12th. So I say to the Senate, to my mind the question is not an involved one. To my mind it is clear. Perhaps no one else will concur with me, but I have felt obligated to place my conclusion upon the RECORD after study of the problem and after listening to very learned arguments.

I have heard some arguments which involved a good deal of heat. I have heard statements made as to arguments being absurd and ridiculous. I have heard arguments about the chaos that might result if certain decisions were made. As a matter of fact, I think the decision which I believe the facts require will establish a principle of law which will prevent chaos rather than result in it. I think that never in the future will such a situation confront the Senate of the United States again, but if it should we shall have a precedent upon which to base our action. While we are not overly faithful in following our precedents, I think if a precedent is established it will make action easier in the future. I will say that regardless of which way the precedent is established, it would end this sort of controversy.

I am convinced that Senator Neely ceased to be Senator, according to his own resignation, on Sunday the 12th. Governor Holt appointed Mr. Martin on Sunday the 12th. Governor Neely having divested himself of his senatorship at the last instant on Sunday the 12th, became by virtue of the constitution and the law the Governor at the first instant on the 13th. The last instant of the 12th and the first instant of the 13th touched as close as billiard balls in contact. There was no interval. I am not concerned with talk of "interregnum" and all such things. I think they have no bearing on this matter. I merely express the opinion of a lawyer who has listened to the case, and who has studied it and has tried to reach an honest, definite, legal conclusion on this question.

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

Mr. ADAMS. I yield.

Mr. LUCAS. As I understand the Senator's last statement, he does not claim there was any hiatus or interregnum at any time at all between the expiration of Governor Holt's term and the expiration of Senator Neely's term? His position is based on the terms of the resignation itself, in that Senator Neely resigned on Sunday, and necessarily by the terms of the resignation he resigned during Governor Holt's term.

Mr. ADAMS. Yes; and the appointment by Governor Holt was to take effect the instant the resignation became effective.

Mr. LUCAS. The Senator disagrees with those who claim there was this infinitesimal hiatus?

Mr. ADAMS. I am not attempting to discuss the views of other Senators. I am merely stating my own views, and I have not found it necessary to go beyond this line.

Mr. LUCAS. As I understand the Senator's position with regard to the matter of interregnum, it is that that matter of time was like two billiard balls placed together. There was no space between the 2 days.

Mr. ADAMS. Yes; that is my position.

Mr. LUCAS. I agree with the Senator.

Mr. ADAMS. As I said in opening my remarks, I do not agree with the argument that the oath of office must be filed as a necessary requirement. I am conscious of the provision of the Constitution which says that no additional test or requirement may be made other than those specified. There were two requirements, two qualifications to be met by Senator Neely. One was that he divest himself of the senatorship, and the other, that he take the oath. He could have taken the oath at any time. He had to take it before he could become Governor. That is the plain requirement. He had to divest himself of the senatorship before he could become Governor.

I have not sought to argue the question of the effect of the oath taken at 11:45 p. m. My own mind is not clear about that. I have some doubt on that point. When the condition exists that a man must divest himself of the senatorship before he can become Governor, and when one of the requirements he must meet is the taking of the oath, then when he takes the oath and takes one step into the governorship, I wonder whether he has not by that very act abandoned his senatorship. I say I think that is a matter of doubt. The Senator from New Mexico [Mr. HATCH] used rather strong terms about anyone who holds that view. I do have doubt about that matter. I think, surely, Senator Neely went out of his office as Senator on Sunday, the 12th. Perhaps he went out earlier than midnight. Perhaps he went out at 11:45. At least he took an act which was inconsistent with continuing to hold that office. But I am trying to pin myself down, Mr. President, to what I think is a definite, clear line. My opinion is definite. It has been formed after much study. It does not mean that the conclusion I have come to is sound; but, as I said, I wanted to put upon the record my contention and my reason for the vote which I shall cast.

Mr. O'MAHONEY. Mr. President, will the Senator yield before he takes his seat?

Mr. ADAMS. Yes.

Mr. O'MAHONEY. The Senator from New Mexico interrupted the Senator at the beginning of his discussion to call attention to the provision of the Constitution in the seventeenth amendment, which reads as follows:

> When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointment until the people fill the vacancies by election as the legislature may direct.

The point of the suggestion made by the Senator from New Mexico was that the phrase in the Constitution of the United States "when vacancies happen" makes it clear that in this instance the appointment by the Governor could not take place until after the vacancy had happened. The question then is, Does that not, even on the Senator's argument, take the appointive power beyond Sunday?

Mr. ADAMS. I did not take that contention seriously, because it seems to me every statute authorizing a Governor to make an appointment is similar. That is, he makes the appointment when the vacancy occurs, and as stated by the Senator from Illinois, it is the uniform rule that if it is known the vacancy is going to happen within the term, and that an appointment is to be made, the appointment may be made in anticipation.

There is nothing distinguishing the language of the Constitution of the United States from the ordinary statutes and the State constitutions upon which the general rule is founded. So I see no distinction between the ordinary situation and this. I feel that the same right to make an anticipatory appointment under these limitations exists here as in the normal case.

Mr. CONNALLY. Mr. President, at this time I yield as much time as he may desire to the senior Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. President, we have been engaged for several days in a debate which, as I see it, is to a very great extent immaterial. We have been splitting hairs, until if they were properly divided up every bald-headed Senator in the Senate would have a luxurious growth of beautiful hair. [Laughter.]

Mr. President, three or four things stand out prominently, I think to a great extent uncontradicted, and I think they are perfectly logical. First, there never was a time when Governor Neely had any authority to appoint a Senator until he became Governor.

Second, there never was a time when Governor Holt had authority to make an appointment to fill the senatorial vacancy until and unless he was Governor of West Virginia at the time he made the appointment.

Third, the same instant that Mr. Neely became Governor of West Virginia Governor Holt ceased to be Governor of West Virginia. Hence there never was a time when a vacancy existed while Governor Holt was Governor. It therefore follows, it seems to me, as night follows day, that any pretended appointment made by Governor Holt is absolutely null and void.

Mr. CHANDLER. Mr. President, I yield 30 minutes to the Senator from Wisconsin [Mr. WILEY].

Mr. WILEY. Mr. President, it seems to me that the argument of the Senator from Colorado [Mr. ADAMS] completely answers the argument of the Senator from Nebraska [Mr. NORRIS], who has just spoken, if we assume that Governor Holt's term ceased at midnight and that Senator Neely's term began at midnight.

In relation to the matter now pending before the Senate, I am frank to say that at the beginning of the debate I had no intention to speak on the subject. I rise to speak in favor of the seating of Mr.

Martin as Senator from West Virginia. I am a member of the Senate Committee on Privileges and Elections. I heard the testimony given before the committee. I had no preconceived notions about the merits of the controversy. I knew neither of the gentlemen whose contentions we are now considering.

Mr. President, we are not adjudicating this matter on the basis of the personality of either Mr. Holt or Mr. Neely. These gentlemen have the right to have the unbiased judgment of this body in determining who is entitled to a seat in this august body.

The other day when the Senator from Vermont [Mr. AUSTIN] was speaking, after listening to the debate as it had progressed to that moment, I rose and said:

> I think the Senate of the United States is now called upon virtually to declare a public policy, and I agree with the distinguished Senator that it would be a very unhappy decision if this great body, which has stood through the years as a deliberative body, a body of vision and judgment in Government, should now decide that under the circumstances of the present case a former Senator of the United States should have the power to appoint his successor. I said "under the circumstances of the present case," I think a great question of public policy is involved.

Mr. President, I rise today to amplify the position which I interjected into the debate on last Friday. I ask that I may be permitted to speak without interruption in order that my statements may be entered upon the RECORD in sequence and in order.

First, let us clear the decks. Let us get rid of all the irrelevant matter, all the debris, all the rubbish. While it is true that a great deal of collateral or irrelevant matter may make a debate interesting for the occupants of the gallery or for Senators, usually such material adds only confusion to the issue.

The facts are not in dispute. They have been rehearsed a number of times in this debate, and I shall not spend a great deal of time reciting them.

We can agree at the outset that no similar case, that is, no case having all the facts of the present case, has ever been presented to the Senate for decision; but there are cases that have a material bearing on this matter. It is unanimously agreed that before a United States Senator may become the Governor of any State in this Union he must lay down his senatorial office. That is, he must divest himself of the senatorial toga, symbolizing his right to remain a Senator. In simple language, he must get out of office. It is also unanimously conceded that the Constitution of West Virginia provides that:

> Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the Constitution of the United States and the Constitution of this State, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment, and no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided.

There is another matter that we must consider—and I think it is of importance. That is that this case is not on all-fours with the case cited by the Senator from New Mexico [Mr. HATCH], in which an officer of a State laid down his office to accept an incompatible office in that State. In this case Senator Neely was laying down, either by abandonment or resignation, one of the highest Federal offices in the land to take the highest office in another government, a separate government. It does not do any good, nor does it aid us in arriving at a conclusion, to dwell upon the actions of the actors in this case, Governor Holt and Senator Neely, except as they may have a bearing upon the issues.

I say there are two issues. Let me repeat that it is not a matter of personalities. We are not discussing personalities. We are discussing reasons and principles. Furthermore, Mr. President, we are the supreme judges of the land in this matter. We are deciding this issue. There is no court of appeal. So I agree that we must reach our verdict through logic, reasoning, and the principles of common sense.

What is the first issue? It is a legal issue. Which appointment is valid—that by Governor Holt or that by Governor Neely? On this issue it is not important to dwell upon the various steps which were taken by Senator Neely by which he attempted to remain Senator until 12 o'clock midnight on January 12 and immediately after to become Governor so that he could appoint a United States Senator, except—and I say this emphatically—except as those steps are definitive of a condition of mind which we, as a trial court or jury, must interpret. I shall later discuss that point in greater detail.

There is an old saying that, "The life you live speaks so loudly what you are that I cannot hear your words." There is another saying that, "The acts you perform determine the end in view."

So, Mr. President, we are called upon to weigh the facts. Before we do so I wish to reemphasize the point that this is not a test between Neely and Holt. It is a test between two men who have come to the Senate to have their rights adjudicated.

In arriving at our conclusion we must realize that this is not a case in which a man in West Virginia gave up an office in that State to take a higher office. This is a case in which two sovereignties are involved. So, as I proceed with my argument I wish Senators would bear those two things in mind. The legal issue really divides itself into two subdivisions: (a) Did Senator Neely, to all intents and practical purposes, really abandon or vacate his office before 12 o'clock midnight of January 12?

That is a question for the Senate to decide. I have already said this situation is not similar to that in which one abandons a State office and then takes another. It is not similar, because in the present situation the Senate of the United States is the judge, here and now, of the acts which are undisputed.

I am not saying—and I desire to make this clear, because of the argument made by the Senator from New Mexico [Mr. HATCH]—I am not saying that one cannot tender a resignation to take effect in the future, even if he is a Senator of the United States; but what I am saying is that the Senate of the United States, as the fact-finding body and as the law-finding body, now is called upon to draw the proper conclusion from the facts and the acts in this particular case.

Was there an abandonment or vacation of the office of Senator by Senator Neely before an instant after midnight of January 12? If there was such an abandonment, then we do not have to go into the issue of split seconds, as has been stated here. We do not have to split hairs; we do not have to go into the long, extended argument which has been made. Under the Constitution this body is the judge of the two appointments attempted to have been made; and in order to judge the legality of one of the appointments, we must inquire, first, Did Senator Neely abandon or vacate his office?

What are the facts? On January 10 he sent a written resignation to Governor Holt, to become effective precisely at 12 o'clock midnight on Sunday the 12th of January. That resignation standing alone would leave possible no other conclusion than that he intended to resign at that time. However, there are other facts. The Senate will remember that on the 10th of January he bade farewell to the Senate, and he went to the Governor's mansion in Charleston. At 11:35 on the 12th he took and signed an oath as Governor of the State of West Virginia, pursuant to the statute of West Virginia. To the oath was attached the following:

> This oath is taken with the intent that it shall become effective the instant after I am completely divested of my office as United States Senator by virtue of my tender of resignation of the said office of Senator to Gov. Homer A. Holt.

At 11:45 he took a similar oath, to which no such appendage was placed. He took a third oath instantly after midnight; and that oath was filed, according to the certificate, at 12:50 a. m. on January 13. On January 13, at noon, he took another oath; and after this oath on January 13, he attempted to appoint Dr. Joseph Rosier to the Senate.

Now, I am asking, Is not this the situation: that to all intents and purposes, after Senator Neely had said "Good-bye" to the Senate, he then expressed to us his determination that he was ready, able, and willing to assume the office of Governor? Thus far, so good. If he had been a State official and had taken the oath at 11:45, there would be no question that that oath would be valid; but if he still remained a United States Senator at 11:45, that oath had no effect.

But my point is that just before taking that oath at 11:45 he was a Senator of the United States; that when he took that oath there was a declaration, there was an act, which spoke louder than any words. As I proceed, we shall see what the law is.

He had done everything anyone would do to get ready to take possession of the office of Governor. It is true that he collected pay up to the 12th of January. Right here is where we must consider the effect of taking an oath before midnight. It must be conceded, I repeat,

that if he was still Senator, the oath would be ineffective, even though the State law provided for such taking of oath. Why would it be ineffective? Because, I repeat, he was a Senator of the United States, which was an incompatible office.

However, the act of taking the two oaths prior to midnight was equivalent to saying, in spite of the reservation in one of them, "I am laying down my office as Senator, and I am qualifying, or starting to qualify, as Governor, pursuant to the statutes of my State."

I do not see how there can be any other conclusion, unless we are going to be lost in a labyrinth of loose thinking or legal technicalities. Senator Neely's act there shows conclusively that he was beginning to qualify, or, if we take the view of some persons, that he had qualified as Governor.

One line of argument presented in the Senate is that if under the statute he took no other oath, he would have been qualified. Now, I ask the Senate, Can a Senator of the United States qualify himself to become Governor at any time without vacating or abandoning the office of Senator of the United States? If the office of Senator is to be juggled around like a football, then perhaps one can take the other position, that any office can be vacated by resignation or by abandonment. Certainly, the taking of an oath by a United States Senator for another term in another government—listen to that: In another government!—can be considered in no other light than that of abandoning his former office; and I challenge anyone to find any authority to the contrary. The authority which has been given here is the authority applying to a situation in which a State official, pursuant to a statute in the State, takes an oath, preceding the termination of the office which he is occupying, to qualify for another term. But do we not see, Mr. President, that that is a different situation? If I took an oath to qualify as an official in Canada, would I vacate my office as Senator? I say I would. If I took an oath to qualify for an office in the State of Wisconsin, which I have the honor to represent, would I vacate my office? I say I would.

But along the legal line of abandonment, there is another phase of this matter. We have in the law a proceeding known as quo warranto; but all the decisions hold that when an officer qualifies for another office, quo warranto need not lie, that ipso facto he vacates his office.

So, at 11:45—and, I believe, at 11:30—Senator Neely vacated the office of Senator. Then what? For 30 minutes Governor Holt lived the rest of his term as Governor, and his appointment became effective. When Senator Neely qualified, or began to qualify, half an hour before midnight on January 12, that act operated not only as evidence of abandonment—and I say again that I challenge anyone to produce a case that holds that when one officeholder in one State or one government qualifies for another office in another government, that is not the best evidence of abandonment, and vacates the office.

The second phase of the legal question may be phrased thus: Assuming that there was no abandonment or vacation of the office by the acts of Senator Neely, when did he become Governor? In my opinion he became duly qualified to act as Governor after he had taken the oath and filed the certificate of the oath, as required by the Constitution and Code of West Virginia. This was done at 12:50 a. m. on January 13, 1941. It is my opinion that Governor Holt continued in office until 12:50 a. m. on January 13, 1941, because, under the Constitution of West Virginia, he was obliged "to continue to discharge the duties of his office until his successor was elected and qualified."

It is claimed, I suppose, that the requirement of the code that the certificates of oath of all officers "shall be filed and preserved in the office of secretary of state, and it shall be the duty of every person who takes an oath of office to procure and file in the proper office the certified copy of his certificate of oath as required by this section" is merely ministerial, and that, if it is mandatory, it is in conflict with the Constitution of West Virginia. The answer to that argument is that it is not in conflict; it is an addition, because the constitution does not make any such requirement or prohibit such action; and, what is more, the Supreme Court of West Virginia, in the only case that relates to the subject, has rendered a decision on that point and has held that it is a mandatory part of the qualifications. Consequently, from either angle of the legal issue, it will appear that Mr. Martin was the duly and legally appointed Senator, his appointment having been made before 12 o'clock on the evening of January 12.

If Mr. Neely vacated his office of Senator before 12 o'clock, Governor Holt had the authority and the obligation to appoint. On the other hand, if Mr. Neely had not fully qualified until 12:50 o'clock in the morning of the 13th, the appointment by Governor Holt was effective under all the decisions, because he held over until 12:50 a. m.

Now, Mr. President, I desire to refer to the subject of public policy. I heard a discussion of that question the other day. I wish to make clear my position on it. The Constitution of the State of West Virginia states definitely that—

> No person shall at the same time hold an office of trust or profit under the State and under the Federal Government.

In other words, statutes and constitutions are definitive of public policy. These provisions are substantially in accordance with the common law prohibition against holding incompatible offices.

In California under a constitutional provision that—

> No person holding any lucrative office under the United States or under any other power shall be eligible to any civil office of profit under this State—

The California court held that this means eligibility to hold office as well as to be elected to it; and hence disqualifies a person to hold a civil office of profit under the State.

It is a well-settled principle of law that the acceptance of a second office of the kind prohibited operates ipso facto absolutely to vacate the first. Senator Neely by his acts which have been enumerated, and by his taking the oath at 11:35 o'clock and 11:45 o'clock on the evening of the 12th of January, indicated at that time an acceptance of the office of which he was going to take possession immediately at 12 o'clock. This question is important, but the trouble is the debate has been going on for so many days that every one is confused; there have been a number of tangent arguments; the argument has gone up many blind alleys. I repeat that taking the oath before midnight by Senator Neely was an act of acceptance of the office. It not only indicated his acceptance, it was an acceptance; it was evidence——

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

Mr. WILEY. Let me get through and I will be very happy to yield. I will be through very shortly. I do not want to take more than my allotted time. I ask that I be privileged to go on with my argument in order that the RECORD itself will show the logic, if it has any logic, and sequence of what I have to say. Then I will be glad to yield to the Senator. I say that to the distinguished Senator from Texas also.

When we couple this undisputed fact with his previous acts, then the conclusion of acceptance is clear. What is more, if we take one view of what is necessary to qualify, the taking of the oath was the beginning of his qualification. While the action was permissive under the law of West Virginia, doing the thing, Mr. President, ipso facto operated to cut off his tenure as a senator of another government. While the distinguished Senator from New Mexico was out of the room I issued a challenge.

Mr. HATCH. Oh, I am sorry I was not here. What was it?

Mr. WILEY. I will repeat it, in substance. I say that the particular precedents he used had application to offices within the same government. Now I ask him to produce a precedent to show that when one officer accepts an office in another government he does not thereby vacate the tenure of the former.

Mr. HATCH. Mr. President, I can show the Senator all the decisions in the United States holding exactly to the contrary of what he has just said. The rule of incompatibility does not apply and has never been applied by any court in the United States where separate sovereignties were involved.

Mr. WILEY. I will have to differ with the distinguished Senator.

Mr. HATCH. The Senator not only differs with me but differs with the decision of every court in the whole country.

Mr. WILEY. Mr. President, I have heard of people who have taken in the whole universe. The Senator might as well apply his statement to Arcturus and the Pleiades and to the Pacific and the Atlantic. I want to say that at one time it was my privilege to study Mechem's work. I want to ask the Senator to produce a decision which holds that if a

Senator of the United States accepts an office in Canada he does not thereby vacate his senatorial office. I repeat, if I accept an office in the State of Wisconsin, I vacate my senatorial office.

Now I will continue with my argument.

Mr. HATCH. Mr. President, will the Senator listen to me for a brief statement?

Mr. WILEY. I will conclude my remarks, and I will be glad to let the Senator come in at that time.

Mr. HATCH. Whenever the Senator is willing for me to come in, will he please let me know?

Mr. WILEY. Certainly. The Senator is always such a gentleman that I always like to accommodate him; he is mild, and his approach to a problem is very convincing, though, of course, we do "head in" at times.

Mr. HATCH. Whenever the Senator is willing to let me have an opportunity to say a word, I hope he will advise me.

Mr. WILEY. Mr. President, offices are incompatible for two reasons: First, because forbidden by the Constitution or statutes; and, second, because there is a conflict in the obligation and duties of the office. No man can serve two masters. That rule is as old as the ages, and it applies to governments as well as to every stratum of human life. No man can serve two masters; and when Senator Neely took his oath to become a servant of West Virginia he laid down the office of Senator of the United States. That rule is the crux of the debate here today, and it is so fundamental, in my opinion, that I have taken the floor, when I did not intend to speak on this subject.

The law always has been, and I say that the acceptance of a second office which is prohibited by the Constitution or statutes operates ipso facto absolutely to vacate the first. That is the rule laid down in the textbooks, laid down in the law of the land, and laid down by the leading authorities who have written on the subject.

The doctrine of public policy, outside of that decreed by the Constitution and statutes of a State, has been defined as—

> That principle of law which holds that no subject can lawfully do that which has a tendency to be injurious to the public or against the public good which may be termed the policy of law or public policy.

I again call the attention of the Senate to this great definition, which has reached down through the years of common law and been adopted in our own courts in this country; and I repeat: The doctrine of public policy, outside of that decreed by the constitution and statutes of a State, has been defined as—

> That principle of law which holds that no subject can lawfully do that which has a tendency to be injurious to the public or against the public good.

And right in that definition you can quote the phrase "No public servant can serve two governments at the same time." No man can be 100-percent loyal to America and still have some dear government somewhere else that he has to look after. And so, in the very debate that we are in is found that fundamental issue.

I shall digress for a moment, because I have been provoked to it. The Senate of the United States before has seen officers who have reached their hands into a great commonwealth of this country, and controlled Governors and State officials, and manipulated the mechanics and the dynamics and the finance of government. Now we have the reverse of that. We have a Governor who would reach into the United States Senate and attempt to control it. Public policy calls to high heaven that the Senate cannot lose this opportunity to lay down a definite rule and create a great, noble principle that will say definitely that under such circumstances as these Mr. Martin is entitled to the appointment.

Thus we say—and I again come to public policy—that contracts to secure appointments to office are void. There is a long line of decisions to that effect. Contracts improperly influencing elections are void. Contracts diminishing competition for office are void. None of the illustrations, of course, is analogous to the present case. However, they point in one clear, definite direction. There must be no trafficking in public affairs. Public office is a trust. Public office is an agency of the State, and the person whose duty it is to perform the agency is a public officer. A Senator of the United States has conferred upon him an office involving the delegation to him of some of the sovereign functions of government, to be exercised by him for the benefit of the public; but nowhere is there within the authority delegated to him the right to name his successor, and that is involved in this issue.

Are we going to define the policy that a Senator of the United States, under circumstances such as we have here, has the right to control the appointment of his successor? Governor Neely claims that he had the right as Governor of West Virginia. I think public policy requires that under the facts of this case the Senate should hold, for the reasons I have already assigned, that the appointing power was in Governor Holt, and that Mr. Martin was legally appointed Senator from West Virginia.

Let me conclude with the words that I spoke in the Senate last Friday, when I almost inadvertently got into this debate:

> The public policy of the Nation will be manifested by the precedents laid down by this Senate. This matter is bigger than Senator Neely or Governor Holt. We are in this body laying the ground work of the Nation's future.

Mr. President, I, too, have a conviction, sincerely founded, in this matter. It is without prejudice. It is without bias. It is based upon my understanding of what the Senate should decree the law of the land to be. We are the supreme judges in this instance. We are lawmakers and law decreers. Therefore, I feel that we should seat Mr. Martin.

I shall be glad now to yield to the Senator from Texas [Mr. CONNALLY].

Mr. CONNALLY. Mr. President, I thank the Senator, but I will not take up his time.

Mr. WILEY. I yield now to the Senator from New Mexico [Mr. HATCH].

Mr. HATCH. Mr. President, the Senator from Wisconsin has asked me to suggest an authority.

Mr. WILEY. On what?

Mr. HATCH. Does not the Senator remember?

Mr. WILEY. Yes. I want to know that the Senator from New Mexico remembers.

Mr. HATCH. I made this proposition——

Mr. WILEY. No; I made the proposition, sir. The Senator from New Mexico did not. He accepted it.

Mr. HATCH. I laid down this rule of law; I think I will ask the junior Senator from Kentucky [Mr. CHANDLER] if he will not agree to it. I see Judge Martin sitting up in the gallery.

Mr. CHANDLER. Let us see if the Senator will. I do not know whether he will or not.

Mr. HATCH. I know what the Senator from Kentucky thinks. The rule of incompatibility does not apply when two sovereign jurisdictions are involved.

Mr. WILEY. Was the Senator talking to me, Mr. President?

Mr. HATCH. I say, I have made that statement, and I stand by it; and there is no case to the contrary, while there are several cases to that effect.

Mr. WILEY. I ask the Senator from New Mexico to produce authority holding that a Senator of the United States could take an oath—now, listen—and qualify for an office in Canada without vacating his office.

Mr. HATCH. Oh.

Mr. WILEY. Wait a minute. I ask the Senator if I could take an oath and qualify for an office in my own State of Wisconsin—a State office—without vacating my senatorial office.

Mr. HATCH. Yes; under Taylor against Johnson, which has been cited many times.

Mr. WILEY. Will the Senator kindly give me the facts and the citation? That case, as I remember it, has no application. It does not refer to a Federal office.

Mr. HATCH. That case has been discussed here for days and days.

Mr. WILEY. That case is not an appointment.

Mr. CHANDLER. I do not blame the opposition; if my friend will yield——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. CHANDLER. Will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield, and, if so, to whom?

Mr. HATCH. Of course, no Senator of the United States was involved.

Mr. CHANDLER. No.

Mr. WILEY. Then, of course, the case is not in point. It has no bearing. In my statement I laid down the general rule laid down by Mr. Mechem, who is the authority on the law.

Mr. CHANDLER. Mr. President, will the Senator from Wisconsin yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kentucky?

Mr. WILEY. Yes.

Mr. CHANDLER. The Taylor case was a case in Kentucky. Our opponents cite cases in Kentucky and Minnesota and every place on earth but West Virginia. In that case a man wanted to go from alderman to treasurer, and there was no written resignation. That case had not anything on earth to do with the question of a Governor and the United States Senate. I will make a statement that the Senator from New Mexico will agree to—that a man cannot be Governor of West Virginia and United States Senator at the same time.

Mr. HATCH. Certainly I will agree to that statement, Mr. President.

Mr. CHANDLER. That is what is involved here.

Mr. HATCH. I have argued that, and that is what I have said was involved. I have said that at 11:45 Senator Neely, when he took the oath of office as Governor, could not possibly become Governor, because there was no vacancy in the office of Governor.

Mr. CHANDLER. Then he got rid of the United States senatorship.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor. Does he yield?

Mr. HATCH. The Senator from Wisconsin asked me a question. I think he yielded to me.

Mr. WILEY. No; but I shall be very happy to do so. I asked the Senator from New Mexico a question, and I think I have gotten the answer from the two distinguished Senators since they got in action. It conclusively confirms the statement I have made, and which neither the Senator from New Mexico nor any of the other Senators have borne in mind when they found this so-called precedent in which a State treasurer, say, was elected Governor of a State—the same State, the same Commonwealth—and the statute of that State provided that he could take an oath preceding the expiration of his term as treasurer; but he has never——

Mr. HATCH. Mr. President——

Mr. WILEY. Let me finish my sentence, sir. But he has not produced a case, nor has anyone else—and I challenge the opposition to do so—in which two independent, sovereign States were involved—and West Virginia is sovereign within her own sphere and the United States Government is sovereign within its sphere. When two sovereign States are involved and one officer, a Member of the Senate, the highest office in the land, goes to West Virginia and, before his term of office in the Senate has expired, takes a qualifying oath in West Virginia as Governor, then I say that was a vacation, an abandonment, of the office of Senator, and I challenge the Senator to produce any authority to the contrary.

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

Mr. WILEY. I yield to the Senator from Kentucky.

Mr. CHANDLER. I have the opinion of the Kentucky Court of Appeals in the case of Taylor against Johnson. Section 1744 of the Kentucky statutes provided that the acceptance by one in office of another office, or employment incompatible with the one he holds, shall operate to vacate the first. Section 3446 of the Kentucky statute reiterates the declaration of the constitution that no person shall at the same time fill two municipal offices.

This is where we catch it. Section 1530 of the Kentucky statutes provides, among other things, that all resignations from office shall be tendered to the court or officer who is required to fill the vacancy and all such resignations shall be in writing.

Neely delivered a written resignation in his case. The man in the Taylor case did not deliver a written resignation. There were two municipal offices, a man going from the position of alderman to that of city treasurer. I am sorry the Senator cited that case as one which should have a bearing on a United States Senator quitting the Senate to be Governor.

Mr. HATCH rose.

Mr. CHANDLER. I know the Senator is going to say that no one has decided whether a senatorship is a Federal or a State office. I shall not try to decide that.

Mr. HATCH. I am not going to say that.

Mr. CHANDLER. Senators religiously stay away from the decisions of West Virginia, because they do not sustain any of the contentions they make. Senators know that. I ask the Senator from Missouri whether he ever before saw men trying to sustain a position by letting all the statutes and cases of the State concerned go by the board and going out somewhere else and digging up a case?

Mr. CLARK of Missouri. It is a wonder to me they did not cite a case arising in China.

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

Mr. WILEY. I yield.

Mr. HATCH. The Senator has made his challenges so frequently, and he has mixed them up so much, that I do not really understand just what the Senator's challenge is. But he has laid down a proposition——

Mr. WILEY. I am not surprised.

Mr. HATCH. May I continue?

Mr. WILEY. Certainly.

Mr. HATCH. The Senator has said that, in effect, Senator Neely vacated or abandoned the office of Senator. Is that right, that he did it intentionally?

Mr. WILEY. Apparently the Senator was not in the Chamber when I spent 15 minutes on that point. I shall be glad to go over it again.

Mr. HATCH. Oh, no.

Mr. WILEY. I quoted not only a rule of law, but a rule of human conduct. I said that one's life and acts speak louder than his tongue or his words, and I said that if there were involved not only two sovereign offices, but two offices in two sovereign States, when a man started to qualify for one—and it is the theory of the opposition that he was qualifying fully when he took that oath—that is not only a legal abandonment, but that it is a legal vacation of the office.

Mr. HATCH. Very well. Now the Senator has finished?

Mr. WILEY. Oh, no; I have just begun, if the Senator is going to provoke me.

Mr. HATCH. Does the Senator think, honestly, that Senator Neely intended to vacate the office of United States Senator when he took the oath at 11:45 o'clock?

Mr. WILEY. The Senator asked whether Senator Neely intended something. If I were to give my own impression, after hearing the testimony in the committee, I would say that about 11:30 o'clock on the evening of the 12th, as the midnight hour was approaching, Senator Neely was in a frame of mind fearful that he might do that which would cost him the appointing power. He may have been praying, or singing, or what not, but I am certain that throughout the whole period from 11:30 o'clock on he had but one thought in his mind, and that was: "How can I deprive the legitimate Governor of West Virginia of the right to appointing my successor?"

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

Mr. WILEY. I yield.

Mr. HATCH. Wait a moment; I am the one who is challenged.

Mr. BARKLEY. The Senator has challenged all of us.

Mr. HATCH. In the light of what the Senator from Wisconsin has just stated, he knows that Senator Neely did not intend to create a vacancy in the office of United States Senator during the term of Governor Holt, does he not?

Mr. WILEY. Let me say to the distinguished Senator, when he propounds that kind of a question, that I know he has had long experience in the law, and he has practiced criminal law, and has heard the court instruct the jury time and time again, "You will determine the matter of intent from the facts and circumstances in the case. You cannot reach into a man's upper chamber and see in what a confused condition he is." It is not possible to weigh the pros and cons of the question or the metaphysics of intent. What we can all admit is that when a man takes an oath for another office, in another State or sovereignty, that stands so high to express what his mind is, that in law he is estopped from ever saying he had any contrary intent.

It reminds me of the delightful experience I had with the majority leader, illustrating that very point I said to him, "You know, if I went up to you and struck you or attempted to strike you on the nose, Senator BARKLEY, no one could question my intent in the matter." I remember the Senator responded somewhat to this effect, "Well, you'd better not try." [Laughter.] The act defines the intent.

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

Mr. WILEY. I yield.

Mr. HATCH. I merely wish to say to the Senator that I am not a great lawyer, and do not claim to be. I come from the short-grass country in the West. I have had some experience in the law, and among other things I learned in the practice of the law, that the abandonment of an office largely depended upon the intent, that there can be no abandonment of any public office without a clear intent to abandon it. The Senator himself has just stated that all the evidence in this

case shows conclusively that Senator Neely wanted to appoint his own successor. Therefore he has answered his own question, he has answered his own argument; there was no intent to abandon the office within the term of Governor Holt.

Just one more word about the challenges. The next time the Senator challenges me, will he please make it specific, whether it be toothpicks and coffee, or whatever it is, let it be clear.

Mr. WILEY. We are here representing a great people—131,000,000 of them—and we are about to define a great policy. In order to arrive at what that definition should be I had to arrive logically, as I did, and after careful consideration I reached the conclusions I have outlined in the talk I have given this afternoon. I feel that what I have stated is on solid ground. I feel that Judge Martin is entitled to be seated as a Senator of the United States.

In arriving at that conclusion there is no feeling of animosity on my part. Life is too short for hate, altogether too short. The trouble with ordinary Senate debate—and it is not only true of the Senate—is that we confuse the issue instead of simplifying it, and we run off on a thousand angles, and then come back to where we started.

Let us ask ourselves just a few questions. Can a Senator of the United States take an oath to become Governor of a State without vacating his office as Senator?

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

Mr. WILEY. Let me finish my sentence, and then I will be glad to yield. Can a Senator of the United States file a resignation stating that his resignation is going to be operative instantly after midnight, and then 30 minutes before midnight qualify for the office he wants to occupy?

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

Mr. WILEY. No, Mr. President; let me conclude. These are the tactics that have carried us so far afield in this debate. I have listened here hour after hour and day after day, and I have felt that such methods do not get us anywhere. Arguments have been made, many interruptions have occurred, Senators have gotten up and walked away, leaving sometimes only two or three present in the Senate Chamber. I do not know where we will get to, if we continue such proceedings. Let us be frank about this matter. When a man has an idea, let him present it, and then we will get some place.

I am glad of the opportunity of expressing myself forcibly on this issue. This is supposed to be the most dignified debating society in the world. We are supposed to be a group of men who represent the height of reason and logic. Yet we do not measure up to the yardstick.

Mr. President, reason, common sense, the law of the land, and public policy demand the seating of Mr Martin.

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

Mr. WILEY. I yield to the distinguished Senator from Vermont.

Mr. AUSTIN. I thank the Senator from Wisconsin. On the subject of incompatibility of the offices of Senator of the United States and Governor of a State, article I, section 6, clause 2, of the Constitution of the United States has been interpreted in such a manner in Hinds' and Cannon's Precedents, volume 1, chapter 16, that it applies to just that situation, and the general rule, of course, is that when one office has the authority to fill a vacancy in the other office there is that incompatibility which the law forbids.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CONNALLY. I yield 10 minutes to the Senator from Utah [Mr. MURDOCK].

Mr. MURDOCK. Mr. President, I realize that at this hour whatever I may say can be only supplemental and cumulative. I think that every point which has any bearing or place in the debate has been quite thoroughly and efficiently covered. The distinguished Senator from Wisconsin [Mr. WILEY] intimated that in this debate we had been driven up into a blind alley. I quite agree with the Senator that that is probably where we are at this time. In the few remarks I shall make I hope I can at least turn us around and steer us back to the real point at issue.

It was intimated in the argument of the Senator from Wisconsin and in the observations made by the distinguished junior Senator from Kentucky that no authorities had been cited in support of some of the contentions made by the majority of the committee. Early in my practice of the law, Mr. President, I found out that the best place to have the law was in the books; so I say to the distinguished Senator from Wisconsin, if he had or if he has now any authorities to support the propositions and the contentions submitted by him, he certainly failed to produce them.

After listening to him, if Senators were to accept his contention, they would come to the conclusion that of necessity some great conflict existed between the United States of America and one of the States that make up the American Union. If I remember correctly, the provision of the Constitution of the State of West Virginia, it is that the Governor of that State not only takes an oath to support the Constitution of the State of West Virginia but he also takes an oath to support the Constitution of the United States of America. Certainly there can be no conflict in the taking of those two oaths. Certainly there can be no conflict or no act of disloyalty in taking an oath to support the constitution of the State and also taking an oath to support the Constitution of the United States of America.

Mr. President, we have listened to some strange propositions in this debate. The distinguished junior Senator from Wisconsin made the point that the Senator from New Mexico could not find an authority in the books holding that a Senator of the United States of America could take an office in Canada at the same time he was a United States Senator, a proposition so ridiculous and preposterous that it is amazing to me a Senator would ask that authorities be furnished to support it.

In my opinion, the Creator of the universe took care of the time element involved in this debate. He did not split any seconds. He did not split any minutes or hours. He did not arrange for the globe to stop for the divestment of one office and the investment of another. If we accept the proposition of the distinguished Senator from Kentucky we must do something that Joshua failed to do in ancient times. He commanded the sun to halt in the heavens. I do not believe it was accomplished. But if we accept the proposition which the junior Senator from Kentucky asks us to accept, we must conclude that although the earth had proceeded so that the sun was shining on the realms of Chiang Kai-shek, notwithstanding the position of the globe, that the great distinguished Governor Holt, of West Virginia, was able to stop the earth in its revolution until he signed the appointment of Clarence Martin. We are asked to imagine that; we are asked to accept the proposition that in taking the oath of office as Governor, Senator Neely laid down the office of United States Senator. If we adhere to the Constitution and statutes of West Virginia and the decisions of the supreme court of that great State, we can come to only one conclusion. That conclusion is that Mr. Rosier is the legal appointee of the Governor of West Virginia to the seat in the United States Senate.

In his evidence before the Privileges and Elections Committee Governor Holt made a statement which I think is indicative and conclusive of his position in this matter. The chairman of the committee asked him a question about when he left the office of Governor, and his answer was as follows:

> Or 3 or 4 days I was there, and I might say, Your Honors, that nobody was in a position to get into my office until I gave the word that they could get in.

Coming out of the blind alleys and looking at the legal question involved, what is it? First, when did Senator Neely resign his position in the United States Senate? Can there be any question on that point? The resignation was written. It was delivered to Governor Holt, of West Virginia, the proper person and the proper official to whom it should be submitted. That resignation specifically said that:

> I hereby respectfully tender you my resignation as a United States Senator from the State of West Virginia to become effective at precisely 12 o'clock midnight on Sunday the 12th of January 1941.

In his testimony before the committee, Governor Holt, in answer to an interrogation by me, said:

> Yes; I accepted the resignation of Senator Neely without any qualifications and without any restrictions whatever.

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

Mr. MURDOCK. I yield.

Mr. HATCH. That acceptance was according to the terms of the resignation, was it not?

Mr. MURDOCK. I was coming to that point. If there had been any question

as to the resignation, it might have been, "Did Governor Holt accept the resignation of Senator Neely exactly as that resignation was submitted?" His answer to my question in the record was:

Yes; I accepted the resignation of Senator Neely without any qualifications and without any restrictions whatever.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. MURDOCK. Mr. President, I wonder if the Senator from Texas will yield me a little additional time?

Mr. CONNALLY. Mr. President, I yield 5 additional minutes to the Senator from Utah.

Mr. MURDOCK. So, Mr. President, we have the admission without any equivocation on the part of the advocates of Mr. Martin, that the resignation of Senator Neely took place at precisely 12 o'clock midnight. We do not have to go into the realm of imagination to determine when that resignation took place.

The next question is, When did the term of Governor Holt, as Governor of West Virginia, expire? Shall we take the statement of Governor Holt? Shall we take the statement of the Senator from Kentucky on that question? Or shall we look to the Constitution and laws of the State of West Virginia in order to conclude when the term of Governor Holt expired?

What do we find? The Constitution of West Virginia fixes the term of Governor and says that it shall commence at a certain time. In this case it commenced on the 13th day of January 1941. So under the Constitution of West Virginia the term of Governor Holt had expired at 12 o'clock midnight, coterminus with the resignation of Senator Neely from the Senate.

But it is said that there is another provision of the constitution of West Virginia which says that every officer shall hold over until his successor is duly elected or appointed and qualified. If that provision of the constitution were all we had to deal with, then perhaps there might be some foundation for the position of the junior Senator from Kentucky in this matter. However, in addition to that general rule of law, which I believe is the rule of law throughout the United States unless there is a special statute, we find a special statute of West Virginia which provides that in case of the death, resignation, removal, or failure of the Governor to qualify, then the president of the Senate of West Virginia shall act as Governor of West Virginia.

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

Mr. MURDOCK. I yield.

Mr. LUCAS. On that very question, when the opposition is discussing the split second immediately following the hour of midnight, it must be on the basis that Senator Neely had not qualified at that particular time, because that was the only opportunity there was to make the appointment of Governor Holt effective prior to the time when Governor Neely qualified. There must have been some failure of Senator Neely to qualify after the hour of midnight. Is that not correct?

Mr. MURDOCK. I think the Senator has restated the position which he so well stated the other day in his own argument. He has stated it much better than I could state it.

If we take the position that there was an interim, an interregnum, or a hiatus between the time Senator Neely resigned his seat in the Senate and the time he began his term as Governor, then if we are logical, if we stand on the Constitution and the statutes of West Virginia, and on the pronouncements of the Supreme Court of West Virginia, we must say that if there was an interim, even of a split second, under the decisions of the Supreme Court of West Virginia, that split second was filled by the president of the senate as ex-officio temporary governor.

If Dr. Rosier is seated as a United States Senator as a result of this contest we do not need to imagine any interregnum. We do not need to conjure up any split second. We do not need to imagine a photographic finish in statesmanship. All we have to do is to adhere to the laws and Constitution of West Virginia, as interpreted by the Supreme Court of West Virginia, and hew to the line.

Mr. President, I wonder if the Senator from Texas will grant me 5 more minutes to conclude. I wish to refer to a decision.

Mr. CONNALLY. Mr. President, I yield to the Senator from Utah whatever time he requires.

Mr. MURDOCK. Mr. President, in my opinion, the junior Senator from Kentucky came into the Senate Chamber with fewer facts and less law than I ever saw a lawyer come into court with; and by reason of his great ability he has made the best showing that anyone could make on the state of facts and the law that he had—or did not have—to support him. He has frequently said in his debate on this question that we are referring to the decisions of Kentucky, we are referring to the decisions of Wyoming, we are referring to the decisions of all other States; but he asks the question, "Why do we not stay with the decisions of West Virginia?"

O Mr. President, that is exactly what I desire to have him do. The other day I discussed this question with a great lawyer, a Member of the Senate. I asked him what he thought of the decisions of the Supreme Court of West Virginia in arriving at a conclusion, and immediately he told me that he had so little respect for the decisions of the Supreme Court of West Virginia that he would not want to come to a conclusion on the basis of such decisions.

I care not, Mr. President, whether some Members of the Senate respect or disrespect the decisions of the Supreme Court of West Virginia. They are the decisions which today should be controlling in this contest.

I think the vital point now before the Senate is that if there was an interim, if there was an interregnum between the time when Senator Neely divested himself of his senatorial office and the time when he began his term as Governor, then, under the decisions of the Supreme Court of West Virginia, that interregnum was filled by the president of the Senate of West Virginia. On that question I hope that the junior Senator from Kentucky will listen to what the Supreme Court of West Virginia said. He seems to like it; and he, unlike other Senators who disrespect the decisions of the Supreme Court of West Virginia, should be willing to say, after reading it, "That settles the case so far as I am concerned, and I am willing to allow the Supreme Court of West Virginia to say what is the law in that State."

In this decision, Mr. President, we have the president of the senate contesting with one of two candidates who ran for Governor, neither of whom, however, was ever declared elected. In that contest the Supreme Court of West Virginia said that, due to the fact that no one had been declared elected to the office of Governor, of course there was no one who could qualify; and by reason of that fact the president of the senate did not come in, as provided by the constitution. But after saying that they go on and say this:

I should say—

This is the author of the opinion speaking—

I should say, that under this provision, if General Goff had been declared upon the face of the returns elected and had failed to qualify—

As they take the position in this contest that Governor Neely had not qualified——

Mr. CHANDLER. Mr. President, will my friend yield to me?

Mr. MURDOCK. Just a minute, please, until I finish reading what the supreme court said—

and had failed to qualify, the president of the senate would act as Governor, ousting Governor Wilson—

Or, in other words, if the same facts had existed in that case as in this case. If in the case referred to, General Goff had been declared elected, and then had failed to qualify, as the Senator takes the position that Senator Neely failed to qualify, the Supreme Court of West Virginia says that then the president of the senate would step in.

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

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

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

Mr. MURDOCK. No; I will not yield until I finish reading this extract from the decision; then I shall be happy to yield to the distinguished Senator.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. CONNALLY. Mr. President, I extend his time 2 minutes.

The PRESIDING OFFICER. The time of the Senator from Utah is extended 2 minutes. The Senator may proceed.

Mr. MURDOCK. I thank the Senator from Texas.

I continue to read from the decision of the Supreme Court of West Virginia:

For here would be a failure to qualify by the Governor elected and so declared, and under the language quoted the president of the senate would come in.

It does not say that he would come in permanently; it does not say that the elected Governor, if after he was declared elected he had removed the disability of having failed to qualify, could not come in and take the office. What it says—and I continue to read from the decision—is this:

But the president of the senate can come into the office of Governor, or rather act as Governor temporarily ex officio.

In other words, the president of the senate needs take no further oath; but, ex officio and temporarily, he comes in and takes over the duties of the Governor until the elected Governor has been duly declared and shall have qualified.

Mr. President, if the Senator from Kentucky is interested in what the law of West Virginia is, there it is stated very succinctly and without any equivocation.

I now yield to the junior Senator from Kentucky.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. CHANDLER. Mr. President, my friend now has run out of time, and I cannot speak in overtime.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. CONNALLY. Mr. President, the committee has only two other speakers; and, as the chairman of the committee, I claim the right to close the argument. So, I should be glad if the Senator from Kentucky would proceed to make his speech now.

Mr. CHANDLER. I do not concede that there is any law which gives the chairman of the committee the right to close. I have no objection, if that is his right. I have consulted the law, and I am not certain that he has that right.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. CONNALLY. Mr. President, if no speech is ready, I waive mine, and will vote at once.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

The PRESIDING OFFICER. Eighty-four Senators have answered to their names, a quorum is present. The Senator from Kentucky.

Mr. CHANDLER. Mr. President, I should like to have a few minutes before the vote.

Mr. CONNALLY. I will say that if the Senator is to make a speech, there will probably be a speech on our side when he concludes.

Mr. CHANDLER. I have no objection to that; I calculated on it, and made allowances for it.

Mr. President, the Constitution of West Virginia states very clearly that—

All officers elected or appointed under this constitution may, unless in cases herein otherwise provided for, be removed from office for official misconduct, incompetence, neglect of duty, or gross immorality, in such manner as may be prescribed by general law, and unless so removed, they shall continue to discharge the duties of their respective offices until their successors are elected, or appointed, and qualified.

That is the Constitution of West Virginia, article IV, section 6.

The 1937 Code of West Virginia provides that—

The term of every officer shall continue—unless the office be vacated by death, resignation, removal from office, or otherwise—until his successor is elected or appointed and shall have qualified.

I wish to read to the Senate of the United States the latest case in West Virginia. It is only two pages in length. I refer to the case of Broadwater against Booth, decided in West Virginia on the 21st day of May 1935. That case held that "there is no vacancy in a public office when there is an incumbent legally authorized to discharge the duties thereof."

Relator asserting title to the office of clerk of the city of Belington seeks possession thereof by mandamus.

There are some pertinent provisions of a city charter, but the facts were substantially as follows:

On the 4th of April 1935, at a meeting of the council of the city, the respondent, Howard Price, mayor, made nomination of the respondent, Earl Booth, for the office of city clerk. Upon a vote, a minority of the council approved the mayor's nominee—

"A minority of the council approved the mayor's nominee"—

a majority voted neither yea nor nay on the Booth nomination, but cast their votes for the relator, O. J. Broadwater, for clerk. Later, at an alleged adjourned meeting, attended by only the five members of council constituting the said majority, a bond tendered by relator was approved and his oath of office filed. On this setting, he asserts his right to possession of the office. Booth, who has been clerk for several years, is holding over and in control.

Under the quoted provision of the Belington charter, the mayor is given exclusive right to appoint a clerk, with the approval of council. That body may approve or reject; it cannot appoint or elect, except in case of vacancy, hereinafter discussed. The situation is directly analogous to the appointment of a State official by the Governor, by and with the advice and consent of the Senate, and the analogy must be carried to full extent. When the Senate fails to ratify an appointment by the Governor, it does not undertake to make its own choice, but leaves the matter where it belongs—in the discretion of the Governor. Upon failure of confirmation of an appointment, the Governor, with convenient dispatch, must submit another nomination—a different individual from the one injected. A similar duty devolves upon the mayor of Belington. Public officials having appointing power, as well as all other officials, who presume to discharge their duties faithfully.

Relator asserts that on the 4th of April, there was a vacancy in the office of city clerk and that council had a right to fill the same. "Whenever a vacancy from any cause shall occur in any office"—

In the Constitution of the United States, the seventeenth amendment says—

When vacancies happen the council shall by a majority vote of those present fill such vacancy. Belington charter, section 15 (acts, supra).

But there was not in fact a vacancy. Booth was holding over under a prior appointment confirmed.

The term of every officer—

Every officer in West Virginia—

shall continue (unless the office be vacated by death, resignation, removal from office, or otherwise) until his successor is elected or appointed, and shall have qualified.

The only case I know to the contrary in any way is the case cited by my friend from Utah [Mr. MURDOCK], but in that case the whole opinion of the court and the decision were based on the refusal to qualify, or the failure to qualify. Here, instead of having a failure to qualify, we have a clear indication and a declaration of intent on the part of Senator Neely to become Governor of West Virginia as soon as he could get rid of his Senatorship and qualify.

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

Mr. CHANDLER. No; I am not going to yield to the Senator from Utah, because he would not yield to me. I suggest that the Senator keep his seat and let me talk.

Mr. MURDOCK. I yielded to the Senator from Kentucky as soon as I got through.

The PRESIDING OFFICER. The Senator from Kentucky refuses to yield, and will proceed.

Mr. CHANDLER. In that case there was a failure to qualify, and the decision turned on the failure to qualify; and because of the failure to qualify in West Virginia a man held over for 2 years as Governor of West Virginia. In this case the Governor of West Virginia was Governor Holt; and I want it remembered by every Senator that Governor Holt did not usurp that office. He was elected Governor of West Virginia just the same as Senator Neely was elected Governor; and he was no usurper of the office. He received a majority of the votes of his party and a majority of the votes of all the votes in the election in 1936; and he was the regular, duly qualified, acting

Governor of that State, entitled to do anything that a Governor can do within the limits of his power and authority.

I have insisted all the time in this debate that Governor Holt, knowing that a vacancy would occur in his term, had the right and the power and the authority, and more than that, Members of the Senate, he had the duty to fill that vacancy if he knew it would occur during his term of office. Senator Neely had deliberately elected to quit the United States Senate in an effort to become Governor of his State. He received pay for being a United States Senator all 12 of the first days of January. He must have been a United States Senator all 12 of those days, or he owes the people of the United States money for drawing money after he ceased to be a Senator. I think it is clear that it is the law of West Virginia that no citizen of that State can be Governor and Senator at the same time. He must either keep one, or abandon one and take the other; and Senator Neely had his choice. Senator Neely did not want to be a Senator any more. He wanted to be a Governor, and he ran and he was elected; and then he sent his resignation, on the 11th day of January, or the 10th day—it got there the 11th of January—to Governor Holt. If Governor Holt was not the Governor of West Virginia, why did Senator Neely send Governor Holt his resignation? He sent him his resignation declaring his intention to quit the Senate of the United States at precisely—those are his words—12 o'clock midnight on the 12th day of January.

Governor Holt, in office, the Governor of his State, knowing that a vacancy was about to exist, or about to happen or occur, appointed Clarence Martin to be United States Senator from West Virginia. He appointed him on the 10th of January to take effect when the vacancy occurred. He appointed him on the 11th of January to take effect when the vacancy would occur as dictated by Senator Neely in his resignation. It should be remembered that Senator Neely did not do anything but write that resignation and leave a place for the Governor to put the time he received it and sign his name. That is all he left for Governor Holt to do; and Governor Holt signed his name and put in "1:30 p. m. on the afternoon of January 11." Senator Neely realized, and the attorney general of West Virginia realized, and in his opinion, page 104 of the hearings, and in his testimony, page 108 of the hearings, he says:

As we have seen—

In a written opinion to his new Governor—

it was necessary that you should cease to be a United States Senator before you were eligible—

To what?

to qualify as Governor of the State of West Virginia.

When they got the attorney general back home they must have given him an old-fashioned barnyard tanning, because they sent him back up here to change the word "qualify"; but on three occasions at the hearings I asked him the express question, and members of the Privileges and Elections Committee will remember that I said:

Do you mean that he has to quit being Senator before he can be Governor of your State?

Yes, sir.

The Senator from New York [Mr. MEAD] asked him the same question, and he said:

Yes, sir.

On page 128 of the hearings he said:

He cannot be Governor and Senator at the same time.

Then, if a man cannot be Governor and Senator at the same time, why on earth should he be permitted to control two offices which his own law says he cannot hold?

I am very grateful to my friend from Utah for saying that I came in with the fewest facts and the fewest laws and made the greatest argument. I cannot accept that compliment, because I should be ashamed of myself if I had not made a good argument, with all the law and all the facts I had. I have tried, ever since we started this debate, to keep our opponents on the law and the Constitution of West Virginia and on the actual facts of the case.

All this business at midnight that my friend from New Mexico does not like I do not like, either; but there is nothing that we can do about it.

Mr. HATCH rose.

Mr. CHANDLER. I am not saying anything that the Senator from New Mexico should object to. I suggest that he sit down.

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

Mr. CHANDLER. No.

Mr. HATCH. I heard the Senator say "New Mexico."

Mr. CHANDLER. Everything I say about the Senator from New Mexico is all right, so he does not have to worry about it. I do not like those midnight actions, either; but when we have two parties, both trying to act at midnight, if there is guilt they are equally guilty, and guilt should attach to both sides. But remember, Governor Holt appointed Clarence Martin on the 10th of January in anticipation of a vacancy. On the 11th of January he appointed him when he knew a vacancy would most certainly occur in his term. Our opponents were careful to avoid the precedents of the Senate of the United States. I never have seen the persons who make the precedents of the Senate so disrespectful of their own rules, because the precedents in every case except one—and that case turned on another question—sustain my contention. Three Senators were seated without controversy; and everyone agrees that when a Governor makes an appointment of a Senator to fill a vacancy that will most certainly occur within his term he has the right to do it, and it has been sustained time after time by the Senate of the United States.

That is this case. On the 10th of January, Governor Holt anticipated the vacancy. On the 11th of January he knew it was going to occur, and he made an appointment which took effect just as soon as Senator Neely put down his senatorship, which he had to do before he could qualify as Governor of his State; and Senator Neely said:

I am certain that the great weight of authority is to the effect that I had to divest myself of the senatorship, or take off the senatorship—take off the cloak of the senatorship—before I could put on the cloak of the governorship.

That is crystal clear; and, so far as I can figure out, that is the clearest thing anybody knows anything about. There was no dead heat. There was no eyelash finish. I know Neely was trying to be both officers. I do not blame him for that, but he could not figure out a way to do it; so why should the Senate supply him with a way to do it when he himself could not figure out a way to do it? All the Members of the Senate know how agitated he was at the hearing, and tried to figure out a way to beat his own law.

Public policy has been discussed. The decisions of the judges of the court have been discussed. My friend from Colorado [Mr. ADAMS] disagreed with me because he said he did not believe an officer had to file an oath. I have no objection to his disagreement; but I am just as certain that in West Virginia, according to the Qualls case, a public officer who fails to file his certificate of oath in the office of the secretary of state cannot serve as an officer, and if he fails to file it for a sufficient length of time and someone is appointed to take his place he loses his office. In the Qualls case, two men elected as members of the board of education failed to file their oaths, and the superintendent of public instruction appointed two men to take their places, even though they had been elected, and the court upheld the appointment. Even though they had been elected, they had failed to file the oaths, and the court held them not qualified. The other day the Senator from Illinois [Mr. LUCAS] did not like it because I read two letters of supreme court justices of West Virginia who helped to write the opinion. The court was unanimous in that case.

They said they were undertaking to say to everyone in West Virginia, "You cannot be an effective public official in this State until you have filed a certificate of your oath in the office of the Secretary of State, and if you do not do it, you have not qualified, and the Governor who is the Governor remains the Governor"—and I want my colleagues to remember this as long as they live—"until his successor is elected or appointed and shall have qualified"; except where there is a failure to qualify, as in the case cited awhile ago, and if there is a failure to qualify, then it is provided that the President of the Senate shall take the office.

Neely took an oath at 11:35 on the 12th day of January. He took another oath at 11:45. He did not think much of those himself, although he tried to write on the back of one of them, "I am taking this oath, but I don't mean it. I am taking it with the understanding that I

am still whatever I want to be under the circumstances, just so you don't get me out of either one." He took an oath at 11:35; then he took one at 11:45; but he did not file those oaths. After we opened the hearings, and began talking about these things generally, 12 days after the 13th, he went to the office of the secretary of state, or caused someone to go, and had those oaths filed. The other oath he took instantly after midnight on January 12, and he filed it at 12:50 o'clock in the office of the secretary of state of West Virginia.

It is my contention, and I think it is supported by the law of West Virginia, that a Governor cannot be the Governor until he does all things, according to the law, necessary to qualify him to be the Governor of his State. Neely had not done everything the law required him to do until he had taken or made an oath—I do not know the difference between making an oath and taking an oath. If he made the oath, he had to file it, and he had to file it, or a certificate, in the office of the secretary of state. So he filed one at 12:50 o'clock on January 13.

It is my contention that there was no way on earth by which he could be Governor of West Virginia until he had made and filed that oath in the office of the secretary of state of West Virginia.

I read letters from two judges, which the Senator from Illinois did not like, and I do not blame him; but the judges wrote them. They had a right to write them if they wanted to, and they did not have to come. They said it was the intention of all the members of their court, and the reviewers, when they went over the laws of West Virginia, said it was their intention, to make the provision as to the oath mandatory, and not directory. They said the action prescribed had to be taken in West Virginia. They have a right to require that if they desire. Is it our business if they wish to require it? Let them do what they wish to do, and that is what they said they wanted to do.

Mr. CLARK of Missouri. Mr. President, will the Senator yield?

Mr. CHANDLER. I yield.

Mr. CLARK of Missouri. I should like to ask the Senator whether any explanation was ever made to the committee or to the Senate as to why the oath taken, after midnight on the 12th–13th, was filed at 12:50 o'clock, and apparently relied on, and then later, after the question had been raised in the Senate committee as of the 16th, subsequently, on the 25th, the certificate of the secretary of state shows that the other oaths were filed, and they were put into the record. Was any explanation given?

Mr. CHANDLER. Not a satisfactory one; at least not one satisfactory to me, because certainly when the committee undertook the discussion of it, Senator Neely was relying upon his oath taken instantly after midnight, and he filed it at 12:50 a. m. in the office of the secretary of state.

Mr. CLARK of Missouri. Will the Senator yield further?

Mr. CHANDLER. I yield.

Mr. CLARK of Missouri. If the oath was an essential element to the qualification of Governor-elect of West Virginia, then the oaths referred to, taken prior to midnight, certainly could not have been validated by an oath filed on the 25th of January, could they?

Mr. CHANDLER. I do not think so. I do not know what Neely had in mind, but I suspect that when he got to that point he was grabbing at all the straws there were in the wind, and he happened to remember these two oaths, although he had not given them much weight at the time he took them. They tried to explain it by saying he was practicing. I have seen many kinds of games, and much practice, but I never saw a fellow practice getting to be Governor; that is, practicing taking oaths, so that when he got through practicing, he could be Governor of a State.

Mr. BARKLEY. Mr. President, will my colleague yield?

Mr. CHANDLER. I yield.

Mr. BARKLEY. If Neely was practicing taking oaths as Governor, was Holt practicing appointing Senators?

Mr. CHANDLER. I do not know; he did appoint one.

Mr. BARKLEY. Just about as fast as Neely took the oath, Holt appointed a Senator.

Mr. CHANDLER. No; Holt made three appointments and Neely took four oaths. The score is four to three.

It seems to me these are questions for the Senate to decide: When did the vacancy occur? In whose term did it occur? Who was the Governor of West Virginia when the vacancy occurred? Neely was not Governor, because he was United States Senator, if we take his own word for it, until precisely 12 o'clock midnight. He said he did not intend to let go of that office, although he made a couple of feints at it at 11:35 and 11:45. If that had any effect at all, it had the effect of getting him rid of the senatorship, without getting him into the governorship.

Mr. BARKLEY. Will the Senator yield further?

Mr. CHANDLER. I yield.

Mr. BARKLEY. It seems to me this is a serious proposition. How can an oath taken under these circumstances be a good oath to get a man out of the Senate, but worth nothing to get a man to be Governor? An oath is good or it is bad, and it is good as to everything or bad as to everything. How can it be good enough to get a man out of the Senate, but not good enough to get him into the governorship?

Mr. CHANDLER. I will never forget that once while I was seated in the gallery of the Senate I heard the senior Senator from Maryland [Mr. TYDINGS] stand on this floor and say that, so far as he could figure out, there was no law or provision of the Constitution of the United States that kept a man from being a damned fool if he wanted to be. I do not know how it is possible to legislate a fellow out of being foolish if he is foolish.

Mr. BARKLEY. That is not quite the question. If, taking the Senator's interpretation, he was damned fool enough to take an invalid oath, it is invalid as to all things. It could not be valid as to one thing and invalid as to another. That is a serious proposition, which appears to me to make it impossible to split the oath which he took, either the one at 11:35 or 11:45, and say half of it was good, that the half which lifted him out of the Senate is a good oath, and the half which made him Governor is no good.

Mr. CHANDLER. I cannot agree with the Senator. There are oaths which can do one thing for you and another to you. There are oaths which might be good for some things and not good for others. Senator Neely was trying to put himself into the office of Governor and at the same time to hold himself in the United States Senatorship, and he did not rely on those oaths until he became nervous about the one he actually filed at 12:50 o'clock a. m. on January 13. Then, 12 days after the 13th, he put the two oaths into the RECORD. I do not blame him for that, because he was anxious to rely on everything he had to rely on, and I always wondered why he did not file the only one he omitted to file. He went down to the statehouse shortly after noon and held up his hand again and swore to do all the things Governors swear to do, but he did not file that.

Mr. BARKLEY. Is it my colleague's contention that from 11:45 o'clock until 12 o'clock on the night of the 12th Senator Neely was trying to hold the Senatorship and at the same time hold the Governorship?

Mr. CHANDLER. I am sure he was. There is no question about it. We saw what he wrote on the oath. He wrote on it that he intended to qualify as Governor, but under no circumstances did he intend to let go the Senatorship.

Mr. BARKLEY. Under the Constitution of West Virginia, his term did not begin until 12 o'clock, and he could not by merely taking an oath prior to that hour become Governor before the constitution provided his term should begin.

Mr. CHANDLER. I shall surprise the Senator about that, because actually the term did not begin until he actually did all the things that were necessary to qualify him to begin the term. It was on the day generally set, of course, but that actually made the term 5 days shorter than the 4 years.

Mr. BARKLEY. Of course, all those things include his election by the people——

Mr. CHANDLER. Oh, yes.

Mr. BARKLEY. And a certificate by the board which canvassed the returns. That had to be done.

Mr. CHANDLER. Yes.

Mr. BARKLEY. Then he had to take the oath.

Mr. CHANDLER. To make it.

Mr. BARKLEY. Make it or take it. The constitution says "make" it, the statutes say "take" it. I presume they both mean the same. If they mean anything different, it is a question of trying to harmonize the statute with the constitution. The point is, if he could not take the oath of office, the legal oath, to make him Governor at 12 o'clock when the time arrived, how could that oath be a legal oath to deprive him of being a Senator? So if he was not Governor during that 15 minutes, and was still a

Senator, he was not holding two offices at the same time.

If he went out of the Senate by reason of that oath at 11:45 on the night of the 12th, thereby creating a vacancy—if he went out of the Senate because he otherwise would be occupying two offices at the same time in those 15 minutes, he was doing what the Constitution of West Virginia says he could not do—occupy the office of Governor before his term began under the constitution. That seems to me a very serious discrepancy as to the question of minutes.

Mr. CLARK of Missouri and Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield, and, if so, to whom?

Mr. CHANDLER. I yield to my friend, the Senator from Missouri.

Mr. CLARK of Missouri. I should like to ask the Senator from Kentucky if he ever heard of a situation in which a man took off his clothes a few minutes before he got into bed. That is similar to what might have happened in the case of Senator Neely in divesting himself of the Senatorship before taking over the Governorship.

Mr. BARKLEY. That is not a parallel situation.

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

Mr. CHANDLER. I yield.

Mr. HATCH. Did I understand the Senator from Kentucky to say that the term of office did not begin until Mr. Neely qualified?

Mr. CHANDLER. I do not think there is any doubt about that. If he had not qualified his term would not have started.

Mr. HATCH. Does the Senator from Kentucky mean to say that the term of office provided for under the Constitution of West Virginia begins or ceases to be, depending upon the will or whim of a certain individual?

Mr. CHANDLER. No.

Mr. HATCH. The Senator does not mean the term?

Mr. CHANDLER. No; I am not talking about the term. I am talking about a man who is trying to qualify for a term.

Mr. HATCH. I think that is exactly the trouble with the whole case. Everyone has been talking about men and not about law.

Mr. CHANDLER. The Senator may have, but I have not. I am talking now about a man who has an office, and he does not want it, and he is trying to get another office, and the law of the State says he cannot have both offices at the same time, and he tries to get rid of one office and to get the other. I do not think any one can help him to do it. No one can tell him how to do something the law says he cannot do.

I gave an illustration here on the first day this matter was under consideration. Here is one man who holds a United States Senatorship, and here is another man over here who is holding the Governorship of a State. The man who holds the Senatorship wants to get the Governorship, although, according to all the laws I have ever read, possession is nine points of the law. The old country boys used to say, "Possession is nine points of the law, and if you have the nine points you have an advantage over the one who has the tenth point on his side." Nine points were on the side of one man in this case. That reminds me of a colored man down home who paid for a house on the instalment plan. He made his final payment, and went to the lawyer and said, "I have paid you the money." The lawyer said, "Yes. Now, of course, you want your deed." "No," said the colored man, "no, boss, I wants a mortgage." "Why," said the lawyer, "What do you mean? You don't want a mortgage." The colored fellow said, "Yes, I do." The lawyer said, "Oh, no, you want a deed." "No, sir, boss," said the colored man, "last time I had the deed and the other man had the mortgage, and now he has got the place." The colored man was not going to be fooled another time.

In the case under discussion one man had possession of the Governor's office. In listening to some arguments which have been made here one might think that Homer Holt usurped the Governor's office. He was elected to it. He was entitled to it. He was the Governor. On the other side we have a man who does not want to be Senator, who wants to quit being Senator, and run for the Governorship. But the law says, "You cannot hold both offices at the same time. You must get rid of one of them." He said, "All right, I will resign to the Governor," and he did resign to the Governor.

The Taylor case, a Kentucky case, has been cited by Senators. In that case there was no resignation, but a resignation was required. I have not been able to hold Senators to the facts in this case. Do Senators think Mr. Neely would have resigned to Governor Holt if he had not thought he must do so? He wrote that resignation out to Governor Holt. Why did he do it? Because Holt was Governor and was entitled to receive resignations of public officers in West Virginia and to accept them, and he did accept this resignation. In order to do that all he had to do was to write on it, "1:30, Homer A. Holt," and send it to the proper place.

Mr. President, a man holding a United States Senatorship, who wants to be Governor, must lay down his Senatorship. Mr. Neely could not hold both offices at the same time. As I said the other day, there must be an interregnum or hiatus, and those arguing for the other side who say there was no hiatus, there was no interregnum, say something which is ridiculous. I do not think the arguments are ridiculous; I think most of them are wrong; but the proposition is ridiculous. I would not like to say that any of my colleagues would be guilty of making ridiculous arguments. Let me get back to the illustration, and it will be found that the matter is as clear as crystal. A man holding a United States Senatorship, who wants to be Governor, must get rid of any limitation, of any burden, or of anything that keeps him from qualifying as Governor of the State, and when he lays down the Senatorship, as he had to do, and he knew it, and everyone else knew it, he left Homer Holt in the Governor's office, and Homer Holt appointed Clarence Martin United States Senator.

Mr. President, the Senator from Texas made the mistake, perhaps, of asking me to look up the law. I looked up the law.

Mr. CONNALLY. The Senator may have looked it up, but he did not find it.

Mr. CHANDLER. I will admit I did not find the kind of law that suited the Senator from Texas, but it surely suited me. I was not particularly anxious to suit the Senator from Texas. I wanted to find out what the law of West Virginia was, and I thought I found it, and when I did find it I undertook to report to the committee on the law of the State of West Virginia.

Let me say to the Senate that I never saw either one of the two men involved in this matter until they came here and each asked to be seated as Senator. I never saw either one of them before in my life. Both of them are fine gentlemen. I did not know either of them until this controversy started. I looked up the law of West Virginia and I found that the law of West Virginia was in favor of Clarence Martin. It is a matter of indifference to me personally for whom Senators vote to be seated as the Senator from West Virginia, but when the Governor of West Virginia, in office, appointed a man to be United States Senator, when he had a right to appoint him, when the law of his State is in his favor, I am not going to have it on my conscience that I failed to do what I could to have him seated as Senator.

The people of West Virginia voted for Mr. Neely to be Governor. Mr. Neely is an ingenious man. He is the only man who got the President and John L. Lewis to be for him at the same time. I have no objection to that. The President and John L. Lewis were not in agreement in the last national campaign, but they were both for Senator Neely. That is remarkable. I congratulate Senator Neely on his sagacity, on his political acumen and judgment, on being able to reconcile men who do not like each other, and in this case to get them to lie down together, but who, having lain down, do not want to continue to lie down together but want to get up.

Mr. President, I have received letters from people of West Virginia, the sheriff of Kanawha County, and others, who say that support of the administration was not an issue in the campaign. Whether it was or not has nothing to do with the matter. Clarence Martin was a Democrat appointed by a Democratic Governor who had a right to appoint him. I have supported the President of the United States on every proposition since I have been in the Senate, and I am anxious to support the President whenever I can. The Vice President of the United States is my good friend, and I am anxious to support him. But neither of them can tell me who is entitled under the law of West Virginia to be Senator. I cannot permit that to be done. I took an oath when I came to the Senate, and I shall abide by that oath. I am not going to carry on my conscience the thought that a man perhaps entitled to be appointed Senator by the Governor of his State cannot have his seat as Senator because somebody does not want

him here. I want him here if he is entitled to be here.

Mr. President, some have said that the leadership is involved in this matter. I am not making any fight against my colleague, the Senator from Kentucky [Mr. BARKLEY]. My colleague knows that since I have been in the Senate he has had no more loyal supporter than I. I have supported him on every proposition, except a couple of times when my conscience was involved, as, for instance, on the Adams amendment to the conscription bill. I could not vote for it. I voted against it, and my colleague cannot object to that. Why should the leaders make every scrimmage a war? Why should they involve themselves in the fight when it is the right of Senators to vote as their consciences dictate? Every Senator has the right to vote for the man he thinks is entitled to have the office.

Every Senator ought to ask himself, "What, in justice, ought I to do under the circumstances?" If it is just, fair, and right that Clarence Martin should be seated, we ought to seat him regardless of any other considerations. If any Senator can reconcile his conscience with voting otherwise that is his business. I have no dispute with him. I have not undertaken to question the motives of any Senator in his position on this question.

Yesterday the Senator from Illinois [Mr. LUCAS] undertook to accuse me of having already made up my mind. I do not think he should have done so. I did not accuse him. I do not know why he made up his mind, or when he made up his mind. It is none of my business; and it is none of his business when I made up my mind. I make up my mind the best I can, except when Mrs. Chandler gets after me, and then she makes it up for both of us. [Laughter.] But whenever I am dealing with Senators I will make up my own mind; and it is no affair of any other Senator when I make up my mind. I am not questioning any Senator as to when he makes up his mind. Every Senator ought to vote on this question irrespective of any influence on earth, and irrespective of any consideration except to do justice under the circumstances. I feel that Clarence Martin is entitled to occupy a seat in the Senate as a Senator from West Virginia.

My friend from New Mexico [Mr. HATCH] suggested that we send the whole question back to West Virginia.

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

Mr. CHANDLER. I yield.

Mr. HATCH. I suggested that that would be a wise course. I also said it could not be done.

Mr. CHANDLER. I am not intimating that the Senator indicated that such a course ought to be taken against all hazards; but the suggestion indicated to me that the Senator does not like this case. He likes it even less than I do.

There is a practical difficulty in the way of sending the question back to West Virginia. The Senate cannot call an election in West Virginia. The present Governor of West Virginia would name the same man, or someone else, to serve until the next regular election, and that would defeat the opportunity of the Senate to say whether its precedents are correct, or whether we wish to overrule them.

In my opinion the precedents of the Senate unquestionably favor the position taken by those of us who think that Mr. Martin is entitled to the seat. I ask every Senator, before he casts his vote, to lay aside, as far as he is able to do so, every weight, every influence, and every idea that has come to him from any source, except the question as to who is entitled to this seat under the circumstances.

When did the vacancy occur? Who was Governor when it occurred? I submit, Mr. President, that the answer seems clear to me. Homer Holt was the Governor, and he had a right to make the appointment which he made to the Senate, and in justice and fairness we should say that he is entitled to fill the vacancy in West Virginia's representation in the United States Senate.

Mr. CONNALLY. Mr. President, I yield 30 minutes to the senior Senator from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. President, I regret more than I can express the fact that my colleague [Mr. CHANDLER] and I differ upon the problem now before the Senate. I appreciate the fact, as he has just stated, that he has cooperated with me since he has been a Member of the Senate. I am highly gratified to say that that has been true. I am sure he has; and I sincerely trust that the same cooperation, fellowship, and friendship which have characterized our service here together may continue in the future.

Notwithstanding that, Mr. President, I feel that inasmuch as I have some convictions on this subject I am not violating any duty or propriety in giving brief expression to them.

Mr. President, I wish to discuss this problem from two standpoints, one of which perhaps, ought not to have any place in the argument, but it has been injected into the argument by those who are supporting the minority report.

The Senator from Vermont [Mr. AUSTIN], one of the ablest lawyers in this Chamber or in the entire country, and one for whose personality and whose opinion I have the greatest respect and admiration, was the first to make the point, in his address in behalf of Mr. Martin, that the question of public policy is involved. The Senator from Wisconsin [Mr. WILEY] has today emphasized that point. Evidently they think it has a place in our consideration. My colleague [Mr. CHANDLER] has squinted at it a little, too.

The question of public policy is a broad question. It cannot always be determined upon the same footing. It might be determined differently upon some other occasion. The point is made that no Senator who is elected Governor of a State during his term as Senator ought to be permitted to appoint his successor in the Senate, because to do so would give him control of two offices at the same time—that is, the governorship and the senatorship.

I should not say that the Senate is estopped from considering that subject; but it is true that this is not the first instance in which such a thing has occurred. Four years ago the Senator from New Jersey, Hon. Harry Moore, became a candidate for Governor of his State. He was elected, and when he became Governor of his State he ceased to be a United States Senator. He appointed as his successor in this body Senator Milton, who came to the Senate, took the oath of office, and served part of the unexpired term of Governor Moore.

It cannot be said that we ought to have permitted that action because every Senator liked Senator Moore, and that we ought not to permit it to be done now because perhaps some Senators do not like Mr. Neely. If the question of public policy is involved now, public policy ought to support the appointee of Mr. Neely. It may be argued that the Senate is guilty at least of laches or negligence in the performance of its duty in behalf of sound public policy in not raising the question 4 years ago, when Governor Moore's appointee came to the Senate and was seated without question.

If it is a matter of public policy as to whether the Governor of any State should be permitted to appoint his successor in the Senate, who has the first right to determine that question of public policy? Shall we decide it here, or shall the people of the State involved decide it?

This is not a question between Governor Neely and me. It is not a question between Governor Holt and me. What happens to them as individuals, or what happens to us as individuals, may be an insignificant matter. But, as I look upon it, it is a question between the people of West Virginia and me. Their rights are involved here, not the rights of either Mr. Neely or Mr. Holt.

Something has been said as to this question having been an issue in West Virginia; and I desire to mention this because it has been injected into the debate on the question of public policy. I have in my hand an editorial from the Herald-Dispatch, of Charleston, W. Va. It is a Republican newspaper. It did not support Governor Neely in his campaign, either in the primary or in the general election. Last November it supported the Republican candidate for Governor of West Virginia. It may be interesting to read what this Republican paper says about whether or not the question now before us was an issue in West Virginia:

THE ONLY ISSUE

Quibbling over obscure and highly technical points of procedure in the appointment of a United States Senator to succeed to the seat of Governor Neely has served to delay granting West Virginia its full representation in the Upper House but it has in no sense beclouded the real issue.

The issue is—

Says this Republican paper—

whether the Governor elected by the people of West Virginia, and whose political philosophy the majority endorsed by their vote, is to be permitted to name—as the State's constitution provides—a Senator with whom he can work in harmony in the interest of

the State or whether an ex-Governor whose influence was repudiated by his party and whose political philosophy was rejected by the majority of the electorate shall by some technicality seize and hold a portion of that which was removed from him by the people.

As Governor Neely's nominee for the Senate seat, Dr. Joseph Rosier represents the only expression of the popular will in the contest at issue. That Neely, if elected Governor, would name his successor and in the exercise of that selection would choose a man whose political philosophy was in harmony with his own was an issue in both the primary and general elections.

Says this Republican paper:

A majority of the State's voters gave Governor Neely such a mandate.

There are two more paragraphs to this editorial, but they are not material to the issue.

I agree with what has been said here to the effect that there was an unseemly scramble in the city of Charleston to determine a United States senatorship. Let us suppose that it was an indecent scramble over a senatorship. Where do the equities lie, if there are any equities involved in that transaction? Mr. Neely had the right to run for Governor. It is an unusual thing for a Senator to run for Governor. As a rule it is the other way around; but he had the right to run for the governorship of his State, just as other Senators heretofore have done.

The people of West Virginia and his opponents in the primary had the right to say that if he were elected Governor he could appoint his successor, just as Harry Moore had done 4 years ago. They had the right to use such an issue against him in the campaign. It was an issue. His opponents had a right to make it an issue. We know how campaigns sometimes accumulate issues which the candidates and their friends think may influence votes; but if it was a legitimate issue, then the people of that State had the right to pass on it. If it was an issue, they did pass on it by a majority of 48,000 in the primary and 112,000 in the November election.

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

Mr. BARKLEY. I yield.

Mr. CONNALLY. Is it not true that the Holt faction or the Holt group admitted in the campaign the right of Mr. Neely to make the appointment, because they charged that, if elected, that is what he would do?

Mr. BARKLEY. Undoubtedly that is true.

Let us assume that this was an indecent and unseemly performance. Who brought it on? Undoubtedly it was brought on by the outgoing Governor in his effort to prevent the incoming Governor from exercising a power the people of West Virginia had said, in a primary election and in the November election, they wanted him to exercise.

We are all human. There is not a Senator in this Chamber who, under the same circumstances, would not have done exactly as Governor Neely did. If any Senator about to assume the governorship of his State should see an outgoing Governor, who had tried his level best to prevent him from becoming Governor, sprawling himself across an imaginary line, with one hand in his own term and one hand in the incoming term, with an ink bottle by his side, and with pen poised ready to write an order authorizing somebody to fill a certain office, he would do exactly as Governor Neely did; he would try to prevent such an action.

It may be that that situation ought not to have anything to do with the present issue; but it has been injected into this debate by those who are contending that Governor Neely had no right to make the appointment.

So much for the matter of public opinion. If there was an unseemly and an indecent episode in West Virginia at the hour of midnight on the 12th of January, it certainly was one that was begun by the outgoing Governor. Ordinarily, outgoing Governors exercise courtesy toward their incoming successors. I do not know of any case—although probably there are such cases—of an outgoing Governor trying to forestall an incoming Governor in the making of appointments. All the decisions and all the lawbooks say that an outgoing Governor has no right, whether from the standpoint of public policy or law, to project himself over into the incoming term in order that he may deprive his successor of the right and the power to make appointments.

Governor Holt's term expired at midnight of the 12th, that is, at the twilight hour or the twilight moment between the 12th and the 13th. If as he crossed that line, or came up to it—I do not think he could cross it—and saw the form of Mr. Neely approaching to stand on that line just as he disappeared from it, Mr. Holt could appoint a United States Senator, he could appoint to every other office within the power of the Governor in which there was a vacancy at that particular moment. If he could appoint a United States Senator and could deprive the incoming Governor of the power to make the appointment, he could tie the incoming Governor's hands and make him impotent during his term of office by making appointments to every other vacancy that existed at the moment of midnight, or whatever "hangover" there was following midnight, when he claims to have exercised the power.

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

Mr. BARKLEY. I yield to the Senator from Illinois.

Mr. LUCAS. On the point the Senator is discussing, it so happens that the State of West Virginia, knowing of that type of pernicious practice by the outgoing Governor, has passed a statute which permits the incoming Governor, by a stroke of the pen, without assigning any reasons for it, without filing any charges, and without doing anything else, to say to the appointee who was appointed in the dying hours of the old Governor's term, "You are out." That is all there is to it; and while I know that that cannot be done in connection with a Federal office, and cannot be done in connection with an appointment to the United States Senate, yet if the people of West Virginia had had the power to have included the office of United States Senator along with the others, I dare say they would have done so.

Mr. BARKLEY. Undoubtedly.

Now, Mr. President, let me speak of the law for just a moment. I do not set myself up as "any great shakes" of a lawyer. When I was a young man and practiced law, I thought I was a pretty good lawyer, but now I feel, as probably most of us feel after we have been here a good many years, like a Member of the House of Representatives, who when testifying the other day before a committee, and a constitutional question was asked him, said "I have been in Congress so long that I do not know anything about the Constitution." I have been in Congress so long that I could not claim now to be even a good lawyer, although I thought I was a fairly good one when I came here. I suppose that our legislative experience here does broaden us in a certain sense in our understanding of the law, but in the actual practice of it in the courthouse we all know we would be at a disadvantage if we were suddenly thrust back into the bar to cope with lawyers who have been there all the time since we have been here. But I am going to be bold enough to discuss the law nevertheless.

Much has been said here about the fact that a number of appointments were made and several oaths were taken. I suppose when Neely discovered that his outgoing predecessor was going to make appointments fast enough that he finally might get one to stick that he did the very natural thing and tried to forestall such action. I would have done it under the same circumstances; you would have done the same thing, because, whenever we are commissioned by the people, either of our States or of the Nation as a whole, to do something, we do not sit idly by or lie prone on the ground and let some officer whose term was expiring rob us of the power to do what we have been commissioned to do and authorized to do by the people.

I do not think there is any question that an appointing power, whether it be a Governor or a commission, cannot make an anticipatory appointment that will project itself far enough into the future to take effect after the authority and the office of the appointing power have expired. Nearly all the decisions and all the lawbooks hold that neither a Governor nor a mayor nor a commission can go beyond the expiration of their own terms to fill a vacancy which does not occur until after their terms have expired. Therefore, the first appointment made by Governor Holt was a nullity.

It was contended that the second appointment which he made was valid, although I think, to all intents and purposes, they have abandoned that contention. In the very beginning of the hearings, however, it was even contended that Governor Holt had 5 days to hold as Governor when Neely became Governor, because, they said, the constitution provided a 4-year term and when Holt went out of office, when the 13th day of January, 1941, came, Governor Holt lacked 5 days of serving 4 years. It so happens

that Governor Holt took the oath of office on the first Monday after the second Wednesday in January, 4 years before that, which happened to be the 18th day of January. We all know that no day of the month comes on the same day of the week year after year, there is a progression for 7 years, and each day of the week has a whack at the various days of the month; and, while the constitution of West Virginia provided that the Governor should have 4 years, and his term should begin on the first Monday after the second Wednesday in the month, it so happened that when Governor Holt took the office 4 years previously, it was not the 13th but the 18th, and 4 years from the 18th would be the 18th again; but the lack was caused by the constitutional provision that the term of the Governor begins on the first Monday following the second Wednesday in January. Yet when the hearings began before the committee it was contended, as a matter of fact and as a matter of law, that Governor Holt really had 5 days to go on the 13th day of January when Neely took over the office of Governor. But they abandoned that contention.

Is the second appointment legal? In order to hold that it is legal, you have got to hold that from 11:45 on the night of the 12th of January until midnight on the 12th of January there was a vacancy in the Senatorship.

It cannot be contended that Governor Neely at any moment during this whole procedure tried to be both Senator and Governor at the same time; that could not happen under any law; and, if there were no constitution or statute on the subject in West Virginia or anywhere else, the common law prohibits any man from holding two incompatible offices.

In the State of Kentucky the constitution prohibits the holding of incompatible offices; it provides specifically that if any man holding an office which is incompatible with one to which he has been elected, immediately upon assuming the duties of the second, he automatically vacates the first. He does not have to resign; it happens automatically. In West Virginia the constitution provides that before assuming the duties of the office of Governor—and the provision applies to every other State officer, so far as that is concerned—the incumbent must take an oath. It certainly does not mean that a State attorney general or an auditor or a judge or a sheriff who happens to be in office and is elected Governor must take the oath before he assumes the office of Governor and that a United States Senator must not do so. I do not believe any lawyer would contend that if the attorney general of West Virginia or the auditor of the State or a judge of the State courts had been elected Governor of West Virginia, and had taken the oath of office 15 minutes before his term began, he would thereby automatically vacate the office of judge or attorney general or auditor or treasurer or sheriff or whatever the office might be. I contend, and I believe there is no law to the contrary either in the constitution or statutes of West Virginia or in her court decisions, that Governor Neely had a right to take the oath of office in advance. The law required it, and it is done all over this country year after year.

In my younger days I was appointed prosecuting attorney of my county. My term ended on the first Monday in January. I was elected judge of the county court for a term which began at the same time my term as county attorney expired. On Saturday before the first Monday in January I took the oath of office to perform the duties of judge of the county court, but I did not vacate my office as county attorney until the first Monday came, which was 2 days later.

There has been much said here about what it takes to qualify. I remember that an unlettered man at one time ran for sheriff of my county and was elected. He could barely read or write. His office began also on the first Monday in January, and he walked into the office of the county judge on Saturday before the Monday which was to usher him into the sheriff's office, and he said "Judge, I want to qualify for sheriff." "Well," the judge said, "I can swear you in, but all hell cannot qualify you." [Laughter.] But he took the oath of office, and made a good sheriff. There is a difference in law between qualifying to begin an office and actually taking the office over and assuming its duties.

It is said that in West Virginia all things that are required and necessary to be done in order to make a man eligible to be Governor must be done in advance. What are those things? He must be elected, in the first instance; he must have a certificate of election, in the next instance; and then he must take the oath of office. The Constitution of West Virginia requires that before he enters upon the duties of that office, he must make or take—and I do not care which—an oath. That oath is to perform faithfully the duties of the office.

The oath that Mr. Neely took at 11:45 was either a valid oath or an invalid oath. It either had full force and effect or it had no effect whatever. In my judgment, it qualified him to be Governor beginning at 12 o'clock on that midnight. It did not take him out of the Senate of the United States. When a man resigns from an office, he fixes the terms of his resignation. He sets the time when his resignation shall take effect. Governor Neely sent a resignation to Governor Holt. He did not have to name Holt. The governorship is not a personality. The governorship is an office. He could have resigned to the Governor of West Virginia without naming anybody. Although he named Holt, who happened to be Governor at the time he sent the resignation, the resignation was directed to the Governor, and it was to take effect precisely at the time Governor Holt's term should expire and his term should begin.

Mr. President, the action of the Senate cannot here or elsewhere be reviewed. There is no appeal from our decision. But if, by our votes today, we hold that any man elected to an office when he holds another one that is incompatible with the first renders himself ineligible for the second office when he seeks to comply with the law that requires him in advance to qualify by taking an oath before he can begin his term, it would mean that hereafter, if it had any legal effect upon the administration of oaths and the beginning of terms of offices, if our decision here had the binding force of a court decision, it would be impossible for any incumbent officer elected to another office to take the oath of office, the effect of which is that when I begin the performance of the duties of the office to which I have been elected I will do it to the best of my ability, so help me God.

It is said that even though the first and second appointments of Governor Holt are not legal the third is legal, because there was bound to be an interval when Governor Neely or Senator Nealy was struggling to get out of his senatorial chair into his gubernatorial chair, and that while that struggle, that physical effort, was going on, the outgoing Governor, who must have occupied one of these chairs "put over a fast one" on him, and appointed a United States Senator.

Who knows about that? The term of Governor Holt ended at 12 o'clock under the Constitution of West Virginia; because if, for any reason—death, imprisonment, or failure to qualify—the incoming Governor failed to qualify or did not qualify or become the Governor, under the special provision of the West Virginia Constitution the president of the State senate acted as Governor from the very moment of the failure. If there was any failure on the part of Governor Neely to qualify precisely at 12 o'clock, it does not make any difference whether that failure was for 1 minute or for 5 days; it makes no difference whether it was a voluntary failure or one resulting from an impossible situation that made it necessary, while a man draws even a fleeting breath, to hold his hand up and be sworn; under none of those circumstances did Governor Holt hold over, because while the Constitution of West Virginia says that all officers elected, and so forth—and that is the provision generally found in all our constitutions——

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. BARKLEY. May I have 5 minutes more?

Mr. CONNALLY. I yield 5 minutes to the Senator from Kentucky.

Mr. CHANDLER. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield to my colleague.

Mr. CHANDLER. I think my colleague misinterprets the law of West Virginia to this extent——

Mr. BARKLEY. I have only 5 minutes.

Mr. CHANDLER. I do not want to take any more of my colleague's time. He refers to the case of a failure to qualify. I want to point out that in this case we had just the reverse. We had a declaration of intention to qualify by Mr. Neely's informing the Governor in his resignation that he was going to get rid of the Senatorship to take the office of Governor.

Mr. BARKLEY. The only legal excuse or possibility for Governor Holt to hold over at all, if he could, under even the general provisions of the constitution, was in case there was a failure on the part

of Governor Neely to qualify. He did not die and he was not imprisoned. A failure to qualify may be either voluntary or involuntary. If he were sick in bed, and could not come to take the oath of office, that would be an involuntary failure, but it would be a failure nevertheless. Who knows whether Governor Neely said, "So help me God" before Governor Holt, or ex-Governor Holt, could sign his name to Martin's commission? Neely and Holt were at different places. They were not together. Nobody was keeping time on both of them continuously. We are asked here to presume and assume that ex-Governor Holt, with his body sprawled across an imaginary line, with a pen full of ink in one hand, could write the name of Clarence E. Martin before Neely could take the oath, assuming that they were both trying to do the same thing at the same time. And whose timepiece was correct, if there is a question of split seconds? If both of them had been in the same room, racing, there might have been some way to tell which got through first; but they were at different places. There is no way to keep a check upon them.

So, Mr. President, it seems to me that in the great matter of a Senator from the State of West Virginia, if any question of public policy is involved, if it has any weight as to the performance of our duty, we have no right to ignore the fact that the people of West Virginia passed on that question. They passed on it in behalf of the appointee of the incoming Governor.

I do not believe either the first or the second appointment under Governor Holt was legal, because there was no vacancy during his term of office. No matter what else happened, or what anybody else did, his term expired precisely at 12 o'clock midnight of the 12th. The Senator from Colorado [Mr. ADAMS] has undertaken to interpret that to mean midnight of the 11th—that it was the previous midnight and not the one on Sunday. When we talk about midnight of the 12th of any month we mean the end of that day. That is the midnight of that day; and when Governor Neely sent in his resignation, fixing the time of his resignation as Senator, he fixed it at midnight, at precisely 12 o'clock, on the 12th, which was the end of the day of the 12th and not the beginning of it. So he was, as the Senator says, a United States Senator all day of the 12th; and the Senator from Kentucky [Mr. CHANDLER] says he drew his salary for all day of the 12th. For the first 12 days in January he was a United States Senator. Therefore he could not have been a Governor for one fraction of a second of the 12th. But having complied with the law of West Virginia, he became Governor, even though they might never have had an inauguration, which is not a compulsory ceremony in any way. It is done for the benefit of the public. If there never had been a public inauguration he complied with the requirements of the West Virginia law, and became Governor precisely at the time when he ceased to be a United States Senator.

Regardless of what I may think of any of the persons involved, regardless of how indecent or unusual this cat-at-a-rat-hole performance at the hour of midnight on the 12th may have been, I cannot in my conscience vote to deny the people of West Virginia the right to have their will recorded as to a United States Senator. Therefore, I shall vote for the report of the majority of the committee, to seat Mr. Rosier.

Mr. CHANDLER. Mr. President, I yield now to the Senator from Georgia.

Mr. GEORGE. Mr. President, I merely wish to state the reasons for my vote on the pending resolution, without argument. I do not care to argue the matter because to me it seems clear, and argument has already been exhausted; but upon an important question of this kind I should like briefly to state my reasons for the vote which I shall shortly cast for the substitute.

In the first place, Senator Neely, at the time he was elected Governor, was a Senator serving a term in the United States Senate which had not expired. Senator Neely recognized what is universally accepted—both under the law and as a matter of fact—the necessity of divesting himself of his office of Senator before he could become Governor of the State of West Virginia, to which office he had been elected.

If it were the ordinary case of one elected to an office who was not under a disability, we might have a different result; but Senator Neely labored under the disability of not being able to become Governor until he divested himself of the Senatorship. So he offered his resignation to the Governor of West Virginia. I believe that resignation was offered a day or two before the supposedly last day of the term of the then Governor. In his resignation Senator Neely specifically stated that the resignation should become effective exactly or precisely at 12 o'clock Sunday, or employed some similar language which is not material to me in my vote in this case.

Senator Neely had a right to offer his resignation effective at a future date; but when he offered it effective at a future date, the then Governor of West Virginia had a right to make the appointment of a successor effective at a future date. That, in the final analysis, is all there is in this whole controversy. It is not a question of when Senator Neely actually qualified, or when he undertook to qualify, or when he made up his mind. A prospective appointment can be made under the undisputed and unbroken decisions of the Senate itself. Of course, the appointment must be made by an officer in office, and it must become effective while that officer remains in office, certainly; but Senator Neely, knowing that he had to resign, not halfway resign, not partially resign, but completely divest himself of his office, said, "I offer you my resignation, Governor, to become effective exactly at a given hour." Thereupon, and not until then, did the Governor of the State have the right to make the appointment. But then he had the right to make the appointment, and his appointment, then made, to become effective exactly on the effective moment of Senator Neely's resignation, was a continuing appointment, it lasted every minute of the time up until Senator Neely had divested himself of his senatorial office, and it then became effective, concurrently with his resignation, because it had been so termed. As a matter of fact, and as a matter of law, and as a matter of morals, both the Governor and the Senator had specified the exact time when the resignation would become effective, and the exact time when the appointment would become effective.

Mr. President, the question has arisen here—and if this were the law I would not be able to cast my vote as I have indicated I shall cast it—that Governor Holt could not hold over until his successor was both elected and qualified. Reference has been made to the failure to qualify. Failure to qualify, under universal law, without a solitary exception, means an abandonment of the office, a conscious intent to forego the exercise of the privilege to which one has been elected or appointed, for such a period of time as to constitute, or at least indicate, a positive intention to abandon the office. So there was no failure to qualify. But that is not the point. As I see it, the point is simply that a resignation was offered when Holt undoubtedly was Governor, expressly conditioned to become effective at the exact moment while he was yet Governor, and Holt then made the appointment effective at the very identical moment when the resignation went into effect. So if Holt was the Governor, to whom a resignation could be made, and the completed resignation accomplished, he was bound to be Governor when his continuing act of appointment became effective, because the two became effective at once.

The case is without difficulty if one will not become confused about the rule at common law and the rule in various States which follow the common law more exactly. Let me illustrate by what has occurred in my own State. The statute in West Virginia, the Constitution in West Virginia, the construction of the Supreme Court of West Virginia, put the two States exactly on a parity. The laws of both provide the same, though not in the same words. They both aim at the same thing, and they both accomplish the same thing.

The rule in Georgia is that before one elected to the governorship, let us say, can qualify, he must make affidavit that he is not the holder of any office of trust or emolument under the United States. That is exactly and precisely, from a conscientious study of the decisions of the courts of West Virginia, based upon their statute and constitution, what that State intended to accomplish.

I wish to make one more observation, and then I shall be through. As I have stated, one elected cannot make the oath that "I will not be the holder of an office under the constitution" prior to the time when he qualifies as being Governor, because he might change his mind between the time when he made the oath and the time when he actually undertook to assume the office of Governor. So the requirement is that he must make oath that "I am not the holder."

Senator Neely was in no position to qualify as Governor of West Virginia so long as he was invested with the power of a United States Senator under the Constitution. His oaths taken prior to the time when he divested himself of that office amount to nothing, because he might have taken them all the way from the date of his election down to the 12th of January, and on the 12th of January he might have abandoned his intent. Resignation, actual resignation from office, actual divestment of his power as a Senator and his authority as a Senator, depend upon intent, continuing, unrevoked intent. So what he did on the 10th and what he did on the 11th were utterly useless, were no more valid than what a man who intended to assume office on the 12th or the 15th would have done on the 10th of January under the laws of my State.

His statement might have been literally true at the time, "I am not now the holder of the public office under the Constitution," but that is not the question. The question is, When he takes his qualifying oath is he then qualified to take that oath? Senator Neely's affidavits made prior to the one in which he fixed the time definitely, the affidavits he made prior to the actual effective moment of his resignation—because even resignations may be withdrawn—were, in my opinion, utterly useless. But when he made the resignation specifying exactly the effective moment of his resignation, it was then within the power of the sitting Governor to make his appointment, and that appointment became effective, let us say, concurrently with the expiration of the term of the sitting Governor. It is not necessary to go that far, but it certainly became concurrent with the effective hour and moment and second and instant of the resignation.

Mr. President, I do not say that there might not be questions of public policy involved. I do not care to argue them. I wanted to state the reason which impelled my vote in this case. I think I have stated it as clearly as I can state it without going into any controverted questions of law.

Mr. President, hard cases make bad laws, and that stands for the Senate of the United States as well as for the courts of justice. This is not the first case from West Virginia that has strained the judgment and imagination of many Members of this body. On a prior occasion I stood for the seating of the elected Senator, but it was a serious question, it was one which a State ought not to have raised in the manner in which it was raised, and I have confidence that this matter ought not to be here now requiring the Senate to distinguish upon narrow, technical, and legal grounds, so important a question as a seat in the Senate of the United States.

Mr. CONNALLY. Mr. President, I crave the indulgence of the Senate, and I apologize for speaking upon this question again as chairman of the Committee on Privileges and Elections upon which the burden of hearing this matter fell, and which investigated every avenue of the case. As a parting rejoinder to the arguments which have been made, I desire to submit a few remarks.

Mr. President, the distinguished Senator from Georgia [Mr. GEORGE] said in effect that he wished this case were not here. I can join with him in that wish. I wish it were not here; but it is here, and we are here, and our duty is here, and we must determine this issue one way or the other, or deny West Virginia rightful representation in this body. If we fail to seat one of the appointees, of course, the Governor could immediately make another appointment. However great this task may be we must meet it and face it.

The Senator from Georgia made reference to the case of another Senator from West Virginia, when he voted to seat the Senator. In that contest I voted against seating him. Senator Neely, from West Virginia, was then here and was leading the fight in behalf of the seating of Senator Holt. A small group of us on the Democratic side, and some on the Republican side, opposed the seating of Senator Holt, not because we disliked Senator Neely, not because we liked or disliked Senator Holt, but we opposed the seating of Senator Holt, Senator Neely's then candidate for the office, because we did not think that under the Constitution and the law he was entitled to be seated. I incurred the personal displeasure of Senator Neely because of my action in that case.

But today, after a thorough study and deliberation over this case for a month or more, I am firmly convinced that the appointment of Dr. Rosier by Governor Neely is legal, and that he is entitled to a seat in this body. Therefore I dare to speak in his behalf.

Mr. President, the Senator from Georgia always makes a strong speech, especially upon a legal question, but I want to challenge some of the propositions the Senator from Georgia submitted to the Senate. The Senator submitted the statement that the laws of West Virginia and the Constitution of West Virginia require of the candidate for Governor, before he can become Governor, to take an oath that he had disassociated himself from all other offices.

Mr. GEORGE. No, Mr. President, the Senator misunderstood me. I said that was the rule in Georgia.

Mr. CONNALLY. The Senator said "the laws and constitution."

Mr. GEORGE. I said the laws were the same; yes.

Mr. CONNALLY. Well, I thought the constitution was the law.

Mr. GEORGE. I did not say they were the same in terms, but I said they were the same in meaning.

Mr. CONNALLY. I accept the Senator's statement about that. But now let us see. The Senator said they were the same in meaning. What is the law of West Virginia on the subject? There is not a line in the Statutes of West Virginia about a prospective Governor divesting himself of any other office. The law of West Virginia simply provides that the executive officer of that State shall not perform the duties of any other office during the time he is Governor. That is all. It does not say he must resign; it does not say he must divest himself of any other office. The only statutory or constitutional requirement is that when he becomes Governor he shall not perform the duties of any other office.

Is there any Senator on this floor who can contend that Mr. Neely after he undertook to become Governor undertook to perform any function of a United States Senator at all? There is not a hint, there is not a flashlight suggestion in all the record that Senator Neely undertook to exercise any function or duty of any other office after he assumed the duties of the governorship. So he has complied with the laws of West Virginia. Here they are. If any Senators want to hear them read, I shall quote them word for word. The Constitution of West Virginia is the authority by which I speak.

I shall now refer to the theory that there must be a period of divestiture. It is like going into the old lodge room; when one comes in he must go into the anteroom and take off his citizen's clothes and put on a robe and a lot of collars before he can go into the lodge room.

There is no hiatus; there is no period of interregnum. Let me suggest to Senators that the Senator from Oklahoma [Mr. THOMAS], who sits by my side, was a Member of the House of Representatives. He was elected a United States Senator, and came over and took the oath. He was either a Member of the House or a Member of the Senate for every moment of that time. The moment he ceased to be a Member of the House of Representatives he became a Senator of the United States. He never became a private citizen for one flashlight instant. The Senator from Kentucky [Mr. BARKLEY] was a Member of the House and was elected to the Senate. He came over here and took his seat. For every moment of that time he was either a Member of the House of Representatives or a Senator of the United States. There was no interregnum. There was simply an invisible line between his term as a Representative and his term as a Senator. That was true of the Senator from Maryland [Mr. TYDINGS], who came to the Senate from the House of Representatives. Did he have to go out and take a Turkish bath in order to get rid of his investment as a Member of the House of Representatives before he could come here and qualify as a Senator? [Laughter.] No. He came right into the Senate Chamber and took his seat.

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

Mr. CONNALLY. No; I cannot yield. I am sorry, but I have only a limited time. I have been pretty liberal with the Senator.

Mr. President, the same thing is true of every other office. Mr. Justice Black, of the United States Supreme Court, was appointed from this body to the Supreme Court. I do not know whether he ever filed a resignation with the Governor of his State. I suppose he did, probably

upon assuming his duties as a Justice of the Supreme Court. He went over and assumed the duties of a Justice of the Supreme Court. He was either a Senator of the United States or a Justice of the Supreme Court for every moment of that time. There was no interregnum. There was no trial period. There was no process by which the patient had to be prepared for the operation. [Laughter.] He made the transition instantaneously from the office of Senator to that of Justice of the Supreme Court.

What are the facts in this case? Mr. President, we are called upon to perform a high and solemn duty. We are to determine, not for ourselves but for all the people of the United States, whom the people of West Virginia have selected as their Senator. A vacancy occurred. I submit that the vacancy in this case could have come only through a resignation. All agree that that resignation, by its terms, fixed the time of the vacancy. The resignation specifically provided that Governor Neely was giving up his senatorial office exactly at midnight on the night of January 12—not before, not afterward, not a flashlight of a second before 12 o'clock, not a second after 12 o'clock, but exactly on the invisible line of 12 o'clock.

What do the Constitution and the laws of West Virginia provide? They provide that the Governor of West Virginia, acting not for himself but for the people of West Virginia, shall appoint to a vacancy in the Senate when a vacancy happens; not before it happens, but either when it happens or after it happens, while it is continuous. Let me suggest at this point that a vacancy is a continuance in the future, not in the past. A vacancy looks to the future and not to the past.

Who had the right to make this appointment? Mr. Holt, as an individual, had no authority to make it. Mr. Neely, as an individual, had no right to make it. The only person on earth who had the right to make the appointment to the United States Senate was the officer who was Governor of West Virginia at the time the vacancy happened. The vacancy could not happen until exactly 12 o'clock. According to our theory, Governor Holt ceased to be Governor exactly at 12 o'clock. He therefore could not make the appointment, because he was no longer Governor. The same little invisible line that brought to an end the term of Senator Neely in the Senate also brought to an end the term of Governor Holt as Governor of West Virginia. Governor Neely could have made this appointment a month later if he had so desired, because he was then Governor of West Virginia.

But it is said that Governor Neely took an oath at a quarter to 12 o'clock p. m., and that therefore he vacated his office as Senator at that time. Of course, he could not become Governor of West Virginia until 12 o'clock, because the outgoing Governor served until 12 o'clock.

What is the law on this subject? I do not care to quote speeches. I have before me a decision of the Supreme Court of Kentucky on that subject, in the case of Taylor against Johnson. It says:

> Had Coyne done any act which, though not a voluntary vacation of the office of alderman, yet had the effect, by operation of law, of vacating that office?

Mr. CHANDLER. Mr. President, as I understand, the Senator is now reading from a Kentucky case.

Mr. CONNALLY. It is a Kentucky case. It is the only authority from the State of Kentucky, with the exception of the senior Senator from Kentucky, to which I have paid any attention in this discussion.

Mr. CHANDLER. I know that.

Mr. CONNALLY. Mr. President, what does the decision of the Kentucky court have to say on this point? This is what it says:

> While his taking the oath and executing the bond had qualified him to enter upon the discharge of the duties of the office of treasurer, he had not accepted that office, within the meaning of the statute, so as to operate to vacate his existent office as alderman. Until the time when he could legally enter upon the discharge of the duties of the new office, there was nothing in the spirit or letter of the law declaring that his preparation for entering upon such new duties would vacate his former office. His taking the oath and executing the bond were but such preparation. Had the term of his new office then commenced, such qualification would be the statutory acceptance, such as would vacate the former office. That condition did not obtain here.

That is the decision of a supreme court exactly in point, upholding the contention that when Neely took the oath at a quarter to 12 he was not vacating the senatorship. He was not undertaking to take over the governorship, because the governorship would not be vacant until 12 o'clock. In the case which I have cited the court held that the action in taking the oath was merely an act of preparation, merely qualifying the person so that when the term of his office did begin, automatically he would assume the duties of that office.

What is the law with respect to Neely's taking the oath at a quarter to 12? Again I wish to refer to the laws of West Virginia. Chapter 6, article 1, section 5, of the code of West Virginia, provides:

> The oath required by section 3 of this article shall be taken after the person shall have been elected or appointed to the office, and before the date of the beginning of the term, if a regular term; but if to fill a vacancy within 10 days from the date of the election or appointment, and in any event before entering into or discharging any of the duties of the office.

Neely was required by the statutes of West Virginia to take the oath qualifying him to become Governor after he had been elected, and before the date of the beginning of his term. He complied with the statute. He took the oath at a quarter to 12. Why did he take it at all? The only reason in the world he had to take the oath was because the law required that he take the oath; and yet the same law that required him to take the oath commanded him to take it before the beginning of his term. When he took that oath at a quarter to 12 o'clock he was then completely qualified, completely eligible, and had invested himself with all the requirements necessary to becoming Governor; and when midnight of that night arrived, exactly at 12 o'clock he ceased to be Senator, and instantaneously and automatically became the Governor of West Virginia.

Mr. President, when was there any hiatus? How could there have been any split second of time? But those on the opposing side say that Governor Holt held over—held over how long? Just about long enough to sign his name. Why could he hold over? The only reason on earth, under any conception of this case, why he could hold over for the split sixtieth part of a second would be because the new Governor had not qualified.

Does anyone challenge that statement? The only reason why he could hold over for the one-hundredth part of a second would be because exactly at 12 o'clock no one had qualified as Governor. But Mr. Neely had qualified as Governor. There was no failure to qualify. There was no period of interregnum. After 12 o'clock Mr. Holt did not have time to dot an "i," because he was no longer Governor. After 12 o'clock he could not have crossed a "t," because, when the clock struck 12 "the king was dead. Long live the king." [Laughter.] At exactly 12 o'clock the king was dead, and a new king stepped into his place instantaneously.

Senators talk about an interregnum; a space. Mr. President, as the Senator from Colorado [Mr. ADAMS] very vividly pointed out—and I thoroughly agree with him—there is nothing but an invisible line between the terms of office. A person can cross from West Virginia into Virginia, or into Kentucky. When he gets to the line, how wide is it? How wide is the State line? Can a person see it? A person cannot see it. It is invisible. Has it any width? It has no width. Has it any depth? It has no depth. Has it any height? No. It is an invisible line.

That is the case here. There is an invisible line at 12 o'clock. The old Governor passed out at 12 o'clock, and Mr. Neely automatically became Governor. Having prepared himself, having complied with all the obligations of the law, and having taken the oath, there was nothing further for him to do except to assume the duties of the office instantly upon the arrival of 12 o'clock.

Mr. President, Senators talk about public policy; but I contend that this is purely a legal question. It is purely a legal question which should be settled upon principles of law alone. When Senators lug in public policy and appeal to public policy, I begin to think they have not any firm ground in the law upon which to stand.

Let us see what is the public policy. The highest and loftiest public policy is to make the principles of our Government work in conformity with our own conceptions of duty and in conformity with the Constitution and the laws of the land. Who ought to make this appointment? Mr. President, Mr. Neely does not own this job. Mr. Holt does not own this job. The Senatorship from West

Virginia belongs to the people of West Virginia; and the reason why the constitution and the laws provided that the Governor of West Virginia—or the Governor of any other State—could fill the appointment was because the Governor was supposed to represent the people of the State. He is the executive authority, the servant and the representative of the people of West Virginia. Governor Neely's term was prospective. It went into the future. He had just come from a general election. Is it not more conformable with the theory of high public policy that the Governor who is coming in, and who for the ensuing 4 years will perform duties representing the people, should have the right to make this appointment, than that the appointment should be made by one who has taken his departure, who under the Constitution of West Virginia cannot serve after the expiration of his 4 years, who cannot succeed himself for the next 4 years?

Senators talk about public policy; but is it not sounder public policy to say that the Governor of West Virginia, whom the people of West Virginia have chosen as Governor by their last expression of wish, shall veto their laws for them if he so sees fit, or shall approve their laws, shall appoint the officers of West Virginia, and shall fill any vacancies in the Senate from West Virginia, representing as he does the people of that State? What is the sound public policy in that situation?

Mr. President, referring to the "lame duck" amendment, I say to the Senator from Nebraska [Mr. NORRIS] that this is the "lamest duck" proposition I have ever heard of. The Senator from Nebraska, by his constitutional amendment, said that a Congressman who had been repudiated at the polls could not serve for 2 or 3 months, but that he must get out, on the ground that he was a "lame duck." Here is a Governor who is gone, without any legs left at all. He is out. He is gone. [Laughter.] He undertook to serve for only a fraction of a second; yet the opposition want to perpetuate his power in the Senate by saying to the people of the country, "We will allow this Governor to project himself into the future by appointing a Senator from the State of West Virginia."

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

Mr. CONNALLY. I am sorry, but I cannot yield. I regret that I cannot yield, but I have only about 5 minutes left.

Mr. CHANDLER. Mr. President, I inquire how much time the Senator from Texas has.

The VICE PRESIDENT. One minute.

Mr. CHANDLER. I thought the Senator's time had almost expired.

Mr. CONNALLY. Mr. President, some Senators say that it is against public policy for a United States Senator to become Governor and then to appoint his own successor. The question is not whether Mr. Neely was a Senator or a notary public. The question is, Was he Governor of West Virginia? He had been elected Governor. He had performed every act required by law to make him Governor. He took the oath required prior to the time of assuming the duties of Governor, and under the laws of our democracy it does not make any difference whether he was a Senator or whether he was a tamale vendor or a peanut vendor on the streets of Washington. He had been selected by the people of West Virginia. He had complied with all the laws qualifying him to become Governor. He had resigned his Senate seat. Upon the arrival of 12 o'clock, three things happened: Mr. Holt ceased to be Governor, Mr. Neely ceased to be Senator, and Mr. Neely became Governor, all at the same instant.

The VICE PRESIDENT. The time of the Senator from Texas has expired. The junior Senator from Kentucky [Mr. CHANDLER] has 4 minutes.

Mr. CHANDLER. Mr. President, if there is any Senator on my side who desires to use any part of the time remaining to me, I shall be glad to yield it to him.

If not, in answer to the Senator from Texas I should like to say that all the cases he cites were cases of men who went from one office to another, no other person being involved. He spoke of a man who went from the House to the Senate, but that was the same man. Mr. Justice Black went from the Senate to the Supreme Court, and he was the same man.

Here is a man who tries to hold two offices which the people say he cannot hold. He can hold either one of them, but only one; and the Senator from Texas thinks that because the people have said in their laws that he cannot hold both of them, he ought to control them.

Our side has said from the start that a vacancy occurred in West Virginia's representation in the Senate of the United States. It occurred in the term of some Governor. It could not have occurred in Mr. Neely's term, because he was not Governor. It had to occur in the term of Governor Holt of West Virginia; and the Senator from Texas makes something out of the fact, as he says, that Governor Holt was "repudiated." That is not so. Governor Holt was elected Governor of West Virginia, and under the constitution of his State he was not eligible even to stand for reelection. Governor Holt was a great official of that State. He was attorney general for 4 years, and then was elected Governor for 4 years, and served with distinction in both those places. The Senator from Texas is mistaken about him, and he ought not say that Governor Holt was repudiated by the people of West Virginia.

Awhile ago I undertook to explain why I thought Governor Neely was so successful, and I have no objection to his being successful. If he could get both the President of the United States and Mr. John L. Lewis to support him in a campaign when they were against each other, he can do things that a great many Senators cannot do, and Senators had better take lessons from him.

This is the final word. It is the Senate's vote. The Members of the Senate have a right to cast their votes for anyone they desire to vote for. The Senate of the United States is the judge of its own membership. I hope it always will be. A Senator may have a good reason or a bad reason or no reason at all for voting to seat either one of these men, and there is no appeal from the Senate's decision; but ringing down through the years there will be this:

Governor Holt was the Governor of West Virginia. Mr. Neely resigned to him. Why did he do it? Because he was Governor, and Mr. Neely could not be Governor and Senator at the same time.

The other day I said that a monkey going from one limb to another cannot do it to save his life without being in the air part of the time. Mr. Neely tried to go from the senatorship to the governorship, but there was a hiatus or an interregnum. Who made it? The law of West Virginia made it, because the people of West Virginia did not want to have one man holding two offices at the same time; and if he cannot hold them, he ought not to control them.

Mr. President, I say to the Members of the Senate that they ought to say with their votes that Clarence Martin was appointed by a Governor of West Virginia who had a right to appoint him, and that he is entitled to the seat.

I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

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

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

Mr. CHANDLER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The clerk will state the pending question.

The LEGISLATIVE CLERK. The pending question is the amendment, in the nature of a substitute, proposed by Mr. CHANDLER to Senate Resolution 106, seating Joseph Rosier as a Senator from the State of West Virginia, to wit: Strike out all after *"Resolved,"* and insert in lieu thereof the following: "That Clarence E. Martin, appointed by the Governor of West Virginia to fill the vacancy created by the resignation from the Senate of Matthew M. Neely, is entitled to be seated as a Senator from West Virginia."

The VICE PRESIDENT. The question is on agreeing to the amendment, in the nature of a substitute.

Mr. CHANDLER. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CHANDLER. Those who vote "yea" will vote for the substitute resolution, which, if adopted, would result in seating Mr. Martin as United States Senator from West Virginia?

The VICE PRESIDENT. That is correct.

Mr. CONNALLY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Texas will state it.

Mr. CONNALLY. Those who want to vote for Mr. Rosier, the appointee of Governor Neely, will vote "nay"? Is that correct? [Laughter.]

The VICE PRESIDENT. That is correct.

Mr. CHANDLER. Mr. President, a parliamentary inquiry.

Mr. LA FOLLETTE. Regular order.

The VICE PRESIDENT. The Senator will state his parliamentary inquiry.

Mr. CHANDLER. Those who vote "yea" on the substitute resolution will vote to seat Mr. Martin as United States Senator from West Virginia?

Mr. LA FOLLETTE. Question!

Mr. McNARY. I call for the regular order.

Mr. DAVIS. I call for the yeas and nays.

The yeas and nays were ordered; and the Chief Clerk proceeded to call the roll.

Mr. LANGER (when Mr. AIKEN's name was called). I am paired with the Senator from Vermont [Mr. AIKEN], who is unavoidably absent. If the Senator from Vermont were present, he would vote "yea," and I would vote "nay."

Mr. LANGER (when his name was called). I make the same announcement as before, and withhold my vote.

Mr. McNARY (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the junior Senator from Kansas [Mr. REED], who, if present, would vote "yea," and will vote. I vote "yea." I am not advised how the Senator from Mississippi, if present, would vote.

Mr. THOMAS of Utah (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. Therefore, I withhold my vote. If the Senator from New Hampshire were present and voting, he would vote "yea," and if I were at liberty to vote, I would vote "nay."

Mr. VANDENBERG (when his name was called). On this question I am paired with the senior Senator from Tennessee [Mr. MCKELLAR]. If the senior Senator from Tennessee were present he would vote "nay," and if I were at liberty to vote I would vote "yea."

Mr. HILL. I announce that the Senator from Arkansas [Mrs. CARAWAY] is absent from the Senate because of a death in her family.

The Senator from Mississippi [Mr. HARRISON], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Michigan [Mr. BROWN] are detained on important public business.

The Senator from New York [Mr. WAGNER] is paired with the Senator from Minnesota [Mr. SHIPSTEAD].

The Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from North Dakota [Mr. NYE].

The Senator from Michigan [Mr. BROWN] is paired with the Senator from California [Mr. JOHNSON].

I am advised that if present and voting the Senator from New York [Mr. WAGNER], the Senator from New Mexico [Mr. CHAVEZ], and the Senator from Michigan [Mr. BROWN] would vote "nay." The Senator from Minnesota [Mr. SHIPSTEAD], the Senator from North Dakota [Mr. NYE], and the Senator from California [Mr. JOHNSON] would vote "yea."

I further announce that the Senator from Arkansas [Mrs. CARAWAY] is paired with the Senator from Massachusetts [Mr. LODGE]. I am advised that if present and voting the Senator from Arkansas would vote "nay," and the Senator from Massachusetts would vote "yea."

Mr. AUSTIN. The following Senators are necessarily absent:

The Senator from Vermont [Mr. AIKEN], the Senator from California [Mr. JOHNSON], the Senator from Minnesota [Mr. SHIPSTEAD], the Senator from North Dakota [Mr. NYE], the Senator from Massachusetts [Mr. LODGE], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Kansas [Mr. REED].

The result was announced—yeas 38, nays 40, as follows:

YEAS—38

Adams	Chandler	Maloney
Andrews	Clark, Idaho	Radcliffe
Austin	Clark, Mo.	Smith
Bailey	Danaher	Taft
Ball	George	Thomas, Idaho
Barbour	Gerry	Tobey
Brewster	Gillette	Tydings
Brooks	Glass	Walsh
Bulow	Gurney	Wheeler
Burton	Holman	White
Butler	Johnson, Colo.	Wiley
Byrd	McCarran	Willis
Capper	McNary	

NAYS—40

Bankhead	Herring	Pepper
Barkley	Hill	Reynolds
Bilbo	Hughes	Russell
Bone	Kilgore	Schwartz
Bunker	La Follette	Smathers
Byrnes	Lee	Spencer
Connally	Lucas	Stewart
Davis	McFarland	Thomas, Okla.
Downey	Mead	Truman
Ellender	Murdock	Tunnell
Green	Murray	Van Nuys
Guffey	Norris	Wallgren
Hatch	O'Mahoney	
Hayden	Overton	

NOT VOTING—16

Aiken	Johnson, Calif.	Shipstead
Bridges	Langer	Thomas, Utah
Brown	Lodge	Vandenberg
Caraway	McKellar	Wagner
Chavez	Nye	
Harrison	Reed	

So Mr. CHANDLER's amendment, in the nature of a substitute, was rejected.

The VICE PRESIDENT. The question is on the adoption of the pending resolution, which the clerk will read.

The legislative clerk read the resolution (S. Res. 106), as follows:

Resolved, That Joseph Rosier, appointed by the Governor of West Virginia on January 13, 1941, to fill the vacancy created by the resignation from the Senate of the Honorable Matthew M. Neely, is entitled to be admitted to a seat as a Senator from West Virginia.

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

The resolution was agreed to.

Mr. CONNALLY. I move that the vote by which the resolution was agreed to be reconsidered.

Mr. BARKLEY. I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Megill, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 60) relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

ACQUISITION AND USE OF MERCHANT VESSELS

Mr. BAILEY. Mr. President, I move that the Senate proceed to the consideration of House bill 4466, authorizing the acquisition and use of merchant vessels for urgent needs of commerce and national defense.

Mr. McNARY. Mr. President, if the purpose is merely to fix the status of the bill so that it may be taken up tomorrow or Thursday, I have no objection, but I shall object to the motion at this time if it is proposed to proceed to the consideration of the bill tonight.

Mr. BARKLEY. It is not proposed to do more than take it up today. The intention is merely to make the bill the unfinished business.

Mr. McNARY. I am assured by the able Senator from Kentucky that he does not expect that we shall proceed this evening with the consideration of the bill, but will start tomorrow at 12 o'clock.

Mr. BARKLEY. The Senator is correct.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4466) to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes, which had been reported from the Committee on Commerce with amendments.

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 VICE PRESIDENT 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. WALSH, from the Committee on Naval Affairs:

Sundry officers for promotion in the Marine Corps.

By Mr. HILL, from the Committee on Commerce:

Commander Eugene A. Coffin to be a captain in the Coast Guard; and

Sundry cadets to be ensigns in the Coast Guard.

The VICE PRESIDENT. If there be no further reports of committees, the clerk will state the nominations on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of Malcolm E. Lafargue to be United States attorney for the western district of Louisiana.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of H. Chess Richardson to be United States marshal for the eastern district of Louisiana.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Louis F. LeBlanc to be United States marshal for the western district of Louisiana.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Henry Robert Bell to be United States marshal for the eastern district of Tennessee.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

Mr. ELLENDER. Mr. President, I ask that the President be immediately notified of the confirmation of all judicial nominations.

The VICE PRESIDENT. Without objection, the President will be forthwith notified.

DEPARTMENT OF COMMERCE

The legislative clerk read the nomination of James C. Capt, of Texas, to be Director of the Census.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

COAST GUARD OF THE UNITED STATES

The legislative clerk read the nomination of Alfred H. Thomas, Jr., to be chief pay clerk.

The VICE PRESIDENT. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

The VICE PRESIDENT. Without objection, the nominations of postmasters are confirmed en bloc. That concludes the calendar.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, May 14, 1941, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate May 13 (legislative day of May 8), 1941:

UNITED STATES PUBLIC HEALTH SERVICE

Surgeon Carl E. Rice to be senior surgeon in the United States Public Health Service, to rank as such from May 19, 1941.

COLLECTOR OF CUSTOMS

Harry M. Durning, of New York, N. Y., to be collector of customs for customs collection district No. 10, with headquarters at New York, N. Y. Reappointment.

WORK PROJECTS ADMINISTRATION

Roy Schroder, of Florida, to be regional director, region III, Work Projects Administration, effective May 1, 1941.

Wilbur E. Harkness, of Florida, to be Work Projects Administrator for Florida.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 13 (legislative day of May 8), 1941:

UNITED STATES ATTORNEY

Malcolm E. Lafargue to be United States attorney for the western district of Louisiana.

UNITED STATES MARSHALS

H. Chess Richardson to be United States marshal for the eastern district of Louisiana.

Louis F LeBlanc to be United States marshal for the western district of Louisiana.

Henry Robert Bell to be United States marshal for the eastern district of Tennessee.

DEPARTMENT OF COMMERCE

DIRECTOR OF THE CENSUS

James C. Capt to Director of the Census.

COAST GUARD OF THE UNITED STATES

Alfred H. Thomas, Jr., to be a chief pay clerk in the Coast Guard of the United States.

POSTMASTERS

NORTH DAKOTA

Marjorie Zappas, Jamestown.
Nathaniel O. Knutson, Rugby.
Katherine P. Ferrell, Warwick.

OHIO

Charles B. Webb, Akron.

PUERTO RICO

Maria de Mari Burset, Yabucoa.

VIRGINIA

Thalia W. Williams, Brookneal.

HOUSE OF REPRESENTATIVES

TUESDAY, MAY 13, 1941

The House met at 12 o'clock noon and was called to order by the Speaker.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, in the unbounded love of our Saviour and the world's redeemer, let anguish and sorrow melt away. We pray that they may be our peace and in weariness our power. In Him unbelief shall disappear and toilsome and gloomy ways, no longer burdened with fears, shall be brightened with His presence as confidence deepens into conviction. Heavenly Father, we thank Thee that in the perils of this life we are safe not in our own virtue, not in our own wisdom, and not in any power that we may possess, but in the plentitude of Thy mercy. Oh give us that strength that removes despondency and inspires and blends the highest manifestations of hope, persistence, and energy. O Thou who art the Author of our being, the source of our immortal souls and the goal toward which we strive, enable us to dispel the pestilent vapors of doubt and discouragement and in all things conform our lives to the pattern given by Thine only begotten Son. Thou hast put the keys of our Nation's life and destiny in our hands, grant that conscience, intelligence, and brotherhood may keep open the great doors of our Republic with increasing access to the boundless blessings of a free and righteous people. Each day may we be united in purpose, strong, calm, and confident in Thee, and Thine shall be the praise forever. In the name of Mary's holy child. Amen.

The Journal of proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 74. Joint resolution to authorize the postponement of payment of amounts payable to the United States by the Republic of Finland on its indebtedness under agreements between that Republic and the United States dated May 1, 1923, May 23, 1932, and May 1, 1941.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House, by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On May 2, 1941:

H. R. 3252. An act to make emergency provision for certain activities of the United States Maritime Commission, and for other purposes.

On May 6, 1941:

H. R. 3981. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1942, and for other purposes.

On May 7, 1941:

H. R. 2082. An act relating to certain inspections and investigations in coal mines for the purpose of obtaining information relating to health and safety conditions, accidents, and occupational diseases therein, and for other purposes.

On May 9, 1941:

H. R. 438. An act for the relief of Hughey Parsley;

H. R. 1824. An act to authorize the construction of a bridge across the Ohio River at or near Cannelton, Perry County, Ind.;

H. R. 2006. An act for the relief of Ben Torian and Joe J. McDonald;

H. R. 2684. An act granting the consent of Congress to the Highway Department of Davidson County, of the State of Tennessee, to construct, maintain, and operate a free highway bridge across Cumberland River at a point approximately 1¾ miles below Clees Ferry, connecting a belt-line highway in Davidson County, State of Tennessee, known as the Old Hickory Boulevard;

H. R. 2766. An act to extend the times for commencing and completing the construction

of a bridge across the St. Louis River at or near the city of Duluth, Minn., and the city of Superior, Wis., and to amend the act of August 7, 1939, as amended, and for other purposes:

H. R. 2829. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River at or near the city of Harrisburg, Pa.;

H. R. 2830. An act to extend the times for commencing and completing the construction of a bridge across the Susquehanna River at or near the city of Middletown, Pa.;

H. R. 3066. An act to amend an act to provide for a union railroad station in the District of Columbia, and for other purposes;

H. R. 3394. An act to authorize the Attorney General to grant easements to States over lands belonging to the United States under his supervision and control;

H. R. 3682. An act granting the consent of Congress to the commissioners of Mahoning County, Ohio, to reconstruct, maintain, and operate a free highway bridge across the Mahoning River in the village of Lowellville, Mahoning County, Ohio;

H. R. 3835. An act to exempt from internal-revenue taxes, on the basis of reciprocity, articles imported by consular officers and employees of foreign states for their personal or official use;

H. R. 3974. An act to authorize the Administrator of the Federal Security Agency to adopt an official seal, and for other purposes;

H. R. 4036. An act to amend the District of Columbia Motor Vehicle Financial Responsibility Act, approved May 3, 1935;

H. R. 4063. An act to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Herbert M. Gregory;

H. R. 4083. An act to enlarge the powers of the property clerk of the Police Department of the District of Columbia to dispose of property coming into his possession;

H. R. 4239. An act to carry to the surplus fund of the Treasury certain trust funds derived from compensating taxes collected pursuant to section 15 (e) of title I of the act of May 12, 1933 (48 Stat. 40), as amended, upon certain articles coming into the United States; and

H. J. Res. 145. Joint resolution authorizing the Federal Security Administrator to permit the American Red Cross to construct needed recreational buildings on the St. Elizabeths Hospital Reservation.

On May 12, 1941:

H. R. 59. An act for the relief of special-tax school districts Nos. 2, 3, 4, and 5, Broward County, Fla.;

H. R. 224. An act for the relief of Antone and Mary Lipka;

H. R. 701. An act for the relief of the Allentown Airport Corporation;

H. R. 3269. An act for the relief of Mary Fortune;

H. R. 3869. An act to authorize the furnishing of steam from the Central Heating Plant to the District of Columbia;

H. R. 4057. An act to authorize the Federal Security Administrator to accept gifts for the Freedmen's Hospital and to provide for the administration of such gifts; and

H. R. 4065. An act for the relief of Martin F. Gettings.

EXTENSION OF REMARKS

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Franklin (Ohio) Chronicle.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. BROWN]?

There was no objection.

THE SECRETARY OF LABOR

Mr. ELIOT of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. ELIOT]?

There was no objection.

Mr. ELIOT of Massachusetts. Mr. Speaker, yesterday on the floor of the House a personal attack was made on the Secretary of Labor. The gentleman who made it extended his remarks in the Appendix, and there tried to put into the mouth of this Cabinet member words that she never said.

The Secretary of Labor is blamed for permitting strikes; but no Secretary of Labor has ever had the power to prevent strikes. She has been blamed for not settling disputes; well, since Miss Perkins assumed office she has more than doubled the size and effectiveness of the Conciliation Service of the Labor Department.

Frances Perkins reorganized the Department of Labor. It has functioned more efficiently in recent years than ever before. She took the lead in advocating great forward steps, like the Social Security Act and the Fair Labor Standards Act. She enforced the laws with scrupulous regard for the right of individuals under those laws, and she is blamed because she did not tear up those laws and, Hitlerlike, deny individuals their rights.

Every Cabinet officer's actions are subject often to constructive criticism. But the violent, abusive attacks upon the Secretary of Labor are based either on a confused idea of her actual jurisdiction and lawful functions, or, more serious, on a bitter hatred of the laws of the land and the rights guaranteed by the Constitution. The hatred too often is released in the form of an unfair, unfounded, vitriolic onslaught upon a conscientious and able public servant. [Applause.]

EXTENSION OF REMARKS

Mr. BROOKS asked and was given permission to revise and extend his own remarks in the RECORD.

ADDITIONAL TAXES

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JENKINS]?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, Mr. Morgenthau, the Secretary of the Treasury, at his press conference yesterday discussed a letter that I had written to him last week. For some time I have taken the position that before we subject the taxpayers to the additional tax burden of $3,500,000,000, we should bend every energy to reduce the expense of Government by at least a billion dollars. When Mr. Morgenthau appeared before the Ways and Means Committee at a public hearing on the proposed tax bill, in answer to questions from me, he agreed that we should be able to reduce expenditures by $1,000,000,000.

In the letter that I have referred to I asked Mr. Morgenthau to give me the benefit of his judgment and experience as to where and how these reductions could best be made. He stated at his press conference that the Treasury was giving consideration to the request set forth in my letter. I appreciate this very much, and I hope that Mr. Morgenthau and the Treasury will not fail to come forward with such suggestions.

This question of economy is a live issue, and the people are demanding that the Congress and the Executive here in Washington do their utmost to economize.

I am making this statement to the Congress in the hope that I might encourage in Congress and in the country a sentiment that will result in our being able to get along with two and one-half billion additional taxes instead of three and one-half billion. If we practice rigid economy we can do it.

If we can do this, and if we can collect most of this amount from excess profits due directly to the national-defense program, we will have shown real statesmanship, and will have relieved the taxpayers of the country of a terrible burden.

My mail indicates that there are many people in the country who are scared at the prospect of this terrific tax burden which they have been led to believe they must get read to carry. [Applause.]

EXTENSION OF REMARKS

Mr. THOMAS of New Jersey. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short editorial from a New Jersey newspaper.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. THOMAS].

There was no objection.

FAIR LABOR STANDARDS ACT

Mr. HILL of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. HILL]?

There was no objection.

Mr. HILL of Colorado. Mr. Speaker, on June 14, 1938, this body passed the Fair Labor Standards Act. According to section 13 (a) (2) of the act the wage-and-hour sections shall not apply to any employee engaged in any retail or service establishment the greater part of whose selling or servicing is in intrastate commerce. Thus, it was the expressed intent of Congress to apply the act only to retail establishments selling most of their goods across State lines.

The Wage and Hour Administrator is disregarding the language of the act and the intent of the Congress in his interpretations. Here is his most recent interpretation pertaining to retail and service establishments.

Even though I have been retailing hardware, paints, and farm implements for over 15 years, the Administrator says that I am no longer a retailer. I can sell a handful of nails to a carpenter, or some paint to a painter, and that is all right. But if I sell a plow to a farmer, then that is not retailing. His explanation, if you can call it an explanation, is

that a plow is not consumer goods sold regularly to the general consuming public. On the other hand, I can sell feed for a jackass, but I cannot sell a harrow to be hitched behind a son of a jackass. These inconsistencies would be amusing if they were not so tragic in their effect, and if it were not for the fact that they nullify the very idea the Congress had regarding our retailers.

We retailers all over the country are doing everything within our power to keep prices at the lowest possible levels. Of all the consumers, the farmer particularly is entitled to get all he can get for his dollar. He earns little enough as it is.

This recent interpretation will require retail farm implement dealers to operate on a 40-hour week—imagine that in harvest time—and pay time and one-half for overtime to all of our employees and service men who keep the farm machinery going.

Competition among retail farm equipment dealers is so keen that there is not enough margin to absorb this additional expense which must inevitably be passed along to the farmer.

If the Administrator persists in nullifying the expressed will of Congress, then it is our plain duty to give him a definition of a retail establishment and a retail sale which he cannot possibly misunderstand. [Applause.]

EXTENSION OF REMARKS

Mr. HILL of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a letter.

The SPEAKER. Is there objection to the request of the gentleman from Colorado [Mr. HILL]?

There was no objection.

Mr. CANFIELD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include a short newspaper clipping.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. CANFIELD]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

EXTENSION OF REMARKS

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on the subject National Defense Threatened by Communism.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. DONDERO]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

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

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

There was no objection.

[Mr. MURRAY addressed the House. His remarks appear in the Appendix of the RECORD.]

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

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

There was no objection.

Mr. CASEY of Massachusetts. Mr. Speaker, the gentleman who just preceded me touched on a subject that interests me very much. The Members of Congress have a duty to perform to the consuming public. I do not believe we ought to delegate that duty to some authority downtown. There are as a part of the consuming public some 40,000,000 housewives who are interested not alone in the price of steel and heavy industry articles but in butter, eggs, bread, and the very necessities of life that every family is interested in.

I have introduced a resolution providing that the Speaker appoint five Members of the House to act as a committee to investigate and watch price rises and see to it, in effect, that not only do prices not rise unreasonably but that the quality of the merchandise remains the same, so that price stability will not be circumvented by selling an inferior quality for the same price. I say we all owe a duty to ourselves and to our constituents, Mr. and Mrs. Average American, to vote for this resolution if it is brought out, and I anticipate the Rules Committeee will bring it out. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by Mr. J. Roy Jones, commissioner of agriculture of South Carolina.

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

There was no objection.

WAGES AND HOURS ADMINISTRATION

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

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

There was no objection.

Mr. RANKIN of Mississippi. Mr. Speaker, I want to register my protest against the conduct of the Wage and Hour Administration in destroying the small sawmills throughout the South. I said when that measure was passed that the danger would be not only that you would deny the people the right to work for their daily bread, which would virtually wipe out the Bill of Rights, but that the administration would continue to reach out and destroy private businesses the regulation of which was not in the contemplation of Congress at the time the act was passed.

If we cannot get relief some other way, I want Congress to take this proposition up and see that the American people are treated fairly under this law and under all other laws passed by the Congress of the United States. If this law is going to be used to destroy these small enterprises then it ought to be repealed. [Applause.]

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and in include therein a letter to me and my answer thereto.

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein an address recently delivered by Harold N. Graves, Assistant Secretary of the Treasury.

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

There was no objection.

VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—CHARLOTTE E. HUNTER (H. DOC. NO. 209)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I return herewith, without my approval, H. R. 4221, "For the relief of Charlotte E. Hunter."

It is the purpose of the bill to place Miss Hunter, a former teacher in the public schools of the District of Columbia, on the list of retired teachers, and to pay her, from the Teachers' Retirement Fund, an annuity computed as provided by existing law relating to the retirement of teachers in the District of Columbia public schools.

On August 7, 1939, I withheld my approval of the bill H. R. 5516, enacted by the Seventy-sixth Congress, for the same purpose; and I indicated in that memorandum my objections thereto, which are equally applicable to the bill, H. R. 4221, under consideration. It was stated in my memorandum of disapproval of H. R. 5516 that:

"This teacher entered the service on February 5, 1895, and her service was terminated by voluntary resignation on April 12, 1919, prior to the establishment of a retirement system for District teachers by the Teachers' Retirement Act of January 15, 1920, which became effective on March 1, 1920.

"The report on this bill made by the District Commissioners to the chairman of the House District Committee states that there are a number of former teachers now living in the District of Columbia who are in the same position as Miss Hunter, in that they retired from the service prior to the passage of the Teach-

ers' Retirement Act, have not contributed to the teachers' retirement fund, and are not, therefore, entitled to retirement benefits. There are likewise other former employees of the District, as well as the Federal Government, who resigned prior to the establishment of a retirement system for such employees and are, therefore, excluded from retirement benefits.

"In spite of the apparently excellent service record of the employee in this case, I do not feel that I would be justified in approving a bill which would single her out for preferred consideration to the exclusion of other cases of a similar character."

Inasmuch as it does not appear that there are any facts now presented in the case that were not considered in connection with my prior disapproval, and since the Board of Commissioners of the District of Columbia recommend that the bill be not approved, I am returning the bill to the Congress without my approval.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *May 13, 1941.*

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Without objection, the bill and accompanying documents will be referred to the Committee on the District of Columbia and ordered printed.

There was no objection.

EXTENSION OF REMARKS

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

CORN AND WHEAT MARKETING QUOTAS

Mr. FULMER. Mr. Speaker, I call up the conference report on the joint resolution (S. J. Res. 60) relating to corn- and wheat-marketing quotas under the Agricultural Adjustment Act of 1938, as amended.

The Clerk read the title of the joint resolution.

Mr. FULMER. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

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

There was no objection.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, I ask unanimous consent that the time for debate upon the conference report be extended 30 minutes.

The SPEAKER. Is there objection?

Mr. FULMER. Mr. Speaker, I shall have to object to that. The Interior Department appropriation bill has been scheduled to go on today. Those in charge of that bill very kindly gave us permission to bring up this conference report, provided we disposed of it in 30 or 40 minutes, and at least not over 1 hour. I hope the gentleman will permit us to do that in order that we may keep faith with the people in charge of the Interior Department appropriation bill.

Mr. AUGUST H. ANDRESEN. Of course, the gentleman knows that I can offer an amendment and get an hour's time. However, will the gentleman agree to give me 15 minutes?

The SPEAKER. The Chair agreed to recognize the gentleman from South Carolina [Mr. FULMER] to bring up this conference report, with the thought that it would not take more than the usual time. The appropriation bill for the Department of the Interior has been lying on the desk here for 5 or 6 days, ever since the closing of general debate upon that bill.

Mr. FULMER. Mr. Speaker, we have a number of people who want time, but I should be very glad to give the gentleman 10 minutes. I have promised time to others.

Mr. AUGUST H. ANDRESEN. Does the gentleman object to my request?

Mr. FULMER. What request.

Mr. AUGUST H. ANDRESEN. That the time for the debate on the conference report be extended for 30 minutes?

Mr. FULMER. Yes; I shall have to object to that.

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

Mr. FULMER. Yes.

Mr. COCHRAN. Has the gentleman given us any idea yet how much this bill will ultimately cost the Government—that is, the Senate amendment?

Mr. FULMER. I should be very glad to explain that as soon as we can get to it.

The SPEAKER. The Clerk will read the statement of the managers on the part of the House.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 60) relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with amendments as follows:

(1) On page 1 of the House engrossed amendment, in line 12 of the language proposed to be inserted by such amendment, strike out "which is not harvested as silage".

(2) On page 1 of such amendment, in lines 14 and 15 of such language, strike out "which is not harvested as silage and".

(3) On page 2 of such amendment, in lines 7 and 8, strike out ", but shall not include corn harvested as silage".

(4) On page 5 of such amendment, at the end of paragraph "(7)," strike out the following: "For the purpose of this paragraph and section 323 (b) of the Act, acreage of corn harvested as silage shall not be considered acreage planted to corn, or acreage of corn harvested."

(5) On page 6 of such amendment, in line 3 of subparagraph "(a)" of paragraph "(10)" strike out "75 per centum" and in lieu thereof insert "85 per centum".

(6) On page 7 of such amendment, in lines 8 and 9, strike out "(except as provided in paragraph (7))".

(7) On page 4 of such amendment, in line 8, insert "(b) and" after "326".

And the House agree to the same.

H. P. FULMER,
WALL DOXEY,
J. W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

E. D. SMITH,
J. H. BANKHEAD,
C. L. MCNARY,
ELMER THOMAS,
GEORGE D. AIKEN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 60) relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, as amended, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

(1) The Senate joint resolution provided for an optional referendum on corn and wheat marketing quotas which would permit a referendum establishing quotas for 1 year, 2 years, or no quotas. The House amendment follows the existing law which provides for a referendum for 1-year quotas or no quotas. The conference agreement adopts the House provision.

(2) In determining quotas for corn under the House amendment, acreage planted to corn but harvested as silage is not included for quota purposes. There is no comparable provision in the Senate resolution, thus following existing law in which such acreage is included. The conference agreement omits the House provision relating to the exclusion of silage acreage.

(3) Under the Senate resolution the penalty for marketing the commodity in excess of the allowable marketing, was 30 cents per bushel on corn and 50 cents per bushel on wheat. The House amendment made the penalty rate on both commodities 50 percent of the basic loan rate to cooperators for the commodity. The conference agreement adopts the House provision. The House amendment also makes the marketing penalty on cotton and rice produced this year or thereafter 50 percent of the basic loan rate to cooperators for the commodity. There is no comparable provision in the Senate resolution. The conference agreement adopts the House provision.

(4) The House amendment contains a provision, not in the Senate resolution, under which there is to be no marketing quota for 1941 for nonallotment farms if the harvested wheat acreage is not in excess of the usual wheat acreage determined for 1941 under the agricultural program and the county committee determines that there will not be marketed an excess over the 1941 farm-marketing quota. The conference agreement adopts the House provision.

(5) The House amendment contains a provision not found in the Senate resolution establishing loan rates on the 1941 crop of cotton, corn, wheat, rice, or tobacco, if marketing quotas are in effect for them for 1941. The basic rate to cooperators is 75 percent of parity. The rate to cooperators outside the commercial corn-producing area in the case of corn is 75 percent of the basic. The rate to noncooperators (except outside the commercial corn-producing area, in the case of corn) is 60 percent of the basic rate, but only on the amount which would be subject to penalty if marketed.

The conference agreement makes the basic rate 85 percent of parity.

(6) The conference agreement also includes a provision making section 326 (b) of the Agricultural Adjustment Act of 1938 applicable to wheat. Under that subsection, which now applies to corn, the storage amount of a year when quotas are in effect may be marketed in any succeeding year when quotas are in effect to an amount equal to the excess of the farm marketing quota for such succeeding year over the production for such year.

H. P. FULMER,
WALL DOXEY,
J. W. FLANNAGAN, Jr.,
CLIFFORD R. HOPE,
J. ROLAND KINZER,
Managers on the part of the House.

Mr. FULMER. Mr. Speaker, I yield myself 5 minutes. This bill comes back to the House with three amendments, one of which will give to the wheat farmers the same advantage in marketing their excess wheat as we now give to the corn farmers. I am sure that my colleague the gentleman from Kansas [Mr. HOPE] will have something to say on this amendment and will approve the purpose of this amendment.

The next amendment struck out the provision permitting farmers to grow all of the silage they want to grow over and above their allotted corn acreage. A farmer may be cooperating in the commercial area, or under the soil-conservation program outside of the commercial area, and he may have allotted to him 100 acres for corn. Under the provision stricken from the bill he would be permitted to grow additional acreage of silage which he could use in feeding beef cattle, and he could feed his corn to his hogs.

The other amendment increases the 75-percent loan as carried in the House bill to an 85-percent loan. This loan is for 1 year to take care of this year's crop. There is an amendment on the appropriation bill known as the Russell amendment increasing amount for parity payments from $212,000,000 to $450,000,000, which would be helpful to increase parity payments which would increase purchasing and debt-paying power of farmers. We realized the opposition to this amendment and therefore agreed upon the 85-percent loan so as to give to farmers that which they are clearly entitled to, especially so because of the high prices they have to pay for everything they have to buy at this time. As a matter of fact, farmers are not getting any advantage or help from the defense program in line with other groups, and the assurance of these prices will enable them to pay these advanced prices on what they have to buy.

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

Mr. FULMER. Yes.

Mr. POAGE. Is it my understanding that this bill now provides for 85-percent parity loans?

Mr. FULMER. Yes.

Mr. POAGE. And it is my further understanding that this provision for 85 percent of parity to the farmer is to be given out where he lives, and not at the primary market?

Mr. FULMER. Yes; that is my understanding. This price goes to the farmer.

Mr. COCHRAN. Let me say at the outset, although coming from a large city, I have consistently supported legislation beneficial to the farmers. I realize the farmer must make money if he is to buy what we manufacture.

There is nothing in this report and nothing was said the other day in reference to the ultimate cost of this legislation to the Government. I have heard the amount runs up to a tremendous sum. Can the gentleman give us any information at all as to just what this 85 percent of parity is going to mean to the Treasury of the United States?

Mr. FULMER. I would be very glad to. It does not take a dollar out of the Treasury of the United States. That is why we are passing this bill instead of having a wrangle over the appropriation bill when it comes before the House, which, if we should secure funds by an appropriation, then those funds would come out of the Treasury of the United States. Since we reported the House bill and passed same, cotton has been advancing and will be in line with the amount of the loan provided when this year's cotton is ready for sale.

Mr. COCHRAN. Cotton is selling at 11 cents?

Mr. FULMER. Cotton is now selling at 12½ cents.

Mr. COCHRAN. What does this provide? Does it provide a 14-cent loan on cotton?

Mr. FULMER. No. It will be about 13½ cents.

Mr. COCHRAN. And cotton today is selling at less than that price; is that true?

Mr. FULMER. The House bill carried a 12-cent loan. Immediately the price of cotton went up to 12 cents. If the gentleman will watch the papers tomorrow and the next day, he will find that the price is still advancing, and by the time the President signs the bill the price will be equal to or above the loan figure—13½ cents.

Mr. COCHRAN. In other words, you are pegging the price of cotton with the passage of this legislation?

Mr. FULMER. You might call it that.

Mr. COCHRAN. Now, this is going to cost something. That is a certainty. Has the gentleman any idea how many hundred million it will cost?

Mr. FULMER. I cannot tell the gentleman, but I will say to the gentleman that this will cost the Treasury less than a direct appropriation.

Mr. COCHRAN. That sounds very good. Is this an authorization?

Mr. FULMER. No; this provides for an increased loan program.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. FULMER. Mr. Speaker, I yield myself 2 more minutes.

Mr. COCHRAN. Some have said the purpose in getting this bill passed is to place in order the Senate amendment on the agricultural appropriation bill, by which they jump parity payments from $212,000,000, as passed by the House, to $450,000,000.

Mr. FULMER. That is a question that will come before the House later.

Mr. COCHRAN. When the House expressed itself on this legislation it was 75 percent of parity. Does not the gentleman think it was reasonable that the conferees should have thought about coming to an agreement at 80 percent rather than to take the Senate amendment at 85 percent?

Mr. FULMER. Eighty-five percent is considerably below the parity price of the farm products contained in this bill except rice.

Mr. COCHRAN. Why did not your committee present 85 percent when the bill was before the House?

Mr. FULMER. Because we figured at that time that we would be able to secure the adoption of the Russell amendment. It looks now that we will not be able to secure the adoption of this amendment. I would think the gentleman would be for this bill instead of against it for that reason.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. FULMER. I yield.

Mr. AUGUST H. ANDRESEN. As I understand it, under the $212,000,000 appropriation, the payment on cotton would be approximately 3 cents a pound; is that correct?

Mr. FULMER. No; that is not correct.

Mr. AUGUST H. ANDRESEN. How much a pound, soil-conservation and parity payments?

Mr. FULMER. Soil-conservation payments do not have anything to do with parity payments. That is an earned payment for doing certain actual work in connection with that program. The amount of parity cash payments amounts to about 1.36, not quite 1½ cents per pound.

Mr. AUGUST H. ANDRESEN. That is, under parity, plus the soil conservation——

Mr. FULMER. Soil conservation, as stated, does not have anything to do with parity payments.

Mr. AUGUST H. ANDRESEN. A loan under the 85 percent of parity would be 13.6, as I understand it. That would make a total on cotton, both parity loan and parity payment, of 14.96 cents. What is the price of cotton today?

Mr. FULMER. The price today is about 12½ cents and it is slated to go to and perhaps above the loan figures. Certainly the farmer is entitled to that price; in fact, he is entitled to 16 cents, and here is hoping the price will go to that figure. [Applause.]

The SPEAKER. The time of the gentleman from South Carolina has again expired.

Mr. FULMER. Mr. Speaker, I yield 5 minutes to the gentleman from Kansas [Mr. HOPE].

Mr. HOPE. Mr. Speaker, the most important feature of this bill and the most important change which was made by the conferees was increasing the loan rate from 75 percent of parity to 85 percent of parity. The House also receded from what was known as the silage amendment, and the conferees adopted another amendment which provided in effect that in the case of wheat, where a farmer might have to store wheat when marketing quotas were in effect, he could

sell enough of that wheat the next year or any succeeding year in which marketing quotas were in effect to make up his marketing quota if his production for that year was less than such quota.

Those are the principal changes which were made in the bill as compared with the form in which it passed the House.

I would certainly not want to be understood as urging that loans as high as 85 percent of parity were a permanent solution of the agricultural problem. I think, as far as cotton in particular is concerned, such would be a ruinous policy to follow over a long period; but I believe that for this year, with the emergency that is staring agriculture in the face, with our export markets at least temporarily gone for cotton and wheat, this provision offers the best method that we can devise to give the farmer an opportunity to secure a price which will be fairly commensurate with the price of the things he has to buy.

This report, if adopted, will likely make unnecessary the acceptance of the Russell amendment, which increases the amount appropriated for parity payments this year by $150,000,000 and also increases the amount appropriated for parity payments next year from $212,000,000, as provided in the House bill, to $300,000,000.

I believe that if we pass this bill there will be no occasion for adopting the Russell amendment this year, and I would certainly under these circumstances not urge that we increase the amount for parity payments next year.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. HOPE. I yield.

Mr. AUGUST H. ANDRESEN. The loan in dollars is based upon parity. Can the gentleman tell us what the loan will be if parity on wheat goes to $1.50 a bushel?

Mr. HOPE. It will be 85 percent of $1.50.

Mr. AUGUST H. ANDRESEN. At what time of the year is this loan value in dollars fixed? Is it at the beginning of the crop year or the beginning of the harvest year? And what will be the figure for parity at that time?

Mr. HOPE. I cannot tell the gentleman just at this time the exact formula the Department uses in point of time in determining parity.

Mr. AUGUST H. ANDRESEN. The harvest for cotton, wheat, and these other basic commodities will begin in the fall when parity may be considerably higher than it is now due to the increased costs of the things the farmers have to buy; but there is no certainty now with the exception of the percentage, 85 percent of parity, as to what the loan will be at that time.

Mr. HOPE. No; I do not know that we can say there is any certainty except that it will be 85 percent of parity on the date which the Department uses as a basis.

[Here the gavel fell.]

Mr. FULMER. Mr. Speaker, I yield 2 additional minutes to the gentleman from Kansas.

Mr. HOPE. With respect to the question just raised by the gentleman from Minnesota, parity prices may advance if the general price level advances, because parity prices are merely relative. It will be almost fantastic, however, it seems to me to believe that the general price level would advance enough during the next few months which would be the normal marketing period for wheat to bring the parity price up to $1.50. It may go up enough to bring the parity price up a few cents, but in my judgment that would be as far as it would go. Today the parity price of wheat is approximately $1.14. An 85-percent loan on that basis would be 96 cents.

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

Mr. HOPE. I yield.

Mr. MURRAY. I hope the Members realize when they pass on this legislation that due to the iniquitous Smoot-Hawley Tariff Act we have a 42-cent tariff on wheat and 25 cents a bushel on corn, but that in the case of cotton we are raising the price of cotton from 9 cents up to 14 cents, and we have no protection as far as competition from the foreign cotton producer is concerned. Is that right?

Mr. HOPE. Yes. There is no tariff on cotton.

Mr. COFFEE of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. HOPE. I yield.

Mr. COFFEE of Nebraska. Speaking of the parity price of wheat being $1.14 a bushel; that is at the farm, not at the terminal market.

Mr. HOPE. That is correct; that is the average price at the farm; of course, which would mean an average loan value in the country of 96 cents a bushel. That does not mean, however, it would be that price in every locality.

[Here the gavel fell.]

Mr. FULMER. Mr. Speaker, I yield 5 minutes to the gentleman from Mississippi [Mr. DOXEY].

Mr. DOXEY. Mr. Speaker, the distinguished chairman of our House Committee on Agriculture, the gentleman from South Carolina [Mr. FULMER], and our friend the gentleman from Kansas [Mr. HOPE] have given us an analysis and explanation of this conference report. I do not want to trespass upon your time, for I know many Members want to speak, and time under the rules on this conference report is exceedingly limited. I do, however, want to say this, in addition to what has already been said, and that is there are but four major provisions in this conference report.

The conference report provides that the basic loan rate will be 85 percent of parity. This is a mandatory rate on the five basic agricultural commodities—cotton, wheat, corn, rice, and tobacco. The conference report provides that this loan rate shall be in effect for 1 year, 1941.

The conference report does not carry any legislation forcing a reduction of acreage. The House conferees were opposed to the reduction of acreage and refused to agree to any reduction. Times are too critical and uncertain.

The conferees always want to be fair. We have worked hard; and although we had many differences, we endeavored to work them out, and I think we have accomplished a great deal for agriculture. Our conference report brings the bill back to the House practically as it passed the House, with the exception that the 75-percent loan provision in the bill as it passed the House now stands at 85 percent; also, the silage-exemption provision which was in the House bill has been eliminated. Briefly, Mr. Speaker, that is the substance of this conference report. We have done the best we could. We know we are helping the American farmer, who certainly needs all the help possible.

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

Mr. DOXEY. I yield for just a question.

Mr. ZIMMERMAN. There is some confusion in the minds of certain Members who think that a loan of 85 percent of parity means that it will result in a large increase in the appropriation for parity, in the Russell amendment, over the amount the House provided. Will the gentleman please explain that to us—make that clear?

Mr. DOXEY. I may say to my distinguished colleague from Missouri that this conference report has nothing to do with the Russell amendment. The Russell amendment is on the appropriation bill for the Department of Agriculture, and has reference to the $212,000,000 incorporated in that bill by the House for parity payments. We are here dealing with a conference report on a legislative bill which has no reference whatsoever to the appropriation bill. What we do here now may later on have a bearing on the amount of money Congress thinks is necessary or is willing to appropriate for future parity payments which is always contained in an appropriation bill. But we, in this conference report, have no authority or jurisdiction to deal directly with appropriation matters. Our Agriculture Committee authorizes appropriations and the Appropriations Committee makes them. The subcommittee making appropriations for agriculture, as far as the House is concerned, is presided over by the distinguished gentleman from Missouri [Mr. CANNON].

Here is what happened on what we are considering here now. The House had a joint resolution and the Senate had a joint resolution pending. The Senate resolution applied only to a referendum on quotas for corn and wheat. The House Agriculture Committee reported out House Joint Resolution 149 which not only applied to quotas for wheat and corn, but it also made this mandatory loan 75 percent of parity for the five basic agricultural commodities. That was the first time any mandatory loan legislation had been before the House for consideration.

When we passed House Joint Resolution 149 we struck out all after the enacting clause of Senate Joint Resolution 60, and inserted the House Resolution 149. It went to the Senate. The Senate disagreed to the House amendment and asked for a conference. Both the Senate and House appointed conferees. The

conference was wide open and did not pertain to any appropriation at all, but pertained to the germaneness of what was in the House Joint Resolution 149 as it passed the House, and what was in the Senate Joint Resolution 60. So the Russell amendment is in no wise in this conference and is in no wise involved in it. What this conference legislation will cost is all problematical. It is all a matter of speculation. If the market price of the various agricultural commodities goes above 85 percent of parity, there will be no necessity for a Government loan, and the way prices are going up now it may be that it will not be necessary for the Government to advance any loans at all, because corn is now above 75 percent parity, so is rice, so is tobacco, and wheat and cotton are steadily advancing. There is certainly encouraging evidence that there is more cotton being domestically consumed. In April there was more cotton consumed domestically than has ever been consumed in any month in the last several years—about 935,000 bales. With that increased consumption, with the crop already pitched and planted, with the prospect of possibly not more than a cotton crop of 12,000,000 bales this year, it may be that this is not only the most constructive legislation that could be passed, but the cheapest legislation. I mean by that, that it will possibly be the least drain on the Federal Treasury.

We are not endeavoring to pass cheap legislation. We are endeavoring to put the American farmer on an equal parity with labor and industry, and I do not believe there is a man in this Congress who begrudges what we have done for the farmers in this conference report. I hope that this conference report will be approved unanimously by this body. [Applause.]

Mr. FULMER. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. H. CARL ANDERSEN].

Mr. H. CARL ANDERSEN. Mr. Speaker, 2 minutes passes by very quickly, but in behalf of the farmers of my district and of the Nation, I want to appeal to you Members of the House to approve this conference report.

All that the farmer is requesting in this bill is 85-percent loans on the five basic agricultural crops. We are not even asking parity, let alone a guaranty of a fair return for the long hours necessary to produce food for the Nation.

We ask only of you to raise the price floor from 75 percent to 85 percent of where it should in all fairness be, a price floor under part of what the farmer produces. Such a floor, guaranteed to be held firmly in position and free from the danger of collapse of our agricultural economy, will do much toward giving the farmer a square deal. He has had a raw deal too long and should at the very least be entitled to an even break with union labor and industry.

Is that too much to give to agriculture, the basic industry of all? You have an opportunity, ladies and gentlemen, to help by your vote to hold up that price structure and say to the world that the farmer is at the very least entitled to 85 percent of parity. Part of a loaf is better than no loaf at all, and 85 percent of parity looks better to me than 75 percent or less. That is why today, realizing 100 percent of parity to be a dream to come true in the future, I am fighting for this concession.

Surely this greatest of all legislative bodies, the Congress of the United States, does not expect the farmers of our great country to produce food for the rest of our people at a loss—not to say anything of furnishing such food for the untold millions of hungry, oppressed people in foreign lands. Surely 85 percent of parity is inadequate, but it is far better to help the farmer by loans to that extent and thereby enable him to hold his products for a rise, rather than permit the speculator to benefit therefrom—the speculator, whose only knowledge of farming is that of farming the farmer on the boards of trade, and becoming rich from the misery of thousands of farmers who have lost their farms because of low prices.

I have confidence in the fairness and honesty of you men and women and appeal again to you, my friends, to give some concrete assistance to agriculture from this session of Congress; no, not even parity, which the farmer should have by all moral rights, but only 85 percent of the same deal you have given to industry and labor by legislation in the past few years. Thank you. [Applause.]

[Here the gavel fell.]

Mr. FULMER. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. GILCHRIST].

Mr. GILCHRIST. Mr. Speaker, as has just been stated by the gentleman from Minnesota [Mr. H. CARL ANDERSEN], this will serve in a way to restore to farms and agriculture parity payments. We have been over that ground so often. The farmer ought to have parity. The farm hand and workman ought to have parity, but they do not have more than half of the wages paid in industry. The farmers, when they do get parity, are the best buyers in the world. As has often been pointed out on this floor, business, bankers, and those in industry cannot afford not to allow the farmer to get parity, because every dollar the farmer gets he spends, and it increases sevenfold in the markets of the world and in restoring business and economic health to the body politic.

What is spoken of most frequently here today has to do with loans. The loan is not a gift. The loan which is to be given to farmers under this bill will be repaid and restored again into the Federal Treasury. The 85 percent of parity to be loaned on corn, will undoubtedly, in my opinion, be paid and put back into the coffers of the Commodity Credit Corporation, there to serve and be reloaned again as a revolving fund. At present there is a 61-cent-per-bushel loan on corn, and corn is now up to something like 56 or 57 cents and is going higher, so that there will not be any loss on corn or at least a very small loss. Hold that in mind.

I perhaps ought not to be asking you to increase or to put mandatory loans on wheat and cotton and other farm products, because for my own commodity, the one in which I am most interested, corn, we have already a mandatory loan in the law itself. But, as usual, I want to help every farmer throughout the whole land, both North and South, and I fully understand why there should be help for all farmers as is provided by this bill.

These loans are simply loans. This is not a price-fixing bill. It is a loaning bill and heretofore it has not been considered as a price-fixing bill. We have had these loans for many years on some of these commodities, and it has not yet fixed and will not fix the price of the commodity. Much complaint is made here because silage is not set free, that the men who are engaged in dairying cannot under this bill raise all of the silage that they can raise, and at the same time get the loans and the corn payments. But it is undoubtedly true that if one can raise all of the corn silage he can possibly produce, then there will be no control of corn production and then and thereafter we might as well do away with the law entirely. There must be some production control or else you cannot have high unit prices. High unit prices without control will bring huge surplus production and thereby depress the market. If it be true that the farmers in the dairying area cannot raise enough feed for their dairy cattle, it is likewise true that farmers in the corn-and-hog areas cannot raise enough to feed the hogs they would like to feed. There is no reason why silage should have this special gift, unless you also give a special gift of corn fodder to the hog farmer or give him other things equally advantageous. Farmers cannot have their cake and eat it, too.

Mr. AUGUST H. ANDRESEN rose.

Mr. GILCHRIST. No; I cannot yield. I have only 2 minutes left. What is the condition? The facts are that dairying is now recognized by this administration as a thing that needs help, and it will be given help. In 1940 the production of milk amounted in value to about $1,526,702,000, and that was also about one-sixth of the entire cash income of all the farmers. The Government this year is stabilizing prices.

Signs point to a good year for dairymen. Production of milk will probably set a new high record, the domestic demand for dairy products is increasing, and to this has now been added the prospect for larger shipments of concentrated dairy products to Great Britain. Prices to dairymen and the manufacturers of dairy products are higher than at this time last year. Cash income to dairymen will probably exceed $1,500,000,000 in 1941, or almost one-sixth of the total cash income to producers of all farm products.

Estimates are that there are approximately 26,000,000 milk cows on farms. The largest number on record was 27,000,000 in 1934. Probabilities are that this number will be exceeded in the next few years, since the number of young dairy stock on farms already is the largest on record.

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

Mr. GILCHRIST. No; I cannot yield.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. FULMER. Mr. Speaker, I yield the gentleman 2 minutes more.

Mr. GILCHRIST. We give the dairying people aid by way of school lunches and also for the Red Cross and relief purchases and other things, and these have increased the income by millions of dollars. We give them marketing agreements, which last year amounted to almost $200,000,000 worth of products distributed among about 125,000 farmers. So that the dairy people as much as we desire to help them and will help them are getting many things others do not get.

The Department of Agriculture announced that during the period March 15–31, 1941, approximately $10,000,000 worth of surplus food commodities had been purchased. Included in the total were 4,723,000 pounds of cheese, 9,291,050 pounds of dry skim milk, and 1,124,000 cases—about 48,332,000 pounds—of evaporated milk.

Let me now quote from the address of my friend and fellow townsman, the Honorable R. M. Evans, Administrator of the Agricultural Adjustment Administration, given at Madison, Wis., 3 months ago:

One of the most obvious forms of assistance given to the dairy farmer consists of Federal measures to increase consumption. By way of the stamp plan, for instance, nearly 22,000,000 pounds of butter have been made available to low-income families that would not have used so much butter otherwise. Free school lunches have provided children with nearly 220,000,000 pounds of surplus commodities since the fall of 1939. In the long run, the expanded research program to find new industrial uses for farm products, including a new laboratory about 200 miles from here, will gradually open up new markets for the dairy farmer.

The Government's program to purchase surplus farm products for distribution to relief families has both expanded consumption and put a floor under prices. The Federal Surplus Commodities Corporation has bought about 250,000,000 pounds of butter, either in the open market or from the Dairy Products Marketing Association. These large-scale purchases, by supporting butter prices during recent years, have protected the income of dairy farmers just as effectively as have parity payments for the producers of such export crops as cotton and wheat.

Today butter and milk prices are close to parity. The demand for dairy products, as reflected in prices, will no doubt continue to be strengthened as the defense program creates more jobs and bigger pay rolls in industry.

In the years ahead the total consumption of dairy products will advance at least as fast as the population grows. The consumption of low-income families, in addition, can be expanded by measures such as the stamp plan that are designed for that very purpose. And the defense program, as long as it expands, will continue to boost dairy prices.

Dairymen are certainly entitled to a good wholesome farm income. We all want them to get such an income, but they should not be allowed to disrupt the whole control program and bring ruin to hundreds of thousands of farmers who are engaged in other kinds of farm production. Our zeal for the dairy farmer is sincere, but it should not lead us into the error of canceling the entire corn-control program.

I repeat that there is nothing in the bill that one should fear. I might anticipate some of the arguments that will be made, but will make one point only, because I have but 30 seconds left. The tariffs can be increased if it is necessary to prevent importations from abroad after the prices rise, as we all hope they will. It will be recalled that the Tariff Commission can increase the tariff 50 percent of the present rates if it should be necessary or helpful. I have no doubt that if this bill raises the prices of commodities, then importations over the tariff wall will not be permitted by the Tariff Commission because of the provisions to which I have called your attention. We should not and cannot disrupt the whole program. If we do not have control of farm production then we might as well do away with the whole thing.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. FULMER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CANNON of Missouri. Mr. Speaker, I make the point of order that a quorum is not present and I object to the vote on that ground.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—ayes 277, noes 63, not voting 91, as follows:

[Roll No. 53]

AYES—277

Allen, Ill.	Chenoweth	Forand
Allen, La.	Chiperfield	Ford, Miss.
Andersen, H. Carl	Claypool	Ford, Thomas F.
Andresen, August H.	Clevenger	Fulmer
Angell	Cochran	Gale
Arends	Coffee, Nebr.	Gathings
Barnes	Coffee, Wash.	Gearhart
Bates, Ky.	Cole, Md.	Gehrmann
Beam	Collins	Gibson
Beckworth	Colmer	Gilchrist
Beiter	Connery	Gillie
Bell	Cooper	Gore
Bender	Costello	Gossett
Bennett	Courtney	Graham
Blackney	Cox	Granger
Bland	Cravens	Grant, Ala.
Bloom	Creal	Grant, Ind.
Boehne	Curtis	Gregory
Boggs	D'Alesandro	Guyer, Kans.
Boland	Davis, Ohio	Gwynne
Bolles	Davis, Tenn.	Haines
Bonner	Day	Hare
Boren	Dickstein	Harness
Boykin	Dingell	Harrington
Bradley, Mich.	Dirksen	Harris, Ark.
Brooks	Disney	Harris, Va.
Brown, Ga.	Domengeaux	Harter
Brown, Ohio	Doughton	Healey
Bryson	Downs	Hébert
Buck	Doxey	Heidinger
Burch	Drewry	Hendricks
Burdick	Dworshak	Hill, Colo.
Burgin	Edelstein	Hill, Wash.
Camp	Edmiston	Hinshaw
Cannon, Mo.	Eliot, Mass.	Hobbs
Capozzoli	Elliott, Calif.	Hook
Carlson	Ellis	Hope
Carter	Fenton	Houston
Case, S. Dak.	Fitzgerald	Howell
Casey, Mass.	Fitzpatrick	Hull
Chapman	Flaherty	Hunter
	Flannagan	Imhoff
	Fogarty	Izac
	Murdock	Smith, Va.
	Murray	Smith, Wash.
	Nelson	Snyder
	Nichols	South
	Norrell	Sparkman
	O'Connor	Spence
	O'Hara	Springer
	Pace	Starnes, Ala.
	Patman	Steagall
	Patrick	Stefan
	Patton	Stevenson
	Pearson	Stratton
	Peterson, Fla.	Sullivan
	Pierce	Sumner, Ill.
	Pittenger	Sutphin
	Plauché	Talle
	Ploeser	Tarver
	Poage	Taylor
	Priest	Terry
	Rabaut	Thill
	Ramsay	Thom
	Randolph	Thomas, Tex.
	Rankin, Miss.	Thomason
	Reed, Ill.	Tibbott
	Rees, Kans.	Traynor
	Richards	Van Zandt
	Rivers	Vincent, Ky.
	Rizley	Vinson, Ga.
	Robertson, Va.	Voorhis, Calif.
	Robinson, Utah	Walter
	Robsion, Ky.	Ward
	Rodgers, Pa.	Weaver
	Rogers, Okla.	Weiss
	Russell	West
	Rutherford	Wheat
	Sacks	Whelchel
	Sanders	White
	Satterfield	Whittington
	Sauthoff	Wickersham
	Scanlon	Williams
	Schuetz	Wilson
	Schulte	Winter
	Scrugham	Wolcott
	Secrest	Woodrum, Va.
	Shanley	Worley
	Sheppard	Wright
	Shafer, Mich.	Young
	Short	Youngdahl
	Sikes	Zimmerman
	Smith, Conn.	
	Smith, Maine	

NOES—63

Anderson, Calif.	Gamble	O'Neal
Andrews	Gerlach	Paddock
Baldwin	Hall, Edwin Arthur	Pheiffer, William T.
Bates, Mass.	Hall, Leonard W.	Powers
Bolton	Hancock	Reed, N. Y.
Butler	Hess	Rich
Canfield	Hoffman	Rockefeller
Clason	Holbrook	Rogers, Mass.
Cluett	Holmes	Scott
Cole, N. Y.	Jarrett	Smith, Ohio
Crawford	Johnson, Calif.	Stearns, N. H.
Crosser	Jones	Taber
Crowther	Kean	Thomas, N. J.
Culkin	Kilburn	Tinkham
Dewey	Lewis	Treadway
Ditter	McLean	Vorys, Ohio
Dondero	Magnuson	Vreeland
Eaton	Moser	Wadsworth
Eberharter	O'Brien, N. Y.	Wigglesworth
Engel	Oliver	Wolverton, N. J.
Englebright		Woodruff, Mich.
Faddis		

NOT VOTING—91

Anderson, N. Mex.	Ford, Leland M.	Marcantonio
Arnold	Gavagan	Merritt
Barden	Geyer, Calif.	Mitchell
Barry	Gifford	Mott
Baumhart	Green	Myers, Pa.
Bishop	Halleck	Norton
Bradley, Pa.	Hart	O'Brien, Mich.
Buckler, Minn.	Hartley	O'Day
Buckley, N. Y.	Heffernan	O'Leary
Bulwinkle	Jacobsen	Osmers
Byrne	Jenks, N. H.	O'Toole
Cannon, Fla.	Jennings	Peterson, Ga.
Cartwright	Johnson, Lyndon B.	Pfeifer, Joseph L.
Celler	Johnson, W. Va.	Plumley
Clark	Kee	Ramspeck
Cooley	Keefe	Rankin, Mont.
Copeland	Kelley, Pa.	Reece, Tenn.
Cullen	Kelly, Ill.	Robertson, N. Dak.
Cunningham	Kennedy, Martin J.	Rolph
Delaney	Kennedy, Michael J.	Romjue
Dies	Keogh	Sabath
Douglas	Kunkel	Sasscer
Duncan	Lambertson	Schaefer, Ill.
Durham	Lynch	Shannon
Elston	McArdle	Sheridan
Fellows	McGranery	Simpson
Fish		Smith, Pa.
Flannery		

Smith, W. Va.	Tenerowicz	Wene
Somers, N. Y.	Tolan	Wolfenden, Pa.
Sumners, Tex.	Wasielewski	
Sweeney	Welch	

So the conference report was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Cunningham for, with Mr. Wolfenden of Pennsylvania against.
Mr. Jennings for, with Mr. Douglas against.
Mr. Copeland for, with Mr. Osmers against.
Mr. Romjue for, with Mr. Hartley against.
Mr. Bishop for, with Mr. Gifford against.

General pairs:

Mr. Johnson of West Virginia with Mr. Halleck.
Mr. Gavagan with Mr. Simpson.
Mr. Bulwinkle with Mr. Plumley.
Mr. Ramspeck with Mr. Mott.
Mr. Peterson of Georgia with Mr. Keefe.
Mr. Cartwright with Mr. Fish.
Mr. Green with Mr. Welch.
Mr. Barden with Mr. Jenks of New Hampshire.
Mr. Cullen with Mr. Rolph.
Mr. Durham with Mr. Elston.
Mr. Cannon of Florida with Mr. Kunkel.
Mr. Martin J. Kennedy with Mr. Baumhart.
Mr. Cooley with Mr. Reece of Tennessee.
Mr. Kelly of Illinois with Mr. Fellows.
Mr. Duncan with Mr. Lambertson.
Mr. Clark with Mr. Leland M. Ford.
Mr. Lyndon D. Johnson with Mr. Robertson of North Dakota.
Mr. Keogh with Miss Rankin of Montana.
Mr. Hart with Mr. Buckler of Minnesota.
Mr. Kilday with Mr. Marcantonio.
Mr. Arnold with Mr. Merritt.
Mr. Joseph L. Pfeifer with Mr. Wene.
Mr. Dies with Mr. Delaney.
Mr. Sheridan with Mr. Byrne.
Mr. Barry with Mr. Bradley of Pennsylvania.
Mr. McArdle with Mr. O'Toole.
Mr. O'Leary with Mr. Schaefer of Illinois.
Mr. Kelley of Pennsylvania with Mr. Celler.
Mr. Flannery with Mr. Tolan.
Mr. Somers of New York with Mr. O'Brien of Michigan.
Mr. Jacobsen with Mr. Buckley of New York.
Mr. Heffernan with Mr. Kee.
Mr. Shannon with Mr. Lynch.
Mr. Sumners of Texas with Mrs. O'Day.
Mr. Tenerowicz with Mr. Sweeney.

Mr. ANDERSON of California changed his vote from "aye" to "no."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The doors were opened.

INTERIOR DEPARTMENT APPROPRIATION BILL, FISCAL YEAR 1942

Mr. JOHNSON of Oklahoma. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4590) making appropriations for the Department of the Interior for the fiscal year 1942, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4590, with Mr. COOPER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk had read the first paragraph when the Committee rose.

Mr. CANNON of Missouri. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent to extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, I also ask unanimous consent that all who spoke on the conference report may have leave to extend their own remarks.

The CHAIRMAN. That request will have to be submitted in the House and not in Committee of the Whole.

Mr. CANNON of Missouri. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman that he may be allowed to proceed for 5 additional minutes?

There was no objection.

Mr. CANNON of Missouri. Mr. Chairman, we have just witnessed in the passage of the bill, authorizing loans on basic farm products at 85 percent of parity, one of the notable events in the legislative history of the Nation. Since the Presidential campaign of 1924 platform makers and party orators have been promising parity prices for farm products. Four times Congress has, by solemn enactment, recognized the principle of parity for agriculture and established it as the objective of the farm-recovery program. And today, in the adoption of this conference report Congress has for the first time provided for agriculture the legislation already provided for every other industry putting a floor under farm prices and farm income.

Furthermore, the unanimity with which the House has cooperated on both sides of the aisle in support of this bill effectually discredits the overworked slogan that "farmers can't get together." The stock excuse of all who for selfish reasons oppose farm legislation—and they are legion—has been: "We are for it but the farmers, the farm Congressmen, and the Committee on Agriculture cannot agree on anything." The vote on this bill this afternoon conclusively disposes of that "crocodile" alibi. The farmers are together; the committee are together; the Houses are together; and together they have agreed to this report by one of the largest majority votes in the annals of farm legislation. Here is the record for the last 15 years:

Votes on major farm legislation of the last 15 years

Congress and bill	Yeas	Nays
69th Cong.: McNary-Haugen bill	214	178
70th Cong.: McNary-Haugen bill	204	122
71st Cong.: Federal Farm Board Act	366	35
73d Cong.: Agricultural Adjustment Act	315	98
74th Cong.:		
Bankhead Cotton Act	251	115
Kerr-Smith tobacco control	206	143
75th Cong.:		
Soil conservation and domestic allotment	267	97
Cotton-price adjustment	201	127
Agricultural Adjustment Act	267	130
Parity payments for 1940	181	175
76th Cong.: Parity payments for 1941	207	176
77th Cong.: Fulmer bill	275	63

Still more significant is the fact that this bill specifically recognizes and reaffirms the principle of parity prices and the adoption of the 1909–14 purchasing power of farm products as the standard and yardstick of agricultural equity. In recent months there has been an organized attempt by those who seek to exploit agriculture to sabotage this long-established unit of measurement, and the passage of this bill, providing loans at 85 percent of parity, by such unusual majorities in both Houses, now establishes this basic principle beyond possibility of cavil or dissent.

And last but not least, the passage of this bill renders untenable the position of the Price Administration in its attempt to peg the price of pork. Under the formula provided by this bill, the parity price of corn may reach 93.3 cents a bushel, and the farmer still receive the full price in the open market.

Here are the estimates supplied by the Bureau of Agricultural Economics since the passage of the bill:

Price situation if 85-percent parity commodity loan provision is adopted

	Current parity price (Apr. 15)	Maximum to which parity price can go and the farmer still get 100 percent of parity
Corn	$0.828	$0.933
Wheat	1.14	1.20
Cotton	.16	.1838

As these prices are free on board Chicago, the price of corn on the farm would be somewhere between 95 cents and $1 a bushel, and hogs fattened on 95-cent corn, or even 93-cent corn, cannot be sold for $9.

In this connection——

Mr. RANKIN of Mississippi. Mr. Chairman, will the gentleman yield for a question at that point?

Mr. CANNON of Missouri. If the gentleman will indulge me, I shall be glad to yield to him in just a minute.

Mr. Chairman, on April 21, in the course of debate on the floor, attention was called to the drastic discrimination by the Price Administration against agriculture. It was pointed out that in the expenditure of the $7,000,000,000 appropriation under the lease-lend bill the products, and therefore the wages, of agriculture alone were being pegged at less than parity. Press releases from the Price Administration and the Department of Agriculture were cited, repudiating the farm recovery program so painfully built up over the last 8 years and completely ignoring the vast sums from the lend-lease appropriation being poured out without stint or price-fixing restriction to labor and industry in the highest wages and the highest prices in the economic history of the world. The specious plea that consumer buying power demanded the fixing of hog prices was refuted by statistics showing hogs at $21.50 per hundred pounds and typical mechanics' wages at 59 cents per hour in 1920; hogs at $12.40 and wages at 70 cents in 1935; and hogs fixed at $9 in 1941 with mechanics' wages at 97½ cents and still

rising. Just why—if one of the two was to be selected to the exclusion of the other—just why the Price Administration should elect to fix hogs at $9 after a drop from $21.50 and at the same time ignore wages which had risen from 59 cents to 97½ cents in the same period has not been explained, but, with the permission of the House, I desire to insert in the RECORD a letter from the Price Administration touching as nearly on the subject as any communication from the Price Administration or the Department of Agriculture which has yet appeared.

The letter is as follows:

OFFICE OF PRICE ADMINISTRATION
AND CIVILIAN SUPPLY,
Washington, D. C., April 30, 1941.

HON. CLARENCE CANNON,
House of Representatives,
Washington, D. C.

DEAR MR. CANNON: Your address before the House of Representatives on Monday last makes me believe that a brief clarification of the policy of this office with respect to agricultural prices would be helpful. Because of your deep interest in this question, I particularly want you to know that I have not singled out farm prices for special action. I will continue to support administration policies which are directed toward the improvement of farm income. There has been some misunderstanding on this whole issue which, I believe, would have been avoided had the position of my office been clearly on the record.

Some of the misunderstanding is associated with the measures announced on April 3 to increase the supplies of pork, dairy, and poultry products. First of all, I should like to state my own position on these measures.

During the past year domestic demand for meat, dairy, and poultry products has been increasing rapidly. Very recently the British Government has asked for substantial supplies of these same products. On anything so vital as our food supply we can afford no gamble with an underestimate of our needs. Any weakness in our domestic defense or any default in our aid to other countries resulting from an inadequate food supply would be inexcusable.

For these reasons I joined with the Secretary of Agriculture in steps to increase immediately the price of hogs to make increased production renumerative. For the same reasons, I concurred in the proposal to give farmers a long-term guaranty of prices of pork products, dairy products, and poultry products. The purpose of these steps was to insure that the increased production would not be marketed at distress prices—in other words, the Government rather than the individual farmer is underwriting the risk of the expansion of output. Our policy here parallels that which has been followed by the Government in minimizing the risk of industrial plant expansion for defense purposes.

This is not a price-fixing measure. No representations were made to this office by the War Department, individual Army officers, or by employers. The guaranteed prices are minimum prices, and no maximum prices have been agreed upon. Should there be a speculative advance in these or any other prices which unreasonably anticipates heavy domestic or British buying, then action will be taken. We will take it with the speculator rather than the farmer in mind.

With this clarification, I am sure that you will understand that we did not single out farm producers for discriminatory treatment. To date we have taken no steps to establish ceiling prices on farm commodities. On the other hand, we have acted to forestall increases in farm costs. You draw attention to recent wage advances in certain sectors of the steel and farm-machinery industry. The leading units in both of these industries have been enjoying relatively high profits, and in both of these cases we have taken steps to see that, unless clearly necessary in particular instances to avoid inequity, the increased costs are not passed on to customers. I am attaching a letter which I addressed last Monday to all leading manufacturers of farm equipment.

Turning to the future, I am sure that you will accept my assurance that our policy will continue to be as fair as we can make it. The President has charged me with the responsibility of using all lawful measures to maintain equitable and workable price relationship during the defense emergency and with preventing the type of price inflation which occurred during the last war. If we are to be successful, we can play no favorites—the policy must be applied across the whole board. Unjustifiable price increases and profiteering must be checked wherever they occur. But I will recognize what the Congress and the present administration have always recognized and have written into law, namely, that the prices of many farm products in past years have been too low to provide the farmer with a decent living wage for his labor. I have been a strong supporter of the objectives of the farm programs and I will continue to be. The same policy will be followed with respect to desirable and necessary improvements in farm income that we must apply to the correction of substandard returns to other groups.

Generally speaking, the policy I propose to pursue will be directed toward the largest possible measure of stability for both agricultural and nonagricultural prices. I believe such a policy to be of prime importance to agriculture itself. It has always been my feeling that the long years of farm disparity following the last war were partly the result of inflationary advances in farm prices and farm costs during the war period. The farmers' prices fell after the war was over, while his costs, his debt load, and his interest charges remained high and inflexible. He was left in the vise. To avoid a recurrence of this disaster is one of my jobs. It is my earnest desire that I will have and merit the wholehearted support of farm people in doing it.

In view of the importance of the question here discussed to farm people everywhere, I should like to release this letter to the press. Also, might I ask your good offices in seeing that it has the same circulation as your own statement. If either now or at any time in the future you wish information of any kind on policies of this office, please call on me immediately.

Very truly yours,

LEON HENDERSON,
Administrator.

With Mr. Henderson's historical summary every Member of the House is in complete accord. We agree with him that—

> Prices of farm products in past years have been too low to provide the farmer with a decent living wage for his labor.

Yet the price administration proposes to perpetuate those prices. Although hogs sold during those distress years at $10.25 and $10.05 in 1936 and 1937, respectively, Mr. Henderson now proposes to freeze them at $9.

Again he says:

> The farmer's prices fell after the war was over, while his costs remained high and inflexible. He was left in a vise.

The farmer is still in that vise. The cream separator with which he separates his butterfat costs him more today when butter is bringing 33 cents than the same separator cost him when butter was bringing 67 cents. But Mr. Henderson proposes to freeze the price of butter at 31 cents.

The freight rate on a car of eggs to New York is higher today with eggs at 24 cents a dozen than it was when eggs were 50 cents per dozen, but the pegged price is to be 22 cents per dozen. The lumber required to build a poultry house is vastly higher today when poultry is selling at 24 cents per pound than it was when poultry was selling at 36 cents per pound, but the price is to be "stabilized" at 15 cents per pound. And the corn planter with which the farmer produces corn to feed $8.45 hogs today costs more than he paid for the same corn planter when hogs were selling for $21.50. But the price administration is pegging the price of hogs at $9.

Mr. Henderson objects to the term "pegging." He explains that his price is a "minimum price." He insists that no ceiling has been established and that no maximum price has been agreed upon. But we all have vivid recollections of the fixing of the price of agricultural products in 1917 when we were told in the debate in the House and in all press releases from the Government that the prices were "minimum" prices; that no ceiling had been established and that no maximum price has been agreed upon. And we all well remember that the minimum price was the maximum price, and the price of those farm commodities remained as fixed and immutable as the laws of the Medes and Persians, while the wages and prices of labor and industry mushroomed and pyramided and skyrocketed without restraint or restriction.

Even if our wartime experience with pegged prices was not fresh in mind, a glance at the Executive order under which the Price Administration is operating, shows that according to its terms the Administration is authorized to designate maximum prices only. In paragraph (c) of section 2, provision is made for determining and publishing "maximum prices." And again in section 4, the Price Administration Committee is empowered to submit recommendations "in respect to the establishment of maximum prices." And under paragraph (a) of the second section, steps are authorized "to prevent price spiraling." But nowhere throughout the Executive order is there authorization of any kind, either by direction or inference, to fix or establish or recommend minimum prices. And yet Mr. Henderson contends that the prices he has pegged are minimum prices and not maximum prices.

And why would it be necessary, as Mr. Henderson proposes, to "give the farmer a long-time guaranty," as the letter terms it, of prices for these products when some of them are already above the fixed price and the remainder soon will be. In all the realm of absurdity there is nothing quite as absurd as that. Everybody knows that in every war hogs go up. Everybody knows that hogs will be far above $9 a hundred if left alone as the price of the products of labor and industry have been left alone. And everyone knows that the reason the price of hogs is being fixed at $9 is in order to

saddle upon the farmer the cost of providing pork for Britain while every other group in America is getting the highest wages and the highest prices ever paid in any war for all the rest of the flood of commodities being daily shipped to Britain.

The Chicago Tribune for April 29, 1941, page 21, says:

Vast quantities of pork, lard, cheese, eggs, and dry beans, all products of the Chicago area, began moving toward the eastern seaboard over the week end, presumably for shipment to England. These supplies, purchased with Government funds under the lend-lease bill, were acquired at a cost of millions of dollars sellers said yesterday.

This vast supply of farm products was purchased by the Government itself at less than parity. In other words, the farmers of America were drafted by the Government to contribute the millions of dollars' difference between the parity price promised by the Government and the price actually paid by the Government—to contribute these millions of dollars directly to the consumers of Great Britain.

And that brings us to a statement in Mr. Henderson's letter worthy of particular attention. He says he is playing no favorites—"the policy must be applied across the board." But what other class or industry is being required to contribute to shipments to Great Britain or to any other phase of the program, either services or commodities, at less than parity? Food, munitions, guns, planes, tanks, explosives, and every conceivable item in the paraphernalia of war are being rushed across the Atlantic as rapidly as they can be produced and ships can be found to transport them. And in the fabrication of guns, planes, and tanks labor is receiving more than 200 percent of parity and industry is being paid on a cost-plus basis. Labor and industry are not being asked to contribute wages or profits, and all groups engaged in the production of commodities shipped abroad are making money out of the war. Labor dictates its wages and industry fixes its prices. The labor and products of the farm alone are being requisitioned by the Government at subparity prices and the farmer alone is being required to supply his products at a price over which he has no control, and at a lower price than has been promised him in the farm-recovery program over the last 8 years. And General Marshall's staff testified in the last hearings before the Committee on Appropriations that the ration was the most important of all war munitions.

Incidentally the consistent decline in the price of hogs since the announcement of a minimum price by the Price Administration is further evidence that the price of $9 is intended as a maximum price and does not become effective until conditions which always accompany the impact of war at home or abroad advances the price to that figure under the normal law of supply and demand, which in the last war pushed the price of hogs—along with the price of industrial commodities—up to more than three times the price at which it is now proposed to peg them. In all these years in which hogs have been selling at what Mr. Henderson in his letter calls "distress prices" no one has exhibited an interest in fixing a price of $9, although Congress was busy fixing minimum wages and guaranteeing the price of coal, and oil, and transportation rates, and everything else sold under the fair-trade bill. It is only when everybody knows that hogs are going up to twice the parity price—as labor wage scales and farm machinery have already gone—that they magnanimously propose to guarantee hog prices—at less than parity.

How can it be said that the Price Administration is playing no favorites, when it is freezing the wages and prices of agriculture at less than 75 percent of parity and at the same time, by silence and inaction, encouraging the Nation-wide campaign for the increase of wage scales already in excess of 150 percent of parity?

Here are the headlines from typical items from the daily papers for the last week in April and the first week in May:

From the Chicago Tribune, April 24, 1941:

Meat packers raise hourly wage 8 percent. Wage increase affects 14,000 employees and aggregates $1,500,000 annually.

From an Associated Press dispatch for April 28, 1941:

Settlement of strike of Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers and the Pittsburgh chapter of the Pennsylvania Furniture Warehousemen's Association was settled last night with the announcement that 13 of the city's largest transfer companies had agreed to 5-cent-an-hour wage increase and elimination of a 10-cent hourly wage differential between local and long-distance movers.

From Labor's Monthly Survey of April 30, 1941:

In March and April more than 700,000 wage earners in manufacturing and construction won a pay increase, bringing the total for 1941 to date close to 1,000,000.

From the St. Louis Post-Dispatch for May 1, 1941:

INTERNATIONAL SHOE GIVES WAGE RISE

Wage increases averaging about 5 percent for the skilled and semiskilled factory workers in the International Shoe Co. plants in Missouri and Illinois have been granted by the company in the last 2 weeks. The increases ranged from 1 to 10 percent in the various factories.

From the Chicago Tribune of May 1, 1941:

Wage increases of 7½ percent have been granted by the Parker Pen Co.

Continental Steel has given its employees a 10-percent increase in wages.

C. I. O. is demanding a $15,000,000-a-year increase from General Motors. The average wage now paid is $41.24 a week.

From the New York Times, May 1, 1941:

The Westinghouse Electric Co. has increased the pay of its employees $18 per month.

The MacWhyte Co., Kenosha, Mich., has made substantial increases in its pay roll.

The Fairchild Aviation Co. has increased wages 7 cents an hour and granted 2 weeks' vacations.

From the C. I. O. News, May 5, 1941:

Pay increases ranging from 10 to 35 cents an hour were made in settlement of a 1-day strike at the Kuhn & Jacobs Moulding & Tool Co.

From the Chicago Tribune, May 3, 1941:

The General Electric Co. announces a 10-cent an hour increase to more than 65,000 employees of that corporation, the largest in the electric field.

From C. I. O. News, May 5, 1941:

A contract signed with the Worcester Salt Co. in Silver Springs, N. Y., will bring a yearly $100 pay raise to 278 employees of that company. The agreement also calls for paid vacations, time and a half for overtime, and check off on union dues.

From the New York Times, May 6, 1941:

WAGE INCREASE BY ONEIDA, LTD.

ONEIDA, N. Y., May 5.—A 5-percent wage increase for 3,000 employees was announced today by Oneida, Ltd., silverware manufacturer and holder of Government contracts for surgical instruments. The increase covers piece-rate, hour, and week-rate workers at plants here, in Niagara Falls, Ontario, and Toronto.

From the Chicago Tribune, May 3, 1941:

United States Steel increases all employees earning up to $4,000 a year.

The Allegheny-Ludlum Steel Corporation announced a 10-cent an hour increase retroactive to April 1, thereby providing for $25,000 in retroactive wages for its 7,000 employees.

From the C. I. O. News, May 5, 1941:

Wage increases of 19 and 13 percent for 10,000 workers in New York, New Jersey, Connecticut, and Pennsylvania have been negotiated with the New York Clothing Manufacturers' Exchange, effective May 19, when increases previously obtained go into effect for 135,000 men's clothing workers.

From the New York Times, May 6, 1941:

BIGELOW SANFORD LIFTS PAY

AMSTERDAM, N. Y., May 5.—The Bigelow Sanford Carpet Co., Inc., announced today a flat 3½-cent hourly wage increase for employees of its plants here and in Thompsonville, Conn. The increase, effective today, will cover approximately 6,000 workers.

From Washington Times, May 3, 1941:

The United Mine Workers today gained a dollar-a-day wage increase, settling a month-old strike which had endangered the Nation's coal supply. The new agreement brings the minimum wage to $7 a day. The increase affects 400,000 bituminous miners.

On April 22 President Roosevelt submitted the compromise which finally opened the mines.

Here are more wage increases in the steel industry:

INDIANAPOLIS, IND., May 10.—Wage increases of 10 cents an hour were gained for 3,800 employees of the Continental Steel Corporation. The increase includes workers in plants in Canton, Ohio, and Kokomo and Indianapolis, Ind.

Here is one in the laundry industry:

TOLEDO, May 10.—A new contract with the Toledo Laundry Association brought 5-cent-an-hour increases and full vacations with pay.

The increases extend to fur workers:

UP GOES THE PAY

NEW YORK, May 10.—Up goes the pay. Terms of a new agreement calling for increased pay and greater job security for 15,000

workers in the fur industry here were ratified this week. A $2 wage increase covering 3,000 floor boys and shipping clerks was ratified.

The clothing industry is not overlooked:

WASHINGTON, April 19.—Pay boosts, a weekly salary guaranty, plus overtime for hours over 48 are features of two new contracts with two of the Capital's laundry and dry-cleaning places.

Increases in the wages of workers in the farm-machinery industry are of particular interest to farmers who must buy more machinery to take the place of the men taken from the farm by the draft and the higher wages paid in nearby munitions plants:

CHICAGO, April 18.—International Harvester Co. announced today a wage increase of 5 cents an hour retroactive to April 14 for all 42,000 manufacturing department employees. The increase will add a minimum of $4,500,000 a year to the pay rolls.

MOLINE, ILL., April 15.—A pay increase of 5 cents an hour effective April 20 for all day workers and piece workers in the plants of the Deere & Co., plow manufacturers, was announced today.

HARTFORD, CONN., April 18.—The Pratt & Whitney division of Niles-Bement-Pond Co., manufacturers of machine tools and gages used in the munitions industry announced tonight an 8-percent wage and salary bonus for 3,800 workers in its West Hartford plant and office.

Transportation properly comes in for its share in the general wave of increases:

PITTSBURGH, May 8.—The Order of Railway Conductors, disclosed today it had asked two railroads for 15 percent increase. J. R. Herring, local chairman of the union said: "We are entitled to an increase. Everything is going up and we are in the steel district where everyone gets a wage increase.

Mining also participates in the general advance in wage scales:

JUNEAU, ALASKA, May 10.—The Federal courts and the United States Wage-Hour Administration today gave the Alaska Juneau Gold Mine Co. no alternative but to pay out $60,000 in back overtime due its 1,000 employees.

LIBRARY, PA., May 10.—Miners in the Montour mines have gained a dollar-a-day increase with other considerations.

The hosiery industry likewise has granted pay increases to its employees:

MARTINSBURG, W. VA., May 10.—The Interwoven Stocking Co., the Nation's largest men's hosiery plant today agreed to a general 10-percent wage increase, time and one-half for overtime and the check-off. The agreement is effective for 1 year and involves 1,500 workers.

The increase in wage scales extends to other branches of the knitting industry:

ALLENTOWN, PA., May 10.—The Arcadia Knitting Mills, manufacturers of cotton fabrics, has entered into an agreement providing for a 5-percent general pay increase. The agreement calls for an hourly minimum wage of 37½ cents. The plant normally employs 1,000 workers.

The new branch of the construction industry, the manufacture of demountable houses, is also subject to the wage-increase trend:

WASHINGTON, May 10.—New wage agreements on a 650-unit project at Indian Head, Md., were announced this week. Several firms producing prefabricated houses are included. The houses are built in special plants and assembled on the site at less cost and with more speed than older methods allow.

Among the various manufacturing industries advancing wage scales is the Westinghouse Air Brake Co.:

PITTSBURGH, April 19.—Westinghouse Airbrake Co. has signed a new agreement granting a 10 cents an hour wage increase, it was announced here today. The increase affects approximately 5,000 employees.

Another Pittsburgh company joins in the announcing of an increase in wages:

PITTSBURGH, April 19.—Jones & Laughlin Steel Corporation agreed to a 10 cents an hour increase for its 24,000 workers. The raise will cost the company about $5,000,000 a year.

The increases extend over industries operated on both land and sea:

NEW YORK, May 10.—War-risk insurance was extended to American seamen for trips in dangerous waters for the first time in the history of the American merchant marine All unlicensed seamen will receive $5,000 in individual insurance and $60 a month additional pay.

WASHINGTON, April 19.—The Seas Shipping Co. has agreed to a 50-percent war bonus for voyages in South African waters and a 15 percent war emergency increase in addition to the basic pay.

The department stores are not exempt from the general raise in wages of employees:

NEW YORK, April 19.—S. Klein, women's wear specialty shop on Union Square, mecca of bargain hunters who swarm around the entrance on sale days like angry bees, has signed an agreement for $1 weekly wage increase for some 500 workers and reduction of 2 hours per week in working time.

Even the life-insurance companies are among the agencies included in the payment of additional wages:

NEW YORK, April 19.—The Metropolitan Life Insurance Co., the largest of the "big five" life-insurance companies of the country, has agreed to the payment of $86,000 to 43 union insurance agents discharged between 1933 and 1940.

Here is another steel company which has just made a very substantial increase in wages of its employees:

CHICAGO, April 19.—The Central Screw Co. has agreed to a 30 percent wage increase. The agreement lifts minimum pay for men from 35 cents an hour to 57 cents, and for women from 30 cents to 45 cents, and provides vacations with pay.

The epidemic of wage increases also involves the electric utilities:

NEW YORK, May 10.—A settlement involving payment of $300,000 in back wages was made this week by the Consolidated Edison Co., and aggregates the largest amount of back pay ever reached through negotiation in the history of the National Labor Relations Board.

Just over the line from Washington, two companies in Baltimore have announced increases. The first is in the paint industry:

BALTIMORE, April 19.—Wage increases totaling over $42,500 have been put in effect by the Glidden Paint Co.

The second is in textiles:

BALTIMORE, April 19.—The Mount Vernon-Woodbury Mill here has upped its pay roll $27,000 a year, it was announced today.

Here in Washington, according to the Times-Herald, 7,000 construction laborers received wage increases amounting from 5 to 7½ cents an hour, and District police and firemen are asking an increase of $600 a year. The latter increase would add $1,800,000 a year to the local budget.

The number of employees and the amounts involved are further indicated by a statement appearing on the first page of Steel Facts, an official publication of the steel industry reaching the desks of Members of the House this morning:

Wage rise lifts steel pay rolls to peak rate of $1,300,000,000 a year, the highest level in the history of the industry, according to the American Iron and Steel Institute.

The general trend and extent to the far-reaching increase in wage scales in all industries and all sections of the country are indicated by the following release by the Congress of Industrial Organizations:

WASHINGTON, May 10.—Wage increases amounting to $380,000,000 annually have already been won by the C. I. O. in the first 4 months of 1941, according to the current issue of Economic Outlook, monthly publication of the economic division of the Congress of Industrial Organizations.

And the report adds this significant statement:

At the same time, the Outlook pointed out, profits continued to show large increases over 1940, having jumped 17.5 percent over a similar period last year.

In corroboration of this connection, it has been frequently testified that, although wages were drastically advanced, the cost of production per unit was not increased, and in many instances actually reduced.

I want to again emphasize that the farmer is not opposed to these increases. Profits of industry are advancing by leaps and bounds and labor is entitled to a fair share of the wealth it creates.

Moreover the larger the income of labor the larger its purchasing power in the agricultural markets.

The farmer approves these increases and supports them both in marts and legislative chambers. But he insists his meager income shall not be signaled out by the Price Administration when others are encouraged to go as far as they like.

From the New York Times, May 3, 1941:

Wage increases equal to not less than 10 cents per hour are now going into effect for 125,000 employees in the Nation's electrical manufacturing industry as result of agreements by the two largest firms in the industry, the General Electric Co. and the Westinghouse Electric & Manufacturing Co. The total money value of the wage raises is estimated to be approximately $35,000,000 per year.

These are just a part of the vast number of increases in the wages of labor sweeping over the country. The wage scales which they add to and the weekly incomes which they increase were already the highest in the history of organized

labor. But Mr. Henderson makes no mention of any of them in the daily releases with which he is flooding newspapers of the Nation. Every one of these increases was fully justified. But they increase the cost of living. They add to the retail price of practically every article of merchandise on sale today. They increase the farmer's cost of living and cost of production. But Mr. Henderson fixes a price of $9 for hogs when hogs are one-third of wartime prices and less than three-fourths of parity, while he makes no reference to wage increases when wages are three times wartime wages and more than double parity.

Here are newspaper reports showing a few items in the general upswing of prices which all consumers must pay, including the farmer.

From the New York Times, April 25, 1941:

The prices of many commodities advanced sharply in the first quarter of this year. Wholesale prices of lumber in this period rose generally about 20 percent.

Even the most indispensible necessities of life were affected as indicated by this item from the St. Louis Post-Dispatch in its issue of April 26, 1941:

Liquor price cut banned. Distillers get injunctions against eight stores for violations of fair-trade contracts.

From Associated Press report, Chicago Tribune, May 1, 1941:

Wholesale prices of men's wear creep upward in markets here. Yesterday unlined gloves were marked up 50 cents to $1.50 a dozen while lined numbers were advanced from 75 cents to $2 a dozen.

From New York Times for May 1, 1941:

Wholesale prices rose 26 percent in March. Automobiles, chemicals, paints, clothing, drugs, dry goods, liquors, electrical goods, furniture, jewelry, and optical goods advanced. Shoes rose 67 percent, hardware 41 percent, industrial supplies 68 percent, plumbing 63 percent, building materials 48 percent, machinery 51 percent, metals 102 percent. The average for March was 25 percent ahead of March last year.

From the Chicago Tribune, May 1, 1941:

Illinois crude oil marked up for the third time. The increase was the third increase this month and crude-oil prices are now 12 cents higher than in March.

OIL PRICES ADVANCED

NEW YORK, May 12.—Advances of ½ cent to 1 cent a gallon in prices of Pennsylvania lubricating oils as a result of heavy demand were announced today. Neutral oils and bright stocks were raised 1 cent and some grades of cylinder oils were boosted ½ cent.

From the Washington Star of May 12, 1941:

AVERAGE PRICE OF GASOLINE INCREASES

NEW YORK, May 12.—The American Petroleum Institute reported today the average retail price of gasoline, exclusive of taxes, in 50 United States cities on May 1 was 13.11 cents a gallon, an increase of 0.69 of a cent from April 1 and 0.20 of a cent above May 1, 1940.

The average dealer price was 9.40 cents a gallon as compared with 8.78 cents on April 1 and 9.24 cents on May 1, 1940.

And the same discrimination is shown by the Price Administration as between agriculture and industry.

It is true, Mr. Henderson makes disclaimer. And as evidence encloses with the above letter a further letter, without address, as follows:

APRIL 21, 1941.

GENTLEMEN: As you know, this office has recently taken steps to maintain steel prices at the levels which prevailed during the first quarter of this year. In announcing the steel-price schedule, I drew attention to the wide range of finished products into which steel enters as a raw material, and the importance of maintaining stable prices in these finished products.

One of the products which I had especially in mind was farm machinery and equipment. The prices of these products are an important factor in the cost of farm production. As such, they are related to the prices of our entire domestic supplies of food and fiber. Should labor supplies become scarce in certain agricultural areas as a result of the defense program farm machinery will become even more important in the farm economy.

Recently wage increases have been announced in certain parts of the industry. Moreover, I am aware that certain other cost elements have advanced. But with assured prices of the major raw material and a favorable demand in the industry generally, I feel justified in requesting that there be no increase in farm machinery prices at this time. I also request that there be no alteration in your cash discounts, trade discounts, volume discounts, carry allowances, methods of quoting prices, credit practices, or other trade or price policies which would have the effect of increasing net manufacturer's prices of individual items. Where prices of equipment have not yet been quoted for this year, I request that you adhere to the price schedules which were last in effect. I am asking your voluntary cooperation in the hope, which I am sure we both share, that other steps may be avoided in this industry.

If carrying out this request imposes undue hardships on your company in some particular, I will entertain a plea for its modification, and at any time I will be glad to meet with representatives of your industry to discuss questions raised by this request.

Yours very truly,

LEON HENDERSON, *Administrator.*

The letter is hardly convincing. It does not peg steel or farm machinery. And, emphatically, it does not propose to price either at less than parity. Here is a matter-of-fact analysis of the situation:

Commodity	1919 price	Price today	Parity price	Pegged price
Lumber	$25.00	$46.20	$25.19	No limit.
Hogs	21.50	8.55	9.24	$9 down.
Mowers	50.00	97.14	48.24	No figure.
Poultry	.60	.137	14.6	$0.15.
Kitchen chairs	.85	1.56	.82	No limit.
Eggs	.60	.2250	.209	$0.22.
Horse blankets	1.50	3.50	2.49	No limit.
Butterfat	.69	.33	.34	$0.31.

It will be observed that in every instance the 1919 price of farm products declined and the same products are selling today at a half to a third of their former price. And at the same time the price of every product of labor and industry entering into the farmers' cost of production advanced and the same products are today selling at twice their former prices. It will also be noted that the same discrepancy prevails with reference to 1909–14 prices. Yet, with labor and industry at double parity, the Price Administration proposes to freeze agriculture at less than 75 percent of parity completely ignoring the daily rising tide of wage increases more directly affecting the cost of living than any other one factor.

In extenuation, Mr. Henderson says he has no control over labor. As a matter of fact there is no statutory provision for the establishment of his office or provision for the enforcement of its decrees. So, any authority vested in the Price Administration rests on provisions of Executive Order No. 8734, issued April 11, 1941.

Under paragraph (c) of section 2, of the Executive order establishing the Office of Price Administration, it is authorized to "publish" such "elements of cost or price of materials or commodities, as the Administration may from time to time deem fair and reasonable."

Again in paragraph (d) of section 2, it is authorized to "advise and make recommendations" in respect to such "activities as may affect the price of materials and commodities."

And further, under section 4 of the Executive order, the Price Administration Committee, of which Mr. Henderson is chairman, is authorized to make findings and submit recommendations in respect to "elements of cost or price of materials or commodities."

If it is contended that the wages of labor are not one of the elements, if not the principal element, "of cost or price of materials or commodities"; or that the raising of wages is not an activity which "may affect the price of materials and commodities"; or under section 4 of the Executive order "is not an element of cost or price of materials or commodities," then how account for the universal explanation by manufacturers that the cost of labor is one of the principal elements in their costs of production and the increase in the cost of labor is the cause of the increase in the price of their products. For example, when wheat sold for $2.40 a bushel in 1919 bread was 10 cents a loaf. When wheat was 30 cents a bushel in 1932 bread was still 10 cents a loaf. And today, when wheat is $1 a bushel, bread is still 10 cents a loaf. When pressed for an explanation the bakers tell us that the cost of the ingredients entering into the production of a loaf of bread is negligible and the principal element of cost is the labor, which does not fluctuate with the price of wheat. And yet Mr. Henderson, in considering the "elements of cost and price of materials and commodities" entering into the cost and price of the principal article of diet of the American people, considers the cost of the wheat but not the cost of the labor—when the baker says it is the cost of the labor and not the cost of the wheat that determines the price the consumer must pay.

Again, the manufacturers tell us that the increase in the price of shoes is due to the increase in the price of labor and not the price of the hides from which the shoes are made.

Price of hides paid the farmer and price of shoes charged the consumer as reported by the Department

	1913	1932	1937	1941
Hides	$0.18	$0.06	$0.17	$0.14
Shoes	2.23	3.09	4.15	4.25

According to these figures it will be seen that as the price received by the farmer for the raw material went down, the price received by the manufacturer for the finished product went up. And invariably, when pressed to explain the steady increase in the price of shoes when the materials entering into their production declined the manufacturer attributed the increased price to the increased cost of labor.

Similar increases in wage scales while the cost of living declines is shown in the report of the Bureau of Labor Statistics, as follows:

Weekly earnings in buildings and construction, and of factory workers, 1913, 1919, and 1940

Occupation	1913—Earnings per week	1919—Earnings per week	1940—Earnings per week	Estimated parity earnings per week
	Dollars	*Dollars*	*Dollars*	*Dollars*
Plumbers	26.13	33.99	58.10	37.13
Electricians	23.52	32.99	58.04	33.42
Stonemasons	25.46	34.00	59.60	36.18
Steam fitters	24.80	32.68	59.91	35.24
Carpenters	23.07	33.24	55.15	32.78
Painters	22.21	33.01	50.32	31.56
Bricklayers	30.43	38.50	64.85	43.24
Factory workers	12.21	24.00	25.62	17.11

Or, if further testimony is desired, the official organ of the American Iron and Steel Institute for May 1941, just received by Members of the House this week, says:

Pay rolls are now running at an annual rate of 50 percent higher than in 1929, and over 35 percent higher than paid in 1940. In recent years pay rolls have absorbed nearly 40 percent of each dollar received by steel companies for their products. The increase in pay affected last month is expected to add from $2 to $5 a ton to the cost of manufacturing steel products.

That is rather conclusive and is from an authoritative source.

Nor is industry making any sacrifices. Mr. Henderson explains in the letter which I have just read that his policy will be directed toward the "stability of both agricultural and nonagricultural prices." But how does that comport with the facts?

While hogs are being pegged at $9, butter at 31 cents, poultry and eggs at 15 cents and 22 cents, respectively, the price of nonagricultural products has had free reign. Here are a few newspaper comments:

The Chicago Tribune reports:

Costs of construction up. Federal Works Administrator John M. Carmody said yesterday his agency has been unable to start construction of a defense housing project in Buffalo, N. Y., because of "exorbitant prices." "The first bids opened for the project," he said, "were in excess of any reasonable expectation of cost for these dwelling units." The second bids also were considered out of line.

The Wall Street Journal for May 9 reports house furnishings as advancing in price:

Rising prices in furniture mart noted. House furnishings are up. Increases in dining room and bedroom prices range from 5 percent to 15 percent. Floor coverings, lamps, and housewares are generally up 5 percent to 10 percent on new goods.

The same paper in its issue of May 8 reports increases in the price of oil and gas.

The oil industry is riding the crest of the recent widespread price increase.

Increases in the price of oil products is also reported by the Associated Press for May 8:

The Socony-Vacuum Oil Co., Inc., will advance the price of heating oil by one-tenth cent a gallon, effective May 8. Prices in New York City were advanced two-tenths cent a gallon effective May 7.

Price increases in industrial commodities are general and widely distributed as indicated in a market report carried by the Wall Street Journal of May 10:

Wholesale prices are at 3½ year high for May 3 week. The Bureau index of nearly 500 price series rose from 0.2 percent to 83.2 percent of the 1926 average. Each of the 10 major commodities except foods and metals shared in the advance. Foods declined 0.1 percent. Metals remained unchanged.

The general rise in manufactured products is reported by the Associated Press as of May 7:

Because of anticipated raw material and labor shortages, under the armament program, rising prices and increasing demand for goods occasioned by rising employment and building activity, many buyers are discontinuing short-order buying and seeking to place orders which normally would be written during the July market.

The heavy increase in the price of lumber and other building material is reflected in the hearings here in Washington, as reported in the Washington Post:

Army camps cost $338,000,000 more than estimated. The Army's new cantonments will cost $838,000,000 instead of $500,000,000, as originally estimated, Brig. Gen. Brehon Somervell told the Senate Defense Investigation Committee.

The general increase in commodity prices is also officially reported by the Department of Labor:

Further rise shown in commodity index. Wholesale price gage goes to 83, as compared with 78.5 of a year ago. The general level of wholesale prices of commodities rose again in the week ended April 19, the Bureau of Labor Statistics reported today. The Bureau's index, based on the 1926 average, was 83, as against 82.9 on April 12, 82.2 on April 5, and 70.5 on April 20, 1940.

And this morning's Washington Post carries the following colorful item:

Prices for soldiers are being "kited," Dewey says. Prices are kited for the boys in blue and khaki, according to Thomas E. Dewey, national campaign chairman of the United Service Organizations for National Defense. Following a 2-day inspection tour of eight Army and Navy bases in the Newport News area, he said: "The men said they were even being charged 15 and 20 cents a glass for beer."

The Price Administration has no comment to make on these increases in wages—all of which I and all other representative farm Congressmen fully approve. The Price Administration says in effect that wages are only from 150 percent to 200 percent of parity and, therefore, increases are in order. The sky is the limit. And again I am in heartiest accord. "The laborer is worthy of his hire," but the Price Administration does not interpret it as applicable to farm labor.

And the Price Administration has no specific prices to suggest to industry. In a general way it has intimated to one or two industries that present prices, which happen to be in excess of 150 percent of parity are enough. But even that suggestion is tentative, and Mr. Henderson in the accompanying letter assures industry that he will "at any time entertain a plea for its modification."

As a matter of fact, the Price Administration has been very lenient with industry in that respect.

The Business Executive, published by David Lawrence, in commenting on the ineffectual application of these suggestions to industry, says in its issue of April 17, 1941:

The net effect will be to produce disguised price advances in the form of premiums and special charges; to bring a little price advance here and another there that will touch off a general rise. Fact of the matter is that Price Administrator Henderson recognizes this; that his plan is to resist price advances, not to prevent them.

An instance of revocation is reported by the Associated Press in the St. Louis Globe Democrat of May 2, 1941, in which the Price Administration, after issuing a statement to the effect that "no reason exists for any unreasonable price increases in bituminous coal," revoked its request for observance of existing prices of coal and thereby authorized an increase to the consumer over prices previously designated as "unreasonable."

According to the United States News of April 18, 1941, a similar request to maintain existing prices of steel scrap was likewise withdrawn.

Likewise, the United States Daily of April 18, 1941, calls attention to the disregard of prices recommended by the Price Administration by buyers "paying premiums" to sellers of steel.

And the Business Executive of May 8 reports:

Leon Henderson's price policy in reality is:

To apply a drag to prices, to force industry to justify price advances; not to try to prevent increases.

Also, his policy is to keep hands off most wage increases, to let collective bargaining work out that problem, to see that industry does not raise prices more than wage increases justify.

But there is no such assurance of adjustment to agriculture, and prices of hogs are fixed at $9, butter at 31 cents,

eggs at 22 cents. Promises to support the market have not been fulfilled, and it is difficult to escape the conclusion that the whole principal function of the Price Administration is to hold down farm prices.

This conclusion, and the philosophy on which it is based, are very well expressed in an editorial in one of the St. Louis papers, issued about May 1, 1941, entitled "Steel Balks at Price Control."

The editorial says:

The reason assigned for higher prices of steel is the increase of 10 cents an hour in labor costs. This is said to represent a rise of 16 percent.

Steel profits go up much faster than overhead as the industry nears capacity. Last year, during which 80.2 percent of capacity was reached, United States Steel profits went up 150 percent, for example. And now "big steel" is operating at 100 percent, with more profits piling up. As the Wall Street Journal points out, steel earnings are already well within the excess-profits-tax brackets.

And then the editorial closes with this significant sentence, the climax toward which the entire pronouncement is directed:

It means, as Bernard Baruch has said, the elimination of the fundamental cause of labor trouble. And it means, further, keeping prices in line at the corner grocery store.

A more selfish, brutal, conscienceless sentence was never written. According to this editorial, it is all right to increase labor costs 16 percent when they are already 150 percent of parity. According to the same warped line of reasoning, it is perfectly proper to increase the manufacturer's profits 150 percent when they are already in the excess-profits brackets. But grind down the defenseless farmer, whose wife and children work with him 14 hours a day to feed labor and industry at less than 75 percent of parity—keep down the price of the farmer's products at the corner grocery, the only retail point of distribution. From the robber barons of Medieval Europe down to the pirates who swept the Spanish Main, you will not find a more predatory philosophy than that.

And all this despite the fact that on the authoritative determination of the United States Department of Labor as reported in Labor's Monthly Survey, the official publication of the American Federation of Labor, for April 1941:

Living costs in March 1941, were only 1 percent above the last quarter of 1939, and less than 1½ percent above March 1940.

This is the desperate situation in which the hapless farmer finds himself. With no friends at court, deserted by the platform makers who have in every national campaign since 1924 promised him economic equality with labor and industry, his boys drafted or lured away to war industries, his costs of living and costs of production rising on every hand, the Price Administration now steps in and proposes to name farm prices below the parity adopted by the Congress, the farm organizations, and the Department of Agriculture as the objective of the farm recovery program for the last 8 years.

A notable feature of the program is the enthusiasm with which it is aided by the Department of Agriculture itself.

When the above letter was released to the press a reporter called at the Department of Agriculture and, after an extended interview, reported:

Officials in Agriculture are elated over the Henderson statement. They say it goes much further than they had dared to hope.

No one has ever yet known the Department of Labor to entertain the hope that wage scales would be limited, and certainly it has never expressed elation over any development calculated to restrict the income of the laboring man—and especially at a time when the income of every other group and industry was advancing. No one here can recall any expression of satisfaction from the Department of Commerce that dividends and industrial incomes were being curtailed.

And no official of the Department of Labor or the Department of Commerce has ever indicated a critical attitude toward labor organizations or chambers of commerce or manifested a lack of sympathy with their efforts to secure equitable wages and better living conditions for labor or fair returns on business investments and commercial enterprise. But the unsympathetic attitude of officials of the Department of Agriculture toward farm organizations and their efforts to secure legislative and administrative alleviation of farm distress have been so obvious as to occasion comment. It was necessary to oppose the Department of Agriculture in order to pass the bill. And, on the other hand, it could never have been passed without the long and aggressive campaign and earnest cooperation of the farm organizations. I cannot refrain from expressing the appreciation I am certain all feel of the able and tactful service of President Ed A. O'Neal, of the American Farm Bureau Federation. His contribution to the American farmer in the enactment of this bill should move every farmer in the Nation to promptly affiliate himself with his nearest farm organization. And every farmer in the Nation should likewise appreciate the wholehearted support rendered agriculture in this crisis by organized labor and its representatives on this floor. Agriculture and labor have a common cause.

Notwithstanding the general understanding of the attitude of the Department toward the efforts to security parity prices for farm products, it was a matter of surprise to open the morning papers and find the following release from the Department:

CROP LOAN RISE MAY INCREASE FOOD PRICES

(By Ovid A. Martin)

An increase of 10 to 20 percent in consumer prices for meats, dairy products, eggs, and poultry, and a complete revision of the Government's food-for-defense program may be expected, farm officials said yesterday, if Congress votes higher crop loans.

Here is an attempt to arouse consumer opposition to the effort to supplement the farmer's pitiful standard of living by giving him the minimum parity price for the products of his sweat and sacrifice when others are above parity.

No department of the Government has ever called attention to the effect upon the consumer when labor legislation, or coal legislation, or oil legislation, or tariff legislation, or transportation or banking legislation was before either branch of Congress. It is only when the farmer whose prices are the last to rise, the first to fall—and apparently the only prices to be pegged below parity—when the general stampede starts, that the consumer is mentioned or considered—the consumer who is himself gouging the farmer for all the traffic will bear.

This release from the Department of Agriculture at this critical time is not only unfair and unethical but wholly inaccurate.

Let us take the price of pork to the consumer, for example.

The loan rate for the 1940 corn crop was 75 percent of parity when it was announced. At the present time the parity price of corn is 82.8 cents per bushel; 75 percent of parity is 62.1 cents per bushel; and 85 percent of parity is 70.4 cents per bushel. That is, the present difference between loans at 75 percent and 85 percent of parity is 8.3 cents per bushel. When fed with the proper supplementary feeds, 9 bushels of corn will produce 100 pounds of live pork. This means that the hog farmer's production costs would be increased about 75 cents per 100 pounds if the loan rate were raised from 75 to 85 percent of parity. Boosting the loan rate from 75 to 85 percent of parity would necessitate an increase of 75 cents per hundredweight in the price at which the Government would support the hog market in Chicago. An increase in hog prices from $9 to $9.75 per hundred would mean an increase of 8.3 percent in returns to farmers. According to the Bureau of Agricultural Economics, farmers received only 57 percent of the money consumers spent at retail for pork in 1939. That is to say, 57 percent of the retail price would be increased 8.3 percent. This would mean an increase of only 4.7 percent in the total retail price of pork, instead of the 10 to 20 percent mentioned by the Department.

Boosting the loan rate for wheat from 75 percent to 85 percent of parity would increase wheat prices by 13.3 percent. The farmer gets 40 percent of the money spent at retail for flour and 15 percent of the money spent at retail for bread; therefore, a 13.3 percent increase in the farm prices of wheat would not justify more than a 5.3 percent increase in the price of flour and not more than a 2 percent increase in the price of bread, or about one-sixth of 1 cent per loaf.

This change is so inconsequential that it probably would result in no change in the retail price of bread.

Boosting the loan rate on cotton from 75 percent to 85 percent of parity would raise cotton prices about 13.4 percent. Farmers get only about 12 to 15 percent of the money spent at retail for cotton; therefore, this would not justify an increase of more than 1.6 to 1.8 percent in the price of cotton goods.

The truth is that an increase of all farm products to parity would give the consumer food at bargain prices. Compare the consumer's cost of the consum-

er's food with his income and his buying power over the last two decades:

Factory earnings and farm prices 1920–40 with comparable index numbers for price of food and cost of living

[Index numbers, August 1909–July 1914=100]

Year	Farm prices [1]	Retail price of food	Factory [2] wages, cents per hour	Cost of living
1920	211		[3] 60.6	
1921	125		[4] 52.4	
1922	132		[4] 49.4	
1923	142		54.1	
1924	143		56.2	
1925	156		56.1	
1926	145	174	56.8	178
1927	139		57.6	
1928	149		57.9	
1929	146		59.0	
1930	126		58.9	
1931	87		56.4	
1932	65		49.8	
1933	70		49.1	
1934	90		58.0	
1935	108		59.9	
1936	114		61.9	
1937	121		69.5	
1938	95		71.6	
1939	93		72.0	
1940	98		73.9	
February 1941	103	140	76.4	141

[1] Source: Page 573 of Agricultural Statistics, 1940, and current U. S. Department of Agriculture publications.
[2] National Industrial Conference Board (25 industries).
[3] Average for 7 months, June–December.
[4] Average for 6 months, July–December.

It will be noted from this table that in 1926, the year commonly taken as a criterion, the consumer was earning 56 3 cents per hour and paying an index of 145 for his food, while this year he is earning 76.4 cents per hour and paying only 103 for his food.

Let us take another table. Here is a report, one just reported, given to the press this week:

Earnings of steel workers and farm prices, 1920–41, with comparable index numbers for price of food and cost of living

Year	Farm price index numbers	Retail price of food	Average hourly earnings	Average hours worked per week	Cost of living
1920	211		70.8	63.2	
1921	125		52.2	54.1	
1922	132		50.4	58.1	
1923	142		59.6	57.7	
1924	143		63.6	51.3	
1925	156		63.3	53.6	
1926	145	174	63.6	54.4	178
1927	139		64.4	53.1	
1928	149		64.7	54.0	
1929	146		65.4	54.9	
1930	126		66.1	48.9	
1931	87		63.6	43.4	
1932	65		53.1	27.2	
1933	70		52.4	34.0	
1934	90		62.8	29.5	
1935	108		65.5	34.2	
1936	114		66.8	39.8	
1937	121		81.8	36.8	
1938	95		83.0	27.6	
1939	93		84.2	34.8	
1940	98		85.0	36.2	
1941 (April)	103	140	97.0	40.0	141

Source, 1914–1933: National Industrial Conference Board: 1934 to date: American Iron and Steel Institute.

According to this authoritative report, the steel worker who was earning 63.6 cents per hour and paying an index price of 145 for his food in 1926 is today earning 97 cents an hour and paying 103 for food.

And the retail price of food to all buyers, which was 174 to all buyers in 1926, is only 140 today. So there need be no undue apprehension on the part of the Department that an increase of 4.7 percent in the price of pork will unbalance the steel worker's budget, especially in view of the above increase of 16 percent in his wages.

Officials should take into consideration the fact that the Department of Agriculture is made for the farmers and not the farmers for the Department of Agriculture. And if the Department of Labor is in need of a few selected dictators guaranteed to look after the interest of the consumer to the exclusion of every other consideration, the American farmer could probably be prevailed upon to send over a few who have demonstrated exceptional talent in that direction in their efforts to keep the price of farm commodities below the cost of production.

Fortunately they have little control over legislation and the conference report which the distinguished gentleman from South Carolina, Chairman FULMER, reports here this morning is an effective answer to all, both in and out of official life, who have been seeking to saddle on the farmer the expense of supplying England with food while labor and industry who are sending over guns and tanks in the same ships are getting the highest wages and making the largest profits in the history of America.

It is evident from the order fixing agricultural prices at less than parity, and from the above letter, that the farmer may expect neither justice nor mercy at the hands of the Price Administration. His hogs which brought as high as $21.50 in the last war are being shipped to England at today's market of $8.45, while industrial products manufactured at a wage of 71 cents per hour in the last war are being shipped to England at today's rate of 97 cents per hour, and all other manufactured commodities at proportionate profits.

The Committees on Agriculture of the House and Senate, the most important committees in this session of Congress, and those two great agricultural leaders, Chairman FULMER, of South Carolina, and Senator BANKHEAD, of Alabama, have rendered an invaluable service by presenting this bill.

But this is temporary legislation. It is limited to 1 year. And it does not apply to hogs and other farm products. It is gratifying to know that the House Committee on Agriculture under the gentleman from South Carolina is now holding daily hearings preparatory to drafting a comprehensive bill to permanently stabilize all agricultural products at parity prices. That is all the farmer asks. He is ready and willing and anxious to contribute his share to national defense. He has never yet failed to supply food and raw materials in ample quantities for both America and her allies, and he will not fail now. He is not expecting the high prices of the last war—although labor and industry are getting more than in the last war. He will be content to work long hours, at peak production, under emergency conditions and all he asks for his labor and sacrifice is bare parity, although he pays double the parity price for many items entering into his cost of production.

Is that too much for these loyal, faithful men and women toiling laboriously, without complaint, in wind and sun and rain, from the earliest streaking of the dawn into the deepening shadows of the creeping dusk, to produce for all of us the most essential and indispensable necessity of either peace or war? Mr. Speaker, this House does not think so. And this Congress does not think so. And that is why both Houses are agreeing to this conference report by as nearly a unanimous vote as is ever granted controversial legislation of this character.

And they will be as fair with the permanent bill when it is reported from the committee. There are many who live at the expense of the farmer—the middlemen, the spinners, the warehousemen, the grain dealers, the processors, and numerous others who are always ready to conjure up obstacles.

They will tell you that you cannot solve the farm problem in Congress—that you cannot legislate prosperity. But that is exactly what Congress has been doing for years. The economic system of our fathers has been legislated out of existence. The law of supply and demand has been completely superseded by laws establishing floors and ceilings, quotas, and embargoes; guaranteeing returns on investments, limiting competition, levying tariffs, and so forth, creating supervisory agencies, and otherwise supplanting and disrupting natural economic formulas. All these arbitrary enactments legislated money into the pockets of classes and industries. They would not have been passed if they had not legislated money to favored groups—the favored groups who lobbied for them. And, of course, when they legislated money into the pockets of one group they had to legislate it out of the pockets of other groups. It had to come from somewhere, and a large part of it came out of the pockets of the farmer, with no compensating enactments to legislate it back.

But our experience with this bill proves conclusively that we can legislate money into the pockets of the farmer as well as into the pockets of any other class. The mere fact that this legislation was even contemplated affected the markets of every exchange in the Nation.

Here is the comment of the New York Times for May 1, 1941, following the first House vote on the pending bill. Although it was freely predicted at the time that the bill would never become a law, the effect on the price of cotton was immediate and convincing:

NEW YORK, May 1.—House vote on loan bill sends cotton up. Approval of FULMER'S bill inspires broad buying, with gainpushing prices to the peak for the season. List rises 16 to 20 points.

Similar gains followed the Senate action of the bill, as reported by the St. Louis Post-Dispatch the next morning following approval of the Fulmer bill by the Senate committee headed by Senator BANKHEAD:

GOVERNMENT PEGGING PLANS BOOST COTTON $3 IN WEEK

NEW YORK, May 3.—Cotton for future delivery climbed sharply in the New York

Cotton Exchange again today, closing 22 to 27 points or $1.10 to $1.35 a bale higher as legislative trends in Washington hinted a better break through higher-price pegs for the grower. Gains for the week were 67 to 74 points.

Active demand was attributed to Senate Agricultural Committee approval of an 85-percent parity loan for cotton. The Senate committee action followed House approval of a 75-percent parity loan earlier in the week.

The present loan a farmer can get from the Government against his crop, averages 9.42 cents a pound. The House would hike this to 12.20 cents. The Senate would make the rate 13.80 cents.

The Associated Press dispatches carried by the Chicago Tribune of May 4 reported:

Farm commodities rushed up to higher prices under the influence of the National Senate's Agriculture Committee's vote for 85 percent of parity loans. Most other commodities followed suit in futures markets and the Associated Press average for 35 commodities in spot sale markets, based on 1926 as 100, reached a new high since October 1937. The index was 82.03, up 0.02 from Friday.

At Chicago wheat gained from 2½ to 3⅝ cents a bushel and corn was up from ⅝ to 1⅛ cents.

Cotton in the New York futures market was $1.10 to $1.35 higher at the close after a strong opening.

The St. Louis Post-Dispatch for May 5, also stressed the effect of the progress of the pending bill on commodity prices:

COMMODITY PRICE INDEX IS HIGHEST SINCE OCTOBER 1937

NEW YORK, May 4.—Agricultural products led commodities in a strong comeback last week after the uneven performance of the preceding 7-day period.

The House and Senate vied for honors in helping out the farmer. The lower Chamber passed a bill raising loans on farm commodities to 75 percent of parity price and the Senate Agricultural Committee boosted the ante to 85 percent.

A new burst of buying in the Worth Street cotton textile market gave cotton prices additional support.

The effect of the proposed legislation was as marked in the wheat pit as on the cotton exchange. The Nashville Tennessean, for May 4, said:

LEGISLATIVE NEWS CAUSES GRAIN JUMP

CHICAGO, May 3.—Legislative news from Washington regarding the farm program had a rousing effect on the grain market today.

Reports that the Senate Agricultural Committee had voted unanimous approval of 85 percent of parity prices on Government loans on wheat, corn, cotton, tobacco, and rice, shot wheat prices up 3¾ cents on the abbreviated Saturday trading session.

Under present benefit payments, the adoption of the 85 percent of parity loans would bring farmers approximately $1.15 a bushel for wheat and 87 cents a bushel for corn on the farm. With even the prospects for such prices being established, buyers appeared in the grain pits as if by magic.

As a result, wheat closed strong.

The broad advance of prices sent all deliveries of wheat, soybeans, lard, and May corn contracts to new high levels for the season, and in some cases, even longer.

Congress can solve the long-delayed farm problem. Legislation brought about the disparity and legislation can restore parity. And the constructive program initiated by the Committee on Agriculture with the cooperation of the distinguished gentleman from Kansas [Mr. HOPE], the ranking minority member of that great commttee, one of the most useful and best beloved Members of the House, will save the farm, and in saving the farm will save the Nation.

In this program and in the enactment of legislation to implement it the Congress will have the hearty cooperation of the President. Mr. Henderson says in his letter—

The President has charged me with the responsibility of using all lawful measures to maintain equitable and workable price relationships.

But the President has not indicated approval of inequitable price relationships. Recently I submitted to the President several tables, including the following:

National income, United States, 1909–41

Year	Total national income	Non-farm income	Farm income	Farm as percentage of total
	Million dollars	*Million dollars*	*Million dollars*	*Percent*
1909	26,415	22,070	4,345	16.4
1910	28,114	23,474	4,640	16.5
1911	28,480	24,251	4,229	14.8
1912	30,394	25,798	4,596	15.1
1913	32,133	27,560	4,573	14.2
1914	31,919	27,367	4,552	14.3
1915	33,210	28,404	4,806	14.5
1916	39,036	33,198	5,838	15.0
1917	47,385	38,482	8,903	18.8
1918	55,357	44,856	10,501	19.0
1919	60,354	48,756	11,598	19.2
1920	64,552	56,478	8,074	12.5
1921	54,210	49,883	4,327	8.0
1922	57,546	52,109	5,437	9.4
1923	66,171	59,620	6,551	9.8
1924	68,824	61,898	6,926	10.1
1925	73,278	65,852	7,426	10.1
1926	75,564	68,695	6,869	9.1
1927	76,457	69,618	6,839	8.9
1928	78,117	71,209	6,908	8.8
1929	80,372	73,542	6,830	8.5
1930	73,571	68,456	5,115	7.0
1931	62,384	59,303	3,081	4.9
1932	48,355	46,551	1,804	3.7
1933	45,771	43,174	2,597	5.7
1934	52,540	49,164	3,376	6.4
1935	57,007	52,770	4,237	7.4
1936	66,722	61,599	5,123	7.7
1937	70,753	65,282	5,471	7.7
1938	64,687	60,236	4,451	6.9
1939 [1]	68,127	63,821	4,306	6.3
1940 [2]	71,829	67,611	4,218	5.9
1941 [3]	80,350	75,700	4,650	5.8
INCLUDING GOVERNMENT PAYMENTS				
1933	45,933	43,174	2,759	6.0
1934	53,096	49,164	3,932	7.4
1935	57,590	52,770	4,820	8.4
1936	67,009	61,599	5,410	8.1
1937	71,120	65,282	5,838	8.2
1938	65,169	60,236	4,933	7.6
1939 [1]	68,934	63,821	5,113	7.4
1940 [2]	72,595	67,611	4,984	6.9
1941 [3]	81,050	75,700	5,350	6.6

[1] Revision of preliminary estimate given in table on p. 650 of 1941 agricultural appropriation hearings.
[2] Preliminary.
[3] Forecast.
Source: Bureau of Agricultural Economics.

In response, the President wrote:

THE WHITE HOUSE,
Washington, April 10, 1941.

MY DEAR MR. CANNON: The tables enclosed with your letter of March 15 I have had before me for some time. They offer striking evidence that, despite the many measures in aid of agriculture which have been undertaken and the great improvement in farm income and general agricultural conditions which have occurred in recent years, the problems of the farmer are continuing problems. We must not relax our efforts to attain further improvement. As far as practicable under conditions imposed by the national emergency, agriculture must continue to receive assistance in its efforts to attain that share of the national income to which it is rightfully entitled.

FRANKLIN D. ROOSEVELT.

[Applause.]

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, Meridian, Miss., has a splendid example of what can be done in the way of low-rent housing projects. Meridian is my home town, and it is a progressive community with a population of 40,000 to 45,000. It has accomplished something in the field of housing of which we are justly proud.

Financed and generally supervised by the United States Housing Authority, the housing authority of the city of Meridian, which is comprised of local citizens, has constructed four low-rent housing projects. These were built for families of low incomes who were in need of suitable housing.

Of the four projects, two are for white families and two are for colored families. The two for white families contain 80 and 99 units, respectively. For the colored families, one project has 97 units, and the other has 113 units. In all there is a total of 379 dwelling units for 379 families. Three hundred and seventy-nine families are occupying decent, convenient housing facilities at a very low rent. Therefore, there are 379 happier and more contented families in Meridian.

The 2 projects for white families were constructed of concrete and brick, and the ones for colored families were constructed of reinforced concrete of a type known as the monolithic design. They are good, substantial buildings. Just as soon as the contractors finished the buildings for the whites, the units were completely occupied. The interest in these projects and the desire to occupy them is reflected in the waiting list of 75 to 100. The colored projects are filled. The 2 colored projects will provide adequate low-rent housing facilities for the Negroes. There still exists need for additional white projects in Meridian.

Considered among the show places of the city, sightseers constantly drive by these attractive housing projects. Before the projects were completed meetings were held by the United States Housing Authority to acquaint the citizens with the workings of this new housing program. Both white and colored persons spoke at various meetings until the people were acquainted fully with the projects. The projects today enjoy the practically unanimous support of the citizens.

These projects are self-liquidating and the Federal Government will not lose a cent of the money spent in my home town on housing.

This work constitutes a civic asset, in addition to raising the morale of the tenants. Many of the tenants did not know there could be such conveniences and

comforts until they moved into these apartments. They are the same conveniences in housing that many others for years have taken for granted. I do not believe there is a happier lot of people on the face of this earth than the 379 families now occupying these apartments.

To raise the standard of living always has been the American ideal. To bring adequate housing to families that formerly were denied it seems to me a marvelous example of democracy in action. Such housing projects display the community spirit working at its best.

Mr. SANDERS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I was very much impressed with the remarks of the gentleman from Missouri [Mr. CANNON].

Mr. RICH. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RICH. I do not know whether this gentleman is going to speak on the Interior appropriation bill or not; but if he is not, this is the last speech we will have on anything but the Interior appropriation bill until we finish it.

The CHAIRMAN. The gentleman from Louisiana will proceed in order.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana [Mr. SANDERS]?

There was no objection.

Mr. SANDERS. Mr. Chairman, in connection with the farm problem, there is an issue confronting this country which should be brought to the serious attention, in my opinion, of the public primarily. According to the figures at our disposal, and in line with the remarks of the gentleman from Missouri, the farm income for 1941 will be a little in excess of 6 percent of the national income, including parity payments. A little more than 6 percent of the national income, according to these figures, will go to approximately one-third of our people.

In addition to that, we are making appropriations for defense purposes and are centralizing these expenditures in metropolitan areas. We have two problems confronting us. One is that of national defense, arming as speedily as possible to insure the safety of our country, and the other is to take care of a possible economic reaction that may follow when the defense program is concluded.

I have here some figures that I believe are of tremendous importance, and I wish to present them to the Members of the House. You will notice in the chart that I have here that of the total contracts let to date for national-defense purposes over $7,000,000,000 have been in that area between the Ohio and the Mississippi Rivers. This means that the national purchasing power is being concentrated in that area. It presents a problem of tremendous economic importance to the people; because if we continue to concentrate this purchasing power not only in one geographical area but in the metropolitan areas thereof, there follows necessarily what amounts to practically a break-down of the purchasing power in the rural areas; and, with our foreign markets gone in consequence of the turbulent world conditions obtaining today, if the rural areas or the farm element of this country lose their purchasing power, where is industry going to sell, and how will the currents of commerce and industry keep in motion?

Mr. FITZPATRICK. Will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from New York.

Mr. FITZPATRICK. How do the taxes paid in that area referred to compare with the taxes paid in other parts of the country?

Mr. SANDERS. I have not the figures.

Mr. FITZPATRICK. What is the percentage?

Mr. SANDERS. I have not the figures. I am sure the distinguished Member from New York can present the figures.

Mr. FITZPATRICK. I am asking the gentleman because he is making a comparison, and that would be the proper comparison to me, population and percentage paid in taxes to the United States Government.

Mr. SANDERS. No; that is not the only element to be considered. You must remember that the farm dollar, on account of disparity of prices, on account of tariff and freight differentials, has about a 75 percent of parity today. Farm prices are indexed at 104, but the index of prices paid by farmers is 123, whereas you have an index of labor's wages of 229.

Mr. FITZPATRICK. When I ask that question the gentleman must remember that I have supported all farm legislation. I am in sympathy with it and I believe everything possible should be done for it, but I would like that other explanation.

Mr. SANDERS. The gentleman may bring that out.

Mr. CRAWFORD. Will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Michigan.

Mr. CRAWFORD. I wish to congratulate the gentleman on making this demonstration here, because the very thing you are trying to get away from is that economic disease called high concentration of industry in specific spots and away from agriculture. I think the greatest tragedy we have committed since this defense program started was in further building new plants and extending old plants in industrial areas instead of putting those defense plants out in the areas where you could get a balanced agricultural and industrial operation.

[Here the gavel fell.]

The pro forma amendments were withdrawn.

The Clerk read as follows:

OFFICE OF THE SECRETARY

SALARIES

Salaries: For the Secretary of the Interior, Under Secretary, First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, $924,570: *Provided*, That in expending appropriations or portions of appropriations, contained in this act, for the payment for personal services in the District of Columbia in accordance with the Classification Act of 1923, as amended, with the exception of the First Assistant Secretary and the Assistant Secretary, the average of the salaries of the total number of persons under any grade in any bureau, office, or other appropriation unit shall not at any time exceed the average of the compensation rates specified for the grade by such act, as amended, and in grades in which only one position is allocated the salary of such position shall not exceed the average of the compensation rates for the grade, except that in unusually meritorious cases of one position in a grade advances may be made to rates higher than the average of the compensation rates of the grade but not more often than once in any fiscal year and then only to the next higher rate: *Provided*, That this restriction shall not apply (1) to grades 1, 2, 3, and 4 of the clerical-mechanical service, or (2) to require the reduction in salary of any person whose compensation was fixed, as of July 1, 1924, in accordance with the rules of section 6 of such act, (3) to require the reduction in salary of any person who is transferred from one position to another position in the same or different grade in the same or a different bureau, office, or other appropriation unit, (4) to prevent the payment of a salary under any grade at a rate higher than the maximum rate of the grade when such higher rate is permitted by the Classification Act of 1923, as amended, and is specifically authorized by other law, or (5) to reduce the compensation of any person in a grade in which only one position is allocated: *Provided*, That no part of the appropriation made available to the office of the Secretary by this section shall be used for the broadcast of radio programs designed for or calculated to influence the passage or defeat of any legislation pending before the Congress.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 2, line 5, after "Columbia" strike out "$924,570" and insert "$854,750."

Mr. RICH. Mr. Chairman, we have before us this afternoon the Interior Department appropriation bill, providing $177,000,000 for this Department. I believe this is an important measure. I have noticed during the consideration of the appropriation bills that have come before the House that in the course of the debate there would be probably 25 or 30 Members of the House on the floor. I warn the chairman of this committee that I want him to keep a hundred Members on the floor of the House this afternoon, because it is our duty to see that they are here. If the gentleman does not do that, I shall be compelled to do it.

I have offered this amendment for this purpose. We have, in the appropriation for the Office of the Secretary, for the Radio Section $19,820, and for the Division of Information $92,270. This amendment is to cut out the Radio Section and to cut down the Division of Information $50,000. This would leave the sum of $42,270 for the Division of Information. I would cut the whole business out if I had it to do, but I am afraid I could not get any votes on that side of the House if I tried to do it. I would cut it all out, because I do not believe it is worth anything to the Department of the Interior as far as the operation of the

Federal Government is concerned. I believe it is an absolute waste of money; but let that be as it may.

You are considering in the Committee on Ways and Means a tax bill to raise $3,500,000,000. The people of this country are not going to like it. To pay more taxes. I say let us stop the waste in Government first.

The Secretary of the Treasury said he wanted to cut a billion dollars off the regular appropriations of the Government. I am pointing out a way this afternoon whereby you can cut it off by the thousands of dollars at a time. You can cut off $69,820 in the first item, and it will be that much money saved from waste. I want to find out whether the Congress means that they are going to follow out the wishes that were expressed by the Secretary of the Treasury; I want to find out whether the President of the United States and the Secretary of the Treasury meant what they said, that we are going to cut down the regular expenses of Government. You are up to the test now. It is up to you. If anybody can get up here and tell us why we should continue this appropriation, then you have to use your own judgment, but we have had more propaganda, more political propaganda, on the radio, more unnecessary radio dialogs, plays, and things that do not pertain to the welfare of this country but only aid and assist in carrying on the radio programs and putting more people in the Interior Department.

Remember this: Mr. Ickes said he has increased the number of employees in the Interior Department by 226 percent. Let us economize. Let us start right here in the first item. I ask you to support this amendment.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield to the gentleman from Nebraska.

Mr. STEFAN. I want the gentleman to explain this radio station he is talking about. How has it come about? What does it cost, and what does it do?

Mr. RICH. This item is $19,820 that the Interior Department has had for broadcasting, for putting out the programs and the propaganda they put out on the radio.

Mr. STEFAN. The gentleman said they have a radio station. What kind of a radio station do they have?

Mr. RICH. They have a radio station, but this item is not for the payment for that station. This is for the wages of the men who have charge of the radio programs. One gets a large salary—I think it is $5,000, or something like that.

Mr. STEFAN. Where does he broadcast from? Where is it sent from? Where is the station located?

Mr. RICH. It is sent from the regular broadcasting stations—probably the one now located in the Interior Building, at great expense to the Government.

Mr. STEFAN. The gentleman is talking about a radio station. Where is it located?

Mr. RICH. They have a radio station in the Interior Department, but that is already constructed and paid for by the Government, at public expense. Sometimes they do their broadcasting right from the Interior Department, but they hook up with the regular broadcasting stations as well.

Mr. STEFAN. I did not know they had a radio station.

Mr. RICH. They have a radio room equipped at great cost to the taxpayers—the taxpayers paid for it.

Mr. STEFAN. Do they have a transmitting station there.

Mr. RICH. I do not believe so. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we are not surprised that the distinguished gentleman from Pennsylvania should offer this amendment dealing with this division of information. It is the first of a series of amendments that he usually offers to this bill. He does not anticipate that it will be adopted. No doubt many other amendments to follow.

May I call attention of Members to the fact that this Interior Department appropriation bill is now reduced $6,325,270 below the estimate of the Bureau of the Budget, which is the most drastic yet made in any of the annual appropriation bills during the present session of Congress.

The particular item to which the gentleman now objects and to which the pending amendment refers, is that of the Division of Information of the Interior Department. His amendment, if adopted, would practically wipe out the entire Division of Information. If his amendment prevails, he would cut this Division in excess of 70 percent. Frankly, I cannot believe the gentleman is serious in offering such an amendment.

May I call the attention of Members on both sides of the aisle to the fact that the Department of the Interior now has one of the smallest Divisions of Information of any of the departments of Government. There are many departments of Government that have many times the amount spent for information. For instance, in the Department of Agriculture I am advised there is expended approximately $1,000,000 per annum for the Division of Information. This item is not a drop in the bucket as compared with what other departments have. I believe in all fairness the committee has pruned this item down to the very lowest possible amount with which this Department can function with any degree of efficiency.

Let me refer now specifically to the Radio Division, to which the gentleman so seriously objected. Those Members who have heard that program will, I am sure, agree that it is really educational, patriotic, and entertaining. It presents in a most interesting manner facts about our Government and of its vast and unlimited resources. This program gives much valuable information concerning the conservation of timber, of soil and water, and of all the vast resources of so vital importance to the safety and welfare of our people. The fact that the Department has received 150,000 or 175,000 letters of approval is sufficient evidence that the program is especially interesting to the public. I have three little daughters who often listen to that program, and they are not only thrilled, but always receive valuable information when they sit down by the radio and hear that splendid program. Many constituents from Oklahoma have written me that that is one of the best programs they hear. The fact that the great radio networks are willing to give this time absolutely free is sufficient evidence that it is a program well received by the public. It should be remembered that the Department is not now nor has it ever paid for time on the air for this program to which the gentleman from Pennsylvania objects. The only thing that they pay for or propose to pay for is for one or two script writers and a few clerks. So it seems that the gentleman from Pennsylvania [Mr. RICH] would make a mountain out of a molehill.

Now, to be specific, there is one salary of $3,800 involved, and a top salary to which the gentleman is objecting, of $5,200. I trust this gives Members the information desired.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Oklahoma. Yes.

Mr. REES of Kansas. The gentleman made the statement that there was a cut here of about $6,000,000 on the total amount of the appropriations.

Mr. JOHNSON of Oklahoma. Yes; that is correct.

Mr. REES of Kansas. How does this bill compare with the appropriations carried in the bill last year?

Mr. JOHNSON of Oklahoma. It is of course a decided increase over last year, but let me call attention to the fact that there are many national-defense items carried in this bill which we did not have to provide for last year. Supplemental estimates came to our committee after the hearings started of more than $33,257,000, practically all of which were for national defense. Now if the gentleman desires to eliminate such national-defense items he is of course at liberty to do so by going on record against them at this time, but I predict that he will not do so.

Mr. REES of Kansas. But I want the gentleman to answer the question.

Mr. JOHNSON of Oklahoma. I will be glad to give my friend the exact figures, for which I certainly have no apology.

Mr. REES of Kansas. I would like to know the difference in the amounts between the two bills of this year and last year. How many million dollars more are carried in this bill than was carried a year ago?

Mr. JOHNSON of Oklahoma. This bill is $21,469,000 over this bill of last year, but practically all of that increase is to provide for power which is so urgently needed for national defense, which the gentleman I am sure does not want to eliminate.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. TABER. Mr. Chairman, I move to strike out the last word. A couple of weeks ago the Secretary of the Treasury suggested that we might practice economy in things that do not relate to the national defense. This is a good time to begin. A certain gentleman named David

Shannon Allen is the director of the radio section of this outfit. He is paid $5,200 a year. Among his duties—and this letter comes to Mr. Shield, the clerk of the Committee on Appropriations, from Mr. Burlew, the First Assistant Secretary of the Interior—we find the following:

The major part of his duties is to consult with and advise and recommend to the Director of Information concerning all matters involving radio technique, standards, dramatization, music, radio speeches, etc., and to cooperate with other departments and agencies of the Government in connection with the use of broadcasting facilities and equipment.

Is it not about time that we took our responsibility seriously and had courage enough to say that these fellows who are on the pay roll over here in the departments, who are performing no useful service, shall be taken off those pay rolls? How can we go back home to our people and say to them that we voted to carry along a lot of propaganda artists, who perform no useful function whatever? It seems to me that there ought to be a unanimous vote in this Committee to get down to business and be honest with the American people and quit these performances. I have listened to some of these programs, and they are disgusting and revolting, and there is no sense in our going on and fooling away the people's money in this manner.

Mr. SHEPPARD. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr SHEPPARD. Does the gentleman recall having read the statement made before the Committee—and I assume he had from what he has already said—that there are 136,000 requests from his constituents and mine for this type of program?

Mr. TABER. If there are 136,000 American people out of 130,000,000 who are for it, that would be just about what I would expect. I do not think that I want to be fooled by any silly 136,000 out of 130,000,000 people. That speaks pretty well for the majority of the American people, and I think we ought to pay attention to the majority.

Mr. JENKINS of Ohio rose.

Mr TABER. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. There is absolutely no question but that the two great issues outside of war in this country are issues surrounding this new tax bill. Every man, or practically every man, who comes before the Ways and Means Committee insists that Congress has to cut out unnecessary expenditures. If we do not do that, we are going to be criticized to the limit. I think the gentleman is right. You cannot start at any better time than right now.

Mr. TABER. This is the time to begin. This is the first opportunity we have had since Mr. Morgenthau made his statement. Let us do it. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The question was taken; and on a division (demanded by Mr. JOHNSON of Oklahoma) there were—ayes 44, noes 73.

Mr. RICH. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. RICH and Mr. JOHNSON of Oklahoma to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 73, noes 79.

So the amendment was rejected.

The Clerk read, as follows:

GRAZING SERVICE

For carrying out the provisions of the act entitled "An act to stop injury to the public grazing lands by preventing overgrazing and soil deterioration, to provide for their orderly use, improvement, and development, to stabilize the livestock industry dependent upon the public range, and for other purposes", approved June 28, 1934 (48 Stat. 1269), and as amended by the acts of June 26, 1936 (49 Stat. 1976), and July 14, 1939 (53 Stat. 1002), including examination and classification of lands with respect to grazing or agricultural utility, preparation of land classification maps and reports, traveling and other necessary expenses, not to exceed $25,000 for the detection, prevention, and suppression of fires on lands within grazing districts, not to exceed $120,500 for personal services in the District of Columbia, and not to exceed $30,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles, $740,000; for payment of a salary of $5 per diem while actually employed and for the payment of necessary travel expenses, exclusive of subsistence, of members of advisory committees of local stockman, $600,000; in all, $800,000.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 5, line 8, strike out "$800,000" and insert "$750,000."

Mr. RICH. Mr. Chairman, we got licked by a few votes on the first amendment. I thought, after the statement made by the administration that they were going to cut down the regular appropriations, that we would probably be able to do it. But I am fearful of the results. However, I still offer this amendment to cut this amount for the Grazing Service from $800,000 down to $750,000. Seven hundred and fifty thousand dollars is the same amount that we had for this service last year. Here is what they want to do with the extra $50,000: They want to put on three additional grazers for $7,800; four principal clerks at $9,200; three grazing agents at $5,580; three assistant clerks, $4,860; expenses, miscellaneous, for these boys to travel around, $21,510. Almost half of it is for miscellaneous.

If there is anything in this item for national defense, then God forbid. You will find this afternoon that they are going to dwell on the fact that everything in this bill is for national defense. You men who have been working for agriculture know that there is a farm agent in every county in the United States. You know we are doing everything we can for agriculture, or at least we are trying to. Now, in addition to all the men we have now on the Government pay roll to look after the grazing interests, they want to put on these additional employees, when probably they will be needed in some industry or probably needed in agriculture or somewhere else, rather than to go around and look over this grazing land. If we could handle that situation last year with the employees now on the rolls, do you not think we ought to curb it now instead of increasing it?

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. RICH. I yield.

Mr. JENKINS of Ohio. Was there anything in the evidence in the hearings indicating why they wanted to have this additional personnel?

Mr. RICH. They wanted to have more men on the pay roll, to increase the number of employees. They say that the expanse of territory is too great for the number now on the pay roll. They have large areas of ground; but we got through with it last year, and there is no reason under heaven why it should be expanded this year, unless it is to create more political jobs.

Mr. JENKINS of Ohio. Is there any single factor in this computation that would justify this increase?

Mr. RICH. As far as I am concerned, I say no.

Mr. LEAVY. Will the gentleman yield?

Mr. RICH. Yes; I yield.

Mr. LEAVY. In order that we may answer the question propounded by the gentleman from Ohio, as a matter of fact, 12,000,000 acres of land have been added under the Taylor Grazing Act in the last year, all of which requires care and policing. The revenues collected in the last year are $200,000 in excess of the operating expenses.

Mr. RICH. Oh, I do not yield any further, Mr. Chairman.

Mr. LEAVY. I was just answering the question that was asked by the gentleman from Ohio [Mr. JENKINS].

Mr. RICH. I want to get at some facts. It is a racket to get the Government to look after all grazing land and pay the expenses. When these western boys get up here and talk, they can see gold coming out of everything we are doing out there, but I can see the Treasury getting empty on everything we do out there for them. I think it is time that we got down to some real facts. It is not necessary to go to this expense. They cannot justify it.

Mr. SMITH of Ohio. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. SMITH of Ohio. What is the amount of this appropriation as compared with the appropriation made last year for the same Department?

Mr. RICH. Twenty-one million five hundred thousand dollars more this year than last year, yet we say we are going to cut down the expense of operating the routine departments of government. When they speak about cutting down below what the Budget officer thinks we should have, let me tell you that the Budget officer sent in new Budget estimates for over $33,000,000 since the 1st of January, after this bill had been brought to the floor. It is no trick at all to go down to the Budget office and get an increase, providing you are a faithful new dealer. That is only camouflage for

good behavior on the part of good Democrats to eat out of the hand of the administration. It is a shame that you have to stoop so low as to do a thing like that.

I ask you to vote for this amendment.

[Here the gavel fell.]

Mr. TAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let me call the attention of the House to the fact that never before 1934 was there any protection or control whatever over the use of about 150,000,000 acres of the public domain in 10 of the Western States. For 75 years there had been terrific fights, murders, and perennial wars between 20,000 cattle and sheep men, owners of millions of head of cattle and sheep, over the grazing rights on that public land. The land had become badly overgrazed, eroded, and much of it practically ruined and worthless. For 10 years some of us western Members had been trying to bring about some system and orderly regulation and use of that public domain that was outside of the forest reserves. Finally we succeeded and passed the bill I had introduced at that session of Congress and the President signed it on June 28, 1934. It has ever since been referred to as "the Taylor Grazing Act." It has been and is a wonderful success. It has absolutely regulated and controlled the orderly use of all that public domain and stopped overgrazing and has already quite largely restored much of that barren land. Grass is growing today where there were formerly duststorms. All those horrible cattle and sheep wars are a memory of the past. The law has stabilized the livestock industry throughout that vast western domain. There is no way of estimating the widespread benefits of that law.

It has become and is looked upon and has been often called the Magna Carta of the conservation of the West, and practically all the cattle and sheep men are now in favor of it.

The Government at the present time has some 90 or more C. C. C. camps working on that area, preparing suitable watering places for the stock and improving range in many ways, exterminating wild animals, cutting out poisonous weeds, putting in drift fences and many other improvements, and doing a great service to our country. There is no more useful service or meritorious item in this whole bill than this provision, because it renders a great service to our country. I feel, as does the gentleman from Pennsylvania, that wherever we can we should reduce appropriations and this committee does do a great job of reducing all the time where it is reasonably possible. We cut under the Budget all the time. We cut under the estimates of the President and the Bureau of the Budget in this bill over $6,000,000.

In view of the fact that hundreds of thousands of acres have been added to the Grazing Service, recently, I know this appropriation is eminently fair, just, and necessary.

I hope the amendment offered by the gentleman from Pennsylvania will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

PETROLEUM CONSERVATION DIVISION

Salaries and expenses, oil regulation and enforcement: For administering and enforcing the provisions of the act approved February 22, 1935 (49 Stat. 30), entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes," as amended, and to include necessary personal services in the District of Columbia (not to exceed $44,500), traveling expenses, contract stenographic reporting services, rent, stationery, and office supplies, not to exceed $3,100 for printing and binding, not to exceed $600 for books, newspapers, and periodicals, and not to exceed $14,000 for the purchase, exchange, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, $240,000.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in connection with the petroleum conservation item I just want to let the Members know that at the present time we are shipping 50,000 barrels of oil a day to Japan and have been shipping 15,000,000 gallons of gasoline a day to Japan. We are shipping 4,500 barrels of machine oil a day to Japan.

It may not be in the interest of petroleum conservation to limit the amount we ship to certain foreign countries at the present time in order to get the almighty dollar, but it may be immensely in the interest of this country. It may mean something infinitely worse than the loss on the commercial transaction.

Mr. RANKIN of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. RANKIN of Mississippi. The gentleman says, "We are shipping oil to Japan, we are shipping gasoline to Japan." Who is "we"?

Mr. RICH. We are, the Congress of the United States, the administration. I am one of them because I am a Member of the House; but I am opposed to it under every condition that we can lay down now for the protection and safety of American lives, American men and women, and the integrity of our country.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. RICH. I yield.

Mr. ROBSION of Kentucky. In the month of April, according to reports, we sent 1,350,000 gallons of gasoline to Japan. The Japanese cannot operate their fleet of airplanes except as they get American gas. We are sending them 90 percent of their gas requirements.

Mr. RICH. I realize that, and that is the reason I say we should stop it. We all know that the Secretary of State has the power to stop it if he would. But what are you fellows going to do about it? I tried to get a vote favorable to the saving of a few thousand dollars, but I could not. What are you going to do about this oil question? I am telling you something that means much for our own national defense. What are you going to do? I ask you; you are one of the administration leaders.

Mr. RANKIN of Mississippi. I would like to answer the gentleman if he would let me.

Mr. RICH. The gentleman is one of the administration leaders. I would like to know what the gentleman proposes to do in the matter of stopping such shipments. Is he going to let them go ahead? It is an important thing today that needs careful consideration.

[Here the gavel fell.]

OIL—TEAPOT DOME

Mr. RANKIN of Mississippi. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, let me say to the gentleman from Pennsylvania [Mr. RICH] that I have fought against selling the oil supply of the United States long before he came to Congress. I fought against the attempt to steal Teapot Dome. When he says that "we are shipping oil to Japan," why did he not say the Standard Oil and other large oil companies? Why did he not say these big oil companies that are planning to get us into a foreign war are supplying the oil and gasoline to Japan with which to destroy China?

Mr. RICH. Will the gentleman yield?

Mr. RANKIN of Mississippi. For a question.

Mr. RICH. The reason I said "we" is because it says here "Petroleum Conservation Division." That is in the bill.

Mr. RANKIN of Mississippi. When the gentleman said "we" why did he not say instead the great selfish oil interests that are owned by Wall Street, the interests which financed the nomination of Wendell Willkie for President, and financed his campaign for the Presidency? Why did he not say they are the ones that are furnishing this oil to Japan with which to destroy China? They are the ones that are furnishing the oil and gasoline to Japan to be shipped through Russia to Germany with which to fight the democracies of western Europe.

We hear of these big interests demanding that the American people get behind them and do so-and-so, when, if they would manifest their patriotism, when, if they would put a stop to supplying the sinews of war to Russia, Japan, and Germany, it might help to bring about the peace of the world.

"We" are not shipping this oil to Japan. Let it be known now that it is the big oil companies that are owned by Wall Street and by the same money powers that nominated Wendell Willkie as their candidate for the Presidency.

Mr. TABER. Will the gentleman yield?

Mr. RANKIN of Mississippi. For a question.

Mr. TABER. Does not the gentleman think it is about time that he began to use his great influence with this administration to get it to take action to stop such performance?

Mr. RANKIN of Mississippi. I have been protesting against it all along. But how are you going to stop it?

Mr. TABER. By export licenses.

Mr. RANKIN of Mississippi. Yes; I will do that, but I do not want to hear the gentleman from Pennsylvania [Mr. RICH] say that "we" are doing this. Let it be understood that the same interests

that got rich out of the last war, that made millionaires out of dollar-a-year men—I repeat—let it be understood that these same big interests, some of whose names I put in the RECORD yesterday, one of them drawing a salary more than nine times the salary of the President of the United States, are the ones who agitate and keep up this struggle that is destroying humanity. They are the ones supplying the sinews of war to Japan and to Russia, and they supply them to Germany and Italy.

Mr. O'CONNOR. Will the gentleman yield?

Mr. RANKIN of Mississippi. I yield to the gentleman from Montana.

Mr. O'CONNOR. I noticed in the press recently where Mr. Rockefeller came out for convoys.

Mr. RANKIN of Mississippi. John D. Rockefeller gave money to the League of Nations with which to build a building to hold their sessions in. Then when Bolivia, in order to drive through Paraguay to get that oil from Bolivia to the Atlantic Ocean, went to the League, the League of Nations condemned Paraguay as the aggressor, and that is what disgusted the Christian people of the world with the League of Nations as it was then operating.

They want a supergovernment; and watch out for this "Union Now" movement. Do not misunderstand it. This is to put over a supergovernment so that these predatory interests, when this war is over, may continue the exact their pound of flesh from the hearts of the toiling masses of the world.

I am willing to help you stop this, but I do not want you to accuse this administration of sending oil to Japan when, as a matter of fact, it is being done by the big oil interests that are now demanding that we protect them all over the world.

It has not been but about 6 weeks since this Standard Oil Co. all but demanded that we go to war with Italy for bombing some of its tanks in the Persian Gulf, and the same day it came out that this same outfit was furnishing Japan with 40 percent of the oil and gasoline with which Japan was fighting China.

Mr. RICH. Will the gentleman yield?

Mr. RANKIN of Mississippi. I yield to the gentleman.

Mr. RICH. The reason I brought this up this afternoon is because I want some of the gentlemen to stop it. I will do anything I can to stop it, and I want a little bit of help. I hope I have stirred up the gentleman from Mississippi so that he will get out and stop the Standard Oil Co., or any other oil company from doing it.

Mr. RANKIN of Mississippi. I have been in this fight ever since they attempted to steal Teapot Dome by bribing a Cabinet officer in the Harding administration. I was trying to stop it then and I am trying to stop it now. [Applause.]

[Here the gavel fell.]

Mr. REES of Kansas. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, it seems to me that since we have practically agreed on both sides of the aisle that shipment of gasoline and oil to Japan should be stopped, then we should take some action on it immediately. I agree with the gentleman from Mississippi. It ought to be stopped. I am sure the gentleman is sincere in his efforts, but I hardly think we want to arrive at the same conclusion to which he appears to arrive, namely, that the Standard Oil Co., and other big oil corporations, are controlling the present administration.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. REES of Kansas. In just a moment. Here is the picture that he draws, as I see it. He says that he is trying his very best to prevent this thing, and, by the way, I have written to Secretary Hull along the same lines, but I got no action. Now he comes out on the floor and says it is the great big Standard Oil Co., and these other big oil companies, that are doing this thing. For goodness' sake, if that is the case, let us find out whether or not these big oil companies he talks about, these big, gigantic concerns which operate in New York City, are doing it. He talks about the control of Willkie. Willkie is out of the picture, so far as running this Government is concerned. Let us leave that out of the discussion. Let us talk about these things as they are this afternoon, and take the statement of the gentleman from Mississippi, that there are a million and a half barrels of petroleum products going to Japan every month and that Japan could not put her airplanes in the air if it were not for the gas she is getting from the United States of America.

If that is true, and that statement has been made on both sides of the aisle, then why in the world are we going to continue the export of oil and petroleum products? If the Standard Oil Co. or any other concern of that kind is controlling the administration in this respect, let us find it out, and let us do it now. Furthermore, if we agree on both sides of the aisle it is the wrong thing to do to continue these big shipments of oil and gas, we have some kind of an export organization—I believe it is called the Export Control Board—that has the power and authority to do that very thing. If that Board does not want to use its authority, let us pass legislation that will do it.

Mr. RANKIN of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. Certainly; I am glad to yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. The gentleman from Kansas is the one who is making the mistake if he understood me to say that the Standard Oil Co. was controlling this administration. But I did say that these big oil companies are supplying oil and gasoline to Japan, and, incidentally, supplying it to Germany and Italy through Russia.

Mr. REES of Kansas. All right; but the gentleman also said, I think, that this administration does have the power and authority to prevent that thing. I would like to know whether he thinks it does or does not. If he does not think so, does he think we ought to enact some measure to do that?

Mr. RANKIN of Mississippi. I think the Congress of the United States has the power, and I am in favor of doing it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Pennsylvania.

Mr. RICH. The gentleman from Mississippi said we have the power to control it. That is the reason I said we should get busy.

Mr. REES of Kansas. I think this responsibility ought to be assumed by somebody somewhere along the line. If the administration does not want to act, then Congress should do it.

Mr. RANKIN of Mississippi. I agree with the gentleman from Kansas; we ought to stop it.

Mr. BENDER. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Ohio.

Mr. BENDER. Is it not a fact there has been a war going on between China and Japan for many years, while this administration has been in power, and at any time they could have stopped the shipment of anything to either country if they had chosen to recognize the existence of that war?

Mr. REES of Kansas. I have been given to understand that they had that power and that authority.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Texas.

Mr. POAGE. The gentleman suggested that this administration has the power to stop the exportation of anything to either country if they would recognize the existence of a war between Japan and China, but is it not a fact that under the law this Congress passed it would have been necessary to stop such exportation to both of the nations, and it has been the policy of this Government not to stop it to China? I do not think it ought to be stopped to China.

Mr. REES of Kansas. I am sure the gentleman would not want to go on record as in favor of exporting gasoline to Japan. It is admitted on the floor of the House that Japan could not fly her airplanes in this war without gasoline from the United States.

Mr. POAGE. We ought to stop the shipment to Japan but not to both of them.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. REES of Kansas. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Is it not true that not a single barrel of gasoline could be exported to any foreign country until the exporting company first obtained a license from the Secretary of State and the right to export that gasoline?

Mr. REES of Kansas. I understand we have what is called an Export Control Board that is supposed to be functioning and looking after that situation. If it is not performing its duty, let us go back to the statement of the gentleman from Pennsylvania and "let's we" get at this problem and get something done about it, and do it now. [Applause.]

[Here the gavel fell.]

Miss SUMNER of Illinois. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I should like to ask the gentleman if it is not the policy of this administration on some of our products to stop exports. They have stopped exports of corn and cotton ever since 1935, as a part of our policy of encirclement of the Axis Powers. We have not shipped a bit of cotton or corn to those countries. That is the reason Brazil was able to get our German cotton market. Why cannot the same policy be applied to manufactured goods and oil?

Mr. REES of Kansas. I believe the gentlewoman will just have to ask the administration.

[Here the gavel fell.]

Mr. CRAWFORD. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I take this time for this purpose: Within a few days, I understand, the House will have to consider voting on a bill which is to come from the Committee on Military Affairs to extend the control over exports from the Philippine Islands to Germany, Russia, and Japan. I simply want to impose upon the House to keep you from getting your minds too closely concentrated only on this thought of exports of oil because over in the Philippines there is a large quantity of vegetable oils and other products which are very vital to the carrying on of war, and, to my certain knowledge, long ago the President of the Philippine Commonwealth, to his credit, has been offering his services and those of his Commonwealth to the President of the United States to stop such exports, but we, the administration, and we, the Congress, have played around here, and Mr. Willkie and Mr. Hoover did not have anything in the world to do about it. The responsibility is exactly on our doorstep. It will remain there until we stop these exports of all materials essential to carrying on war which move from the United States to the Axis Powers, and God knows plenty of them are moving today.

I get so disgusted with our talk about supporting convoys, for instance, when the highest administration officials of the Government know very well that those goods are moving in tens of thousands of tons, and the gentleman from Mississippi knows it just as well as the rest of us.

Mr. RANKIN of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. I may say to the gentleman from Michigan that the nearest we have come recently to getting into trouble in Japan, or in the Orient, was when one of our naval vessels, the *Panay*, was convoying a Standard Oil vessel into a war zone of this very war that is going on now.

Mr. CRAWFORD. That may be true. This happens to be a war of oil and iron. The *Panay* incident was long before the lease-lend program.

Mr. RANKIN of Mississippi. And that was, too, and it is the same war.

Mr. CRAWFORD. And as a general rule, some big commodity enters into it, and, of course, the administration is influenced by oil people. There is no question about that in my mind, and there is no room for the people to be confused about it. The big industries always influence both Democratic and Republican administrations, and we all know that, so there is no way we can remove the responsibility from the party in power, it does not make any difference what party that is, and in due course this party now in power will have to assume the responsibility for the errors it is now making.

Mr. COFFEE of Washington. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. Yes.

Mr. COFFEE of Washington. I just wanted to call the attention of the Committee to the fact that the Dutch East Indies have just entered into an agreement with Japan to supply Japan with 925,000 tons of oil during the next 6 months, and during the next year 1,800,000 tons of oil, or four and a half times the entire amount of oil sold to Japan by the Dutch East Indies in the preceding year.

Mr. CRAWFORD. That is a further illustration of what I have just said.

Mr. RANKIN of Mississippi. I would like to know when that agreement was made.

Mr. COFFEE of Washington. Mr. Chairman, with the gentleman's permission, I will answer that.

Mr. CRAWFORD. I yield.

Mr. COFFEE of Washington. I have a report here from the Chicago Journal of Commerce of May 10, 1941, in which they quote a London dispatch as follows:

LONDON, May 9.—Authoritative quarters told the United Press here today that the Netherland East Indies has agreed to supply Japan with 925,000 tons of oil during the next 6 months.

The agreement, according to these informants, was signed in Batavia by Dutch Director of Economic Affairs Van Mook and Kenkichi Yoshizawa, former Japanese Foreign Minister and head of the Japanese trade and diplomatic mission now in the East Indies.

It was understood that high-octane gasoline was not included in the agreement, although a small amount of petroleum suitable for lower-grade aviation gasoline will be delivered.

Unofficially it was reported that Japan had been seeking delivery of 3,000,000 tons of gasoline annually from the Netherland East Indies.

If the gentleman will permit, there is one further observation I would like to make, and that is that during November 1940 the United States Government gave export licenses for the sale of high octane gasoline to Japan in an amount exceeding twice over the entire amount of high octane gasoline sold to Japan during the preceding year.

Mr. CRAWFORD. And Japan is one of the Axis Powers, and we are keeping our Pacific Fleet, except a few patrol boats, over there now in putting up a sham that we want to keep Japan out of the Dutch East Indies, and we know very well that this type of operation is going on.

Mr. COFFEE of Washington. We are told that we are not selling high octane gasoline, when, as a matter of fact, we actually license the sale of high octane gas to Japan three and a half times as much as before.

Mr. CRAWFORD. That was Dutch East Indies and not Standard Oil.

STATEMENT OF THE HONORABLE J. M. ELIZALDE, RESIDENT COMMISSIONER OF THE PHILIPPINES TO THE UNITED STATES, ON S. J. RES. 76 BEFORE THE SENATE MILITARY AFFAIRS COMMITTEE

Mr. Chairman and members of the committee, I appear before this committee to express the unqualified support of the Commonwealth government for this legislation which would control the exports from the Philippines of materials necessary for national defense.

The members of this committee who are familiar with the economics of the Philippines can easily visualize the problems that are bound to result from the passage of a law aimed at the control and, in some cases, the limitation of the outward flow of our main products. The main objective of the economic provisions of the independence law was to stabilize our export trade by easing us out from complete dependence on the American market. In line with this purpose, we have been endeavoring to channel our exports to new markets. But, just as some progress was being made in this program, unfortunate world events have thwarted our plans. Today, having lost the bulk of our European markets, we find ourselves dependent partly on trade in the Pacific area, but still leaning very heavily for our income on the United States, a market which is gradually being closed to us by statute.

But in spite of the prospects of a precarious economy, I can say with great pride that it was the President of the Philippines who initiated the official action toward the control of Philippine exports. In a cable to Secretary of the Interior Harold L. Ickes, under date of March 11, he made the following commitment in behalf of his administration:

"If serious consideration is really being given to this matter the Philippine Government will be pleased to cooperate in any plan that might be deemed in the best interest of both the United States and the Philippines and will be prepared to work out an export control system in conformity with any arrangement desired by the United States."

Previously I had been instructed to assure Federal officials of the unstinted support of the Commonwealth to any plan of export control that might be consistent with the defense plans of the United States.

Because of the nature of an export control plan, carrying with it, as it does, international implications, guidance, and direction were sought from the Department of State, through Assistant Secretary Dean G. Acheson, from the Department of the Interior, and from the Administrator of Export Control, General Maxwell. We then prepared this legislation upon which we all agreed in conference. That legislation is now before the committee at the request of the Secretary of War.

The Philippines today export products of great importance for national defense. Manila hemp, which is converted into Manila rope, and which is an essential requirement for all Navy and merchant marine vessels, is a monopoly of the Philippines. We are also large producers of copra, coconut oil, base metals, Philippine mahogany, another important material for ship construction, and many other products of great importance. The limitation or curtailment of any of these exports involves the loss of present and future markets, with the consequent dislocation of the economy of the country.

But in spite of all these facts I wish to recall before this committee the repeated expressions by the President of the Philippines, pledging full support to the United States national-defense program. We feel

that in the present world struggle of spiritual values, our side is unalterably with the United States. Consequently, with the utmost pride and satisfaction we pledge our support to the noble cause, and to this important legislation.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I have not objected to this very interesting discussion which, of course, has been out of order. This rather extended discussion does concern a very important matter which Congress may sooner or later be called upon for drastic legislation and regulations. May I add that I am sympathetic to the suggestions that oil, gas, and other supplies, including pig iron and many other valuable materials should not be furnished Japan to use against China, or later possibly against the United States, but may I call your attention to the fact that the Petroleum Division of the Department of the Interior has no connection whatever with the subject matter of this discussion. The Petroleum Division is simply administering the Connally Hot Oil Act, and it is doing a mighty good job of it. This item was cut by our committee from $255,000 to $240,000, which we feel is a pretty drastic reduction considering the increased activities in this Division.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read:

The Clerk read as follows:

BITUMINOUS COAL DIVISION

Salaries and expenses: For all necessary expenditures of the Bituminous Coal Division in carrying out the purposes of the Bituminous Coal Act of 1937, approved April 26, 1937 (50 Stat. 72), as amended by the act of April 11, 1941 (Public, No. 34), including personal services and rent in the District of Columbia and elsewhere; traveling expenses, including expenses of attendance at meetings which, in the discretion of the Secretary of the Interior, are necessary for the efficient discharge of the responsibilities of the Division; contract stenographic-reporting services; stationery and office supplies; purchase, rental, exchange, operation, maintenance, and repair of reproducing, photographing, and other such equipment, typewriters, calculating machines, mechanical tabulating equipment, and other office appliances and labor-saving devices; printing and binding; witness fees and fees and mileage in accordance with section 8 of the Bituminous Coal Act of 1937; not to exceed $3,250 for purchase, exchange, hire, maintenance, operation, and repair of motor-propelled passenger-carrying vehicles, including one for use in the District of Columbia; garage rentals; miscellaneous items, including those for public instruction and information deemed necessary; and not to exceed $1,800 for purchase and exchange of newspapers, lawbooks, reference books, and periodicals, $3,029,000.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: Page 7, line 16, after the word "periodicals", strike out "$3,029,000" and insert "$2,687,000."

Mr. RICH. Mr. Chairman, all I want to say to the committee at this point is this: $2,287,000 is the amount they had last year for the operation of the Bituminous Coal Commission. With coal in demand as it is under the defense program, there is no use tacking onto the operators any greater expense than is necessary. I realize that this money comes from the operators, but ultimately the consumers of this country pay the bill. There is no use letting the Bituminous Coal Commission increase its operations and increase the number of employees under present-day conditions, because they spent over $11,000,000 in 5 years under the Guffey Coal Act, and all they did was furnish the price of coal in the various districts. I will admit that the Bituminous Coal Commission is being operated today much more efficiently and with less friction than it was 5 years ago when they had a seven-man board. I prefer it as it is now. But we can cut this down to $2,687,000, and the Bituminous Coal Commission will be better off, the people will be better off, and it is a small saving. Will you accept it?

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment.

I was much pleased to have my distinguished friend, the ranking minority member on the committee, make the statement that the Coal Commission is now functioning better than it did under the old set-up. I heartily concur in that statement. There is no question but what there was considerable confusion under the old seven-man set-up. Under the present set-up, however, the testimony before the committee was to the effect that the work of the Coal Division has increased very greatly. Yet the appropriations have been reduced considerably, and we were convinced that they are doing an efficient and economical job. For example, at this time the Coal Division has a backlog of 858 cases in connection with compliance work. Every one of these compliance cases must be tried. This is an entirely new activity and those cases add considerably of course to the work of the Coal Division. In spite of that, your committee cut this appropriation drastically. The committee accepted the figures as presented and suggested by a minority member of the committee and cut the appropriation $221,000. Frankly I am surprised and somewhat chagrined that an amendment should be offered now to further reduce the appropriation.

In my opening statement to this committee several days ago I strongly indicated that in my judgment this particular division was cut entirely too drastically. I feel that way about it today, but the committee agreed to go along with that drastic cut in order to effect a savings. I do not hesitate to predict that when the bill gets to the other end of the Capitol a portion at least of the cut will likely be restored. Certainly the appropriation should not be cut any further.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The question was taken; and on a division (demanded by Mr. RICH) there were—ayes 51, noes 61.

Mr. RICH. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chair appointed Mr. JOHNSON of Oklahoma and Mr. RICH to act as tellers.

The Committee again divided; and the tellers reported there were—ayes 66, noes 79.

So the amendment was rejected.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment by Mr. DIRKSEN: On page 7, line 16, strike out the period, insert a comma and the following: "Provided, not to exceed $500,000 of this sum shall be expended in the District of Columbia for personal services."

Mr. DIRKSEN. Mr. Chairman, in the sum of $3,029,000 for the Bituminous Coal Commission is the sum of $1,550,000 for personal services. There will be $1,550,000 worth of people on the pay roll of the Bituminous Coal Commission in the fiscal year 1942. That means they will have 1,149 people employed, and of that number 715 will be in Washington. Sixty-two out of every 100 people employed by the Bituminous Coal Commission will be on the pay roll in the District of Columbia. Their business is to conduct hearings. Their business is to look after coal and marketing studies. Their business is to develop accounting statistics and that sort of thing, the kind of thing that can be done in Pittsburgh; the kind of thing that can be done in Wheeling, W. Va.; the kind of thing that can be done in Chicago and in Springfield; the kind of thing that can be done up in Erie or in Scranton. It can be done in a hundred places, yet, notwithstanding that fact, 62 out of every 100 people in the employ of the Coal Commission will be on duty in Washington, D. C. The result is that they have to spend $280,000 for travel back and forth. They have to spend $29,000 for telegrams and communications. They spend $170,000 for rent in and out of the District of Columbia. That is the compound of that appropriation. Now, do you want to stop it? All right. Vote for that amendment. That amendment says that not over $500,000 out of that appropriation, which is one-third of the entire amount available for personal services, shall be expended here in Washington.

They will have plenty of time in which to make an adjustment. They can operate here for the next few months, while they are finding quarters in Pittsburgh, Wheeling, Detroit, Chicago, Scranton, or some other place. There will be plenty of time for them to do it. Your constituents might get a little something of benefit. And, finally, since all this money comes out of the consumer in the form of a tax on the coal that is burned, let us give back a little to the people. Let them use one-third here in the District of Columbia but two-thirds in all the rest of the United States, wherever they may set up their offices.

This amendment puts a limitation of $500,000 on the amount which can be spent for pay-roll purposes in the District of Columbia. If you want to stop this confusion, this congestion; if you want to cut down travel and telegraphic expense; if you want to start decentralizing some of these nondefense agencies, this is the time to do it. So I suggest that you vote for this amendment.

Mr. VAN ZANDT. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. VAN ZANDT. Is it not true that an operator who is called to Washington at the present time must come at his own expense?

Mr. DIRKSEN. Not only that but he can scarcely find any hotel accommodations when he gets here. At the present time a lot of them are having to stay in Baltimore and commute back and forth. There is but one way we can remedy it, and that is to cease appropriating; to limit the pay roll that can be used in these nondefense activities in the District of Columbia. This amendment does not cripple them. They are amply able to establish a proper skeleton staff in the District of Columbia, but it gives the rest of the country a break. So I suggest that you vote for the amendment now pending.

Mr. LEAVY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I would not charge that there have been amendments to cut appropriations offered to this bill for the mere sake of offering them. I would not charge that this House is dividing along partisan lines upon these various proposals to cut the items in this bill. The vote in two or three instances this afternoon, unfortunately, would seem to indicate that the division is along party lines.

The Interior appropriation bill covers the whole of the United States.

Mr. TABER and Mr. DITTER rose.

Mr. LEAVY. I yield to the gentleman from Pennsylvania.

Mr. DITTER. Was the last observation of the gentleman intended apologetically so far as the solidarity of the Democratic group goes in supporting the spending program?

Mr. LEAVY. No; I am not making an apology; I am merely stating the facts.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I cannot yield further.

Members on the Republican side of this House are just as deeply interested and concerned in this piece of legislation that appropriates for hundreds of activities throughout America as are Members on the Democratic side of the House, and I trust this bill will not be attacked merely for the sake of making an attack. Now, let us go to the principle of the amendment that was offered.

Mr. RANKIN of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. After I make my statement if I have time I will yield.

We are asked by this amendment to do what? To cut $500,000 off the allowances for this agency for expenditure in the District of Columbia. In other words we are asked to cut this item half in two insofar as it effects the activities here in Washington. If the agency is needed at all this would wreck it.

I grant that there may be differences of opinion as to the wisdom of this type of legislation, but that is not for consideration here. Congress enacted the Guffey Coal Act and reenacted it recently, and under its provisions we are collecting from the American public for its administration for the next fiscal year a sum estimated at $4,500,000. The committee allowed $3,000,000.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I cannot yield now. We made a cut. We heard evidence for a long period of time. We gave this matter serious consideration and then we decided upon this figure. Does the Membership of this House want to assume responsibility without any evidence whatever, just merely making a blanket cut of 50 percent for a great activity? We may not agree that it was wise to begin it, but this amendment would cripple it so that it could not function at all.

Mr. DIRKSEN. The gentleman is not talking about my amendment, surely.

Mr. LEAVY. Yes.

Mr. DIRKSEN. My amendment does not cut the whole amount 1 penny, does not disturb the total at all.

Mr. LEAVY. I probably misunderstood the amendment.

Mr. DIRKSEN. The amendment does not cut a dollar off the appropriation.

Mr. LEAVY. It cuts $500,000 of the money to be spent in the District of Columbia.

Mr. DIRKSEN. It only limits the amount that can be spent here, but it does not disturb the appropriation, does not cut a penny from the appropriation.

Mr. LEAVY. If that is the position of the gentleman, then it seems that he would cripple the agency in a central functioning place so that it could not work in the field, and that would be just as bad as cutting $500,000 directly from the appropriation.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield.

Mr. FITZPATRICK. If we cut this $500,000 it means that the agency must go into the field, and it will cost more money, with the result that the agency will come in for a deficiency. There is no economy in the amendment offered.

Mr. LEAVY. None whatever, and the amendment should be defeated. I trust the membership will only approach this matter absolutely free from anything that would even remotely indicate a partisan bias.

[Here the gavel fell.]

Mr. DINGELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I had not intended to discuss the so-called Dirksen amendment, but I feel constrained to do so. I want to compliment the gentleman from Illinois [Mr. DIRKSEN], for I think he is very adept in parliamentary maneuver and extremely able at playing the game of the minority in attempting, as in this instance, to sabotage the Bituminous Coal Act. It is a sort of worn-out trick, however, and we are all aware of the fact that it is not intended for any other purpose than to cripple the Bituminous Coal Division by way of a reduction or placing a limitation on an appropriation bill.

Mr. DIRKSEN. Will the gentleman yield?

Mr. DINGELL. Not at this time. The fact of the matter is that we on the Ways and Means Committee who have basic jurisdiction over the bituminous coal legislation, did not take any such action as that proposed by the gentleman from Illinois, and we are thoroughly familiar with the problems of the Bituminous Coal Division. There is nothing original about the idea or anything of value. On the contrary, it is worthless and detrimental and might prove costly. I will say frankly I would personally resent any such attempt as that proposed here to be undertaken on the part of the Committee on Appropriations.

The functions of the Bituminous Coal Division are extremely complex and these must primarily be centered in one place. I would have no objection to transferring in their entirety the offices and the functions of the Bituminous Coal Division to some central location outside of Washington but I am definitely positively, and uncompromisingly opposed to dividing its functions and separating the personnel and offices, and placing such other crippling limitations upon this important governmental agency. It just does not make any sense to me. It is unfair and spiteful. I trust the committee will turn down this amendment because it is really not an amendment. It is a stab in the back.

I now yield to the gentleman from Illinois.

Mr. DIRKSEN. If my memory serves me correctly, yesterday in the course of discussion of the Overton bill the gentleman from Michigan suggested that we move half of the Capital to Colorado Springs, Colo.

Mr. DINGELL. I wanted to give the gentleman the opportunity to ask that very question, because I wanted to repeat for his benefit that I did not oppose moving the entire Coal Division outside of Washington to any part of the United States, but in toto, not in part, and not in such a way as to curb it or in any sense cramp its performance and functions. If the gentleman will make a motion to transfer it as a whole to another part of the country, I might be on his side, in his corner, but not to split it up or gerrymander the agency, or in any other way handicap it. I think that answers the gentleman's question. I thought I made myself clear earlier when the gentleman was not attentive to my remarks when I illustrated what I had in mind.

Mr. Chairman, I trust the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and on a division (demanded by Mr. DIRKSEN), there were—ayes 47, noes 68.

So the amendment was rejected.

The pro forma amendment was withdrawn.

The Clerk read as follows:

PRINTING AND BINDING

For printing and binding for the Department of the Interior, $319,735, of which $107,000 shall be for the National Park Service, $90,290 for the Bureau of Mines, and $47,300 for the Fish and Wildlife Service, including the publication of bulletins which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of the

bulletins to be delivered to or sent out under addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they may direct.

Mr. DITTER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there are many things that the majority takes occasion to boast of. It seems to me that one thing they can very rightly take credit for is the amount of printing and binding they do.

The document I have before me does not come out of the Interior Department. Let that be said to the committee's credit and to Mr. Ickes' credit. But it does come out of the New Deal administration. I should like to have someone on the majority side try to justify the expenditure for this book called Training Man Power. I wish there was some way that we might put in the RECORD the type of book we now have before us, the cost of it, the extravagance of putting together an item of this kind purely for propaganda purposes.

It serves no other need. It seems to me that we have come to a pretty low ebb when I can turn to one of these pages and have before me the appeal that is being made in the name of national defense in this program. I have here a page marked "Negroes trained as defense workers." I have the highest regard for the contributions of citizenship which have been made by the colored people in many fields. I think we have come to a low ebb when an appeal has to be made through a propaganda program to try to get the colored vote by this big headline "Negroes trained as defense workers."

Then I turn to the other side and I see on the opposite page the exploitation of those who are in need. Equally, I say, a despicable trait to take the worthy purposes of the national-defense program, training the manhood of America for defense needs, and then exploiting—that is all it is—the W. P. A. workers, stooping again purely for purposes of making your own position stronger with those who are in need, by holding up to them what you are doing through this exploitation program.

I want you to take a copy of this and go through it page after page and estimate what the cost of this thing must have been. After you have read it from the first page to the last page, see whether you do not agree with me that its only purpose is the statement that is made on one page, and that is the admission of the whole story. I turn to one of these pages and read the word "purpose." It is in big headlines "Purpose." Then I come to the three significant words after that "To tap reservoirs." That is the purpose, to tap reservoirs. What reservoirs? Why, the financial stability of the American people, to keep tapping them, the way you have been tapping them all along, the great reservoirs of savings of the people, frittering them away in this day of dire need, in this day when every resource should be husbanded, when there should be on the part of every man here in the House the greatest and the gravest concern of how our dollars should be spent and why they are being spent. How can you urge unity or appeal to patriotic sacrifice with this evidence of extravagance before you?

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

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

There was no objection.

Mr. DITTER. I say in this hour of grave need, you have come to a point brazen enough—and I confess that it takes a degree of brazenness—to be able to say that the purpose is to tap reservoirs. It seems to me most significant that on every vote that has been taken here this afternoon, every vote that has been taken to try to husband our resources, over on the majority side there has been nothing but a tapping, tapping, tapping. This tapping may run the well dry, make no mistake about that.

I ask you, and I plead with you, with those who I believe realize their responsibility, let us make an end of this useless propaganda program paid for by the taxpayers. I plead with you this afternoon to cast aside these tawdry things of politics, cast aside these things that are only but for a day, and in their stead let there come and well up in your hearts and minds and spirits the great need of the American people. America needs men who are eager to give of their strength and substance, not men who are hopeful only of getting strength and substance. Every dollar which has been spent on this propaganda effort is sapping the vitality and strength so sorely needed today. Let us set ourselves to the serious task of building the Nation not on the pages of propaganda, but on the record of real achievement. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Oklahoma rose.

The CHAIRMAN. For what purpose does the gentleman from Oklahoma rise?

Mr. JOHNSON of Oklahoma. May I make the suggestion that I am not going to object to this speaking on extraneous matters, but it occurs to me that we might proceed with the bill. We are trying honestly to finish the bill this evening.

Mrs. BOLTON. Mr. Chairman, I move to strike out the last three words.

Never in our history have we as a country been so in need of calm, clear, principled thinking. Never have we had greater need to consider the fundamentals of the thinking of those who fathered this Republic lest we depart wholly from them.

It is my privilege to represent Ohio as vice regent upon the council of the Mount Vernon Ladies' Association. The council is sitting at Mount Vernon and is celebrating its seventy-fifth anniversary.

I wish it were possible for me to give you the feeling of Mount Vernon when the crowds have gone, and, as last evening the moon rises in its miraculous beauty over the mansion that was the home of Washington. But words are inadequate.

During the daytime thousands upon thousands of people visit this wonderful spot and expose themselves to the stimulation and beauty of Mount Vernon.

Last night, we council members sat down to a simple meal back in the little house that we built for the ladies, and we had as our place cards some of the maxims of Mr. Washington. Talking about these with several of the House Members this morning, it was suggested that it might do us all good to listen for a moment to two of the short paragraphs from Mr. Washington's writings. One was written in 1795:

> The madness of the European powers, and the calamitous situation into which all of them are thrown by the present ruinous war, ought to be a serious warning to us, to avoid a similar catastrophe so long as we can with honor and justice to our national character.

Another, written in 1781:

> We must not despair; the game is yet in our own hands; to play it well is all we have to do, and I trust the experience of error will enable us to act better in future. A cloud may yet pass over us; individuals may be ruined and the country at large, or particular States, undergo temporary distress; but certain I am that it is in our power to bring these matters to a happy conclusion.

It is still in our hands, is it not, Members of the House, to consider with sanity and balance all matters brought before us, weighing them all in the light of the pure Americanism of George Washington. [Applause.]

Mr. HOOK. Mr. Chairman, I move to strike out the last two words. I could not help rise in my place here when the gentleman from Pennsylvania [Mr. DITTER] criticized the Work Projects Administration and during his tirade referred to the Nation at large and said, "Its splendid manhood that wants to be challenged." I wonder if the gentleman is acquainted with the fact that the Work Projects Administration has established an educational program of vocational training, where they train the young men in the use of machines, so that they may be able to go out and obtain work and not remain dependent on the Government? I wonder if he is aware of the fact that the Work Projects Administration has done an admirable job in training men over 45 years of age so that they may also have a vocation and be able to operate a machine, so that perhaps we may tap that great reservoir of youth and middle age in the interest of national defense? Yes; the Work Projects Administration has not only tapped that great reservoir in helping the youth of America to a better day, but it has stepped into the breach when, under certain circumstances the War Department, especially in my State, made a blunder in one of the camps.

The W. P. A. had to lend their assistance and set up their program in order to cut down the cost of those camps.

Yes, the W. P. A. has not only given jobs to men and women on relief, but has relieved much human suffering, and is today building a foundation so that youth and middle age may be given an opportunity to do their bit in the interest of national defense. In my State alone the Work Projects Administration in the last year has trained over 3,000 youths in the use of machines and the use of lathes, and has obtained for those youths jobs in automobile factories at real wages and not W. P. A. wages.

Yes, they have trained men over the age of 45 who did not have a vocation, trained them in the use of machines which enabled them to be placed at work in factories at real wages. That, Mr. Chairman, is a job well done. It is a job that was much needed for many years. We must have the youth of America trained so that they will be able to help themselves. That is the job that the Work Projects Administration is doing and with proper administration will add much to our economic and industrial structure which will be in the interest of national defense. [Applause.]

[Here the gavel fell.]

The pro forma amendments were withdrawn.

The Clerk read as follows:

BONNEVILLE POWER ADMINISTRATION

For all expenses necessary to enable the Bonneville Power Administrator to exercise and perform the powers and duties imposed upon him by the act "to authorize the completion, maintenance, and operation of the Bonneville project, for navigation, and for other purposes," approved August 20, 1937 (50 Stat. 731), including personal services, travel expenses, purchase and exchange of equipment, printing and binding, and purchase and exchange, maintenance, and operation of motor-propelled passenger-carrying vehicles, to remain available until expended, $22,858,500, of which amount not exceeding $4,000,000 shall be immediately available, not exceeding $15,000 shall be available for personal services in the District of Columbia and $885,600 shall be available for expenses of marketing and transmission facilities, and administrative costs in connection therewith: *Provided*, That $2,000,000 of the foregoing amount shall be available only for the construction of additional transmission lines from the Grand Coulee Dam to Spokane, Wash.

Mr. RICH. Mr. Chairman, I make a point of order against the language on page 13, beginning in line 25, "that $2,000,000 of the foregoing amount shall be available only for the construction of additional transmission lines from the Grand Coulee Dam to Spokane, Wash.," that it is not authorized by law.

The CHAIRMAN. Does the gentleman from Washington [Mr. LEAVY] desire to be heard on the point of order?

Mr. LEAVY. I do, briefly, Mr. Chairman.

The CHAIRMAN. The Chair will be pleased to hear the gentleman. Had the gentleman from Pennsylvania [Mr. RICH] completed his statement?

Mr. RICH. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Washington is recognized on the point of order.

Mr. LEAVY. Mr. Chairman, the basic act providing for the construction of Grand Coulee Dam provides in this language:

For the purpose of controlling floods, improving navigation, regulating the flow of streams of the United States, providing for storage, for the delivering of stored waters thereof, for the reclamation of the public lands and Indian reservations, and other beneficial uses, and for the generation of electrical energy as a means of financially aiding and assisting. * * *

Then omitting a portion of the language—

The President, acting through such agents as he may designate, is hereby authorized to construct, operate, and maintain dams, structures, canals, and incidental works necessary to such projects, and in connection therewith to make and enter into any and all necessary contracts, including among other things, structures, canals, and incidental works necessary in connection therewith.

In August 1940 the President by Executive order provided that the power generated at Grand Coulee should be distributed by the Administrator for Bonneville, and the responsibility for marketing that power was placed in the Bonneville Administration.

If by law we can appropriate money for this activity in its entirety, and if we have that responsibility, then certainly by law we can appropriate money for a particular phase of such activity and so designate that apropriation for a particular purpose.

I submit, Mr. Chairman, that the point of order should be overruled.

Mr. TABER. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The Chair will be pleased to hear the gentleman, but the Chair would first like to inquire of the gentleman from Washington where he read the Executive order of the President? Is that in the hearings?

Mr. LEAVY. That is in the hearings on page 159, the first paragraph.

The CHAIRMAN. The Chair would be pleased to hear the gentleman from New York [Mr. TABER] on the point of order.

Mr. TABER. Mr. Chairman, I just want to call attention to the fact that not one single word of the language of the authorization act that was read authorizes the construction of a power line. It authorizes canals, approaches, and incidental structures, but not one single word authorizes the construction of a power dam.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule. The gentleman from Pennsylvania [Mr. RICH] makes a point of order against the language appearing in line 25, page 13, extending through line 3 on page 14 of the pending bill, on the ground that the appropriation there included is not authorized by law.

The Chair has examined with some degree of care the act to which reference was made by the gentleman from Washington [Mr. LEAVY], in his discussion on the point of order, which is the Rivers and Harbors Act approved August 30, 1935. The gentleman from Washington very kindly assisted the Chair in citing the language of this act with respect to the Grand Coulee Dam. Without repeating the language quoted by the gentleman from Washington, the Chair desires to invite especial attention to the following provision included in the act, which is a part of the language quoted by the gentleman from Washington:

And incidental works necessary to such projects.

The Chair is of the opinion that that language, taken with the entire act and the clear purpose of the act as stated, would form a sufficient basis to sustain the appropriation included in this item of the pending bill. Therefore the Chair is of the opinion that this item is authorized by existing law, and the Chair therefore is constrained to overrule the point of order.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 13, beginning in line 25, after the word "provided", strike out the words "that $2,000,000 of the foregoing amount shall"; and, on page 14, strike out lines 1, 2, and 3, inclusive.

Mr. RICH. Mr. Chairman, if there is any Member of this House I like personally when not on the floor, it is the gentleman from Washington [Mr. LEAVY]. I have the highest regard for him personally, I like him; but I have a duty to perform in trying to carry out what I think was the intent of Congress when it voted the money for Bonneville and Grand Coulee, and that was the purpose of putting it in the hands of the President of the United States and the engineers. That is what the first regulation was—that this should be entirely in the hands of the President and engineers. It did not say that a Member of Congress should run a power line from Bonneville up to Spokane.

You have all received this little booklet: Spokane Says the Columbia River Power Authority Is Not the American Way. You have all gotten that little booklet, you know about the vote that was taken at Spokane recently by the people in Spokane. That was a citizens organization. Some Members of Congress from Washington do not like the results of the vote of the people of the city of Spokane.

Mr. THOMAS F. FORD. Mr. Chairman, will the gentleman yield?

Mr. RICH. No; I cannot yield now.

They do not like it because the people of Spokane said: "We want to treat the power companies as we should like to be treated," nor do they like it when the citizens of Spokane want to say whether they are going to run a power line into Spokane or not, whether the people of Spokane can say what should be done in the matter of furnishing them power. The Congress ought not to take what a Congressman wants to do contrary to what the vote of the people in the district was. I think to do so would be wrong regardless of whether the proposition came from the gentleman from Washington or somebody else. Why, if my brother, or my mother, or my grandmother got up here and wanted me to do something that was wrong, I would not do it; and I am not going to do it for the gentleman from Washington [Mr. LEAVY], much as I like him. Now, let me read from this Columbia River power project:

The Spokane Spokesman's Review of March 30, 1941, describes a bill to create the Columbia River Power Authority as one which might with almost equal force be called a bill to direct the Secretary of the Interior to acquire and operate all power companies in the Pacific Northwest.

Then I skip down a way and read the following:

The people are to be told what they shall own. The people are to be told who shall operate the business in this community and they shall forever subject themselves to the arbitrary rule of the Secretary of the Interior however he may wish to govern his kingdom.

Electric power is the heart of any district. Control of the heart is control over the life and progress of the community. Control of electric power would provide the Secretary with the tool to make or break any business in the community, to permit or prohibit any operation of any enterprise in the district, to keep the people in darkness or in light according to his whim. Who could ask for more power?

I could go on and read a lot from this booklet, but you all have it; it will be enlightening to you. I say it is not your duty to run this power line to Spokane, it is not your prerogative against the will of the Spokane people, and you ought not to permit it. The gentleman from Washington, CHARLIE LEAVY, is a grand fellow, but let us not put him up against all the people in Spokane, especially when the majority voted against this proposal at the last election. Now, you decide; you decide whether you are going to let a Congressman do what the people of a great city decided they should not do. What will your decision be? I am for striking out this power line to Spokane until the people of Spokane want it.

Mr. RANKIN of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am surprised that the gentleman from Pennsylvania [Mr. RICH] would rise in the House and read from that publication of spurious propaganda. When I get through riddling it in a few days, the unmitigated gall of it, and the tactics resorted to to defeat the will of the people of Spokane he will be ashamed that he ever exhibited it on the floor of this House. [Applause.]

I have seen Power Trust corruption. I have seen them override the will of the people. I have seen their nefarious control of certain elements of the press. They have invariably bribed officials, intimidated Governors, and browbeaten legislators; but, in my humble opinion, there has been nothing worse than that debacle in Spokane, Wash., the net result of which the gentleman from Pennsylvania has exhibited to the House and which I expect to explode at an early date.

Mr. RICH. Mr. Chairman, will the gentleman yield for a question?

Mr. RANKIN of Mississippi. I will yield for a question, but not a speech.

Mr. RICH. Has the gentleman read that pamphlet?

Mr. RANKIN of Mississippi. Oh, Lord, yes.

Mr. RICH. Did the gentleman see what it had to say about the gentleman from Mississippi [Mr. RANKIN]?

Mr. RANKIN of Mississippi. Yes.

Mr. RICH. No wonder the gentleman exploded.

Mr. RANKIN of Mississippi. Of course, they jumped on me because I told the truth about them. [Laughter.] Why, the gentleman from Pennsylvania is one of the most misled men I have ever seen when he comes down into the Well of the House and reads from that spurious document.

Mr. RICH. It says the people of Spokane——

Mr. RANKIN of Mississippi. Mr. Chairman, I do not yield further. He cannot read that stuff to the House in my time.

The people of Spokane, of course, will come again and demand this power, and they will get it in due time without being robbed with overcharges in their rates.

Besides, Spokane is not the only community in that area. I was one of the men who insisted on J. D. Ross building that power line from Bonneville up to Grand Coulee. This is a continuation of that line. This is a line out into the area not only to serve the people of Spokane but to serve all the communities in that area, the smaller towns, the country districts, that great irrigation area up there that needs this power to pump water, those farmers on whom this Nation must depend for its daily bread. This is a line to supply power to them so that they may use it to build up their homes and to make them comfortable and attractive places in which to live.

Why certainly this line is going to be built, and we are not going to let that bunch of highbinding Power Trust grafters get hold of it. We are going to build it; and if you knock this provision out, we will put it back in the Senate. If every Member of the House knew the facts behind this situation, the amendment offered by the gentleman from Pennsylvania [Mr. RICH] would not get a half-dozen votes, and I doubt if it would even get his.

I sincerely hope the amendment will be voted down and that this provision will be held in the bill. [Applause.]

Mr. TABER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the most interesting part of the speech of the gentleman from Mississippi is that he admitted the statement that the gentleman from Pennsylvania [Mr. RICH] read out of that booklet or whatever it was, was true that Spokane voted against this municipal electric program. When he did that, that was about the end of the story except insofar as he got into a lot of cheap propaganda.

Mr. Chairman, here is the picture and here is the crux of this $2,000,000 item. Are we going to spend a couple of million dollars spreading out existing power facilities on anything except the aluminum proposition? We are going to need every bit of power that we have in this country for production of aluminum in the next 3 or 4 years and the more we go ahead in fancy schemes to get rid of our money, to get rid of our electricity, and to diversify its use so far as other things are concerned, the less we are going to be able to produce in aluminum that is going to be needed in the next 3 or 4 years for national defense.

Why not let such things as this go until after we get through this mess we are in and until after we get through with this war crisis that hangs over the world? Let us make some contribution toward constructive work for national defense instead of spreading all over the lot into all kinds of enterprises in all directions where we are not contributing but where we are diversifying our efforts and destroying the effect that we may otherwise give to national defense.

[Here the gavel fell.]

Mr. LEAVY. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. RANKIN of Mississippi. Will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Mississippi.

Mr. RANKIN of Mississippi. I just want to correct the error of the gentleman from New York [Mr. TABER]. I never admitted there was a word of truth in that pamphlet. I do not think there is.

Mr. LEAVY. Mr. Chairman, my genial, lovable colleague from Pennsylvania has taken the time to tell you how much he would do for me, but this is one of the many instances in which he could not go along.

Mr. Chairman, very naturally there is no Member of the House who would be more deeply concerned politically about what might happen in Spokane than I am. That is my home city. The people there by their votes send me to Congress, or have the power to keep me at home.

I could not in 5 minutes tell you the terrible story of the Power Trust, the corruption and abuse, the illegal and improper influences that it set in motion out there in the recent city election. I will tell you that they came in and cut rates just 30 days before that election in the city of Spokane, a city of 125,000 people, and they made a rate cut to the extent of $750,000. They reduced the bills just before the election. Now, they were either robbing us before this reduction or they are going to go broke under this new rate.

Mr. Chairman, this amendment does not save a dollar. It leaves the aggregate appropriation just as it is. I asked to have this earmarked in order that a line may be built east to Spokane, because one is built and two more are being built west in order to reach a place where power can be used. To carry this power west for use, you must travel 232 to 250 miles, and to go east we only go 90 miles to bring us to a real center where five transcontinental railroads meet, at Spokane, and where the Government is giving serious consideration to erecting plants that will help relieve this terriffic need for light metals.

Why would it not be economy to build this line 92 miles rather than to build it 250 miles and suffer the tremendous line loss that always occurs on a great transmission line? Why not build it the shorter distance and meet rail transportation, and there erect a part of these reduction plants?

There is a crying need for aluminum today, and out on the west coast they want to double the production capacity. The aluminum that is being manufactured on the Pacific coast now has to be shipped clear across the continent in the form of alumina, then made into aluminum bars, loaded on freight cars again, shipped across the continent to Kensington, near Pittsburgh, made into plane parts and wings, then loaded on freight cars and shipped back west again, where 60 percent of the planes are produced. Would it not be much better to allow us to bring the power where those who know the situation best think it should be brought, so that we can utilize our rail transportation in connection with our

power facilities and production? That is all this item does.

May I say a word now about the city of Spokane? The power in question that would be carried on this line will all be used, regardless of whether the city does or does not use 1 kilowatt-hour of it, because the demand is there now in that region about Spokane.

Mr. CARTER. Will the gentleman yield?

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

Mr. CARTER. I am a little confused about this matter, having listened to three or four speeches. Did the city of Spokane hold an election in which it declined to take over the distributing system of the public utility up there?

Mr. LEAVY. That is correct, but that has no bearing one way or the other upon the question of this power.

[Here the gavel fell.]

Mr. CARTER. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for 2 additional minutes.

Mr. RANKIN of Mississippi. Make it 5. I want the gentleman to answer him on that.

Mr. CARTER. Mr. Chairman, I have a unanimous-consent request pending, I believe.

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

There was no objection.

Mr. CARTER. Will the gentleman from Washington state how long ago this election took place, and what the result was?

Mr. LEAVY. The election was held in March of this year, and the result was a 3 to 2 vote against——

Mr. CARTER. Against the proposal?

Mr. LEAVY. Against spending $4,200,000 to acquire the private system. There was only about 70 percent of the registered vote gotten out.

Mr. CARTER. This proposed line would serve largely the city of Spokane, and the city of Spokane is the largest city that would be served by the line?

Mr. LEAVY. This line would not need to serve the city of Spokane at all. If a single magnesium plant, on a small scale, came in there they would use the entire power output that this line would carry. The city of Spokane uses electricity liberally, but it uses only about 50,000 kilowatts a year. This line will carry 100,000 kilowatts. It is purely a line to serve such industry as will in all probability locate there at this population and transportation center, and to serve numerous R. E. A.'s and communities in this section.

Mr. CARTER. Notwithstanding the refusal of the city, there is ample need for such a line into that territory?

Mr. LEAVY. Undoubtedly there is.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield to the gentleman from Idaho.

Mr. WHITE. Is it not a fact that on each side of Spokane, north in the great metaline field and east in the Coeur d'Alene region, there is great use for this power for electrolytic production of zinc, a strategic metal? Is not that area one of the heaviest consumers of power?

Mr. LEAVY. One of the great copper, lead, and zinc regions of the United States is just east of Spokane and north of Spokane.

Mr. WHITE. They built one of the highest tension lines in the country to get power into the Coeur d'Alene region for the electrolytic production of zinc.

Mr. LEAVY. The gentleman is correct. Those industries are now suffering from actual power shortage. [Applause.]

[Here the gavel fell.]

Mr. ANGELL. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I hesitate to take any more of your time and that of the Committee in a discussion of this amendment, but inasmuch as opposition has developed on my side of the House I crave your indulgence for a few moments, because Bonneville, as you know, is in my district.

There are three considerations in the construction of a project to provide electrical energy. One, of course, is the power plant itself, which is now pretty well completed at Bonneville and well on its way to completion at Grand Coulee. Second, there must be transmission facilities to carry that power to the points where it can be utilized. Third, there must be transformers to step down the power to such a condition that it may be actually used in industry.

The bill before us today provides for transmission facilities and also for substations so that the power may be taken to various points that are utilizing it.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Pennsylvania.

Mr. RICH. Then why do you not leave it in the law that is now written, so that it is in the hands of the President and those who are now controlling Bonneville and Grand Coulee? Why should we write the legislation?

Mr. ANGELL. The engineers who have passed upon this problem have determined what is essential for the greatest utilization of this great wealth of power that is being developed on the Columbia River. We as laymen are not competent to pass upon these technical questions. The electrical and construction engineers in their wisdom have determined these problems as to where the transmission lines shall be, where the substations shall be, and where the power ultimately should be utilized.

Mr. RICH. That is just what this amendment does; it puts it in the hands of the people who are now administering it instead of letting the Members of Congress say where the lines should be run. The people who are now administering it, plus the President of the United States, have the power to place it just where they think best.

Mr. ANGELL. I beg to disagree with the gentleman, but I wish to discuss this just a little bit further, because, as you may know, the white metal aluminum is the very vital metal which we need in national defense.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Washington.

Mr. LEAVY. Is it not a fact that the Administrator and the engineers at Bonneville testified that this line should be built eastward to Spokane?

Mr. ANGELL. That is absolutely true. I have the record before me, but there is not time to read it in this discussion.

I call your attention to an article which appeared in a Washington paper today, the Post, I believe it was, calling attention to testimony which was given yesterday before the Senate investigating committee with reference to our needs for aluminum in the national-defense program. In this article it is stated that next year every bit of aluminum which is now used in commercial transactions other than national defense must be eliminated from that use and we must utilize aluminum for this one essential purpose—national defense.

Do you realize that 30 percent of the aluminum produced for national defense is being produced right there on the Columbia River now from these two projects, Bonneville and Grand Coulee?

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. ANGELL. I yield to the gentleman from Massachusetts, our distinguished majority leader.

Mr. McCORMACK. Is my understanding correct that we have to depend upon imports of aluminum for the main part of our supply of aluminum in the United States?

Mr. ANGELL. I may say to the gentleman from Massachusetts, we have been doing that, and particularly we have been importing from South America the raw products from which we make aluminum.

Mr. McCORMACK. That makes it all the more important that we should increase our domestic production not only as a means to advance our national defense now but for long-range business purposes in the future?

Mr. ANGELL. The gentleman is correct. I further call the attention of the House to the fact that Mr. Batt, Production Chief in the Office of Production Management, testified that next year we will require 1,400,000,000 pounds of aluminum in the national-defense program, and that that will mean tripling the output that we are presently producing. Grand Coulee and Bonneville power will produce, in April 1942, 626,000 kilowatts, which, translated into aluminum, will mean 626,000,000 pounds. In other words, this transmission line which we are authorizing in this bill, and which is the subject of the amendment is for the tying together of Grand Coulee and Bonneville, for the utilization at the present time in defense industry of this large reservoir of power which is absolutely necessary to national defense. We should not hamstring this great industry. I hope that the Members on my own side of the aisle in their great zeal for economy, and we are all zealous, of course, to accomplish economy, will not at this critical day in the world's history attempt to cut down on essential materials needed

for national defense by adopting this amendment. Airplane construction depends on aluminum. Without it our defense program will fail. We must be prepared to control the air.

I quote a portion of the Post article to which I have referred:

DEFENSE TO GET ALL ALUMINUM, SENATORS TOLD

(By John G. Norris)

Direct military needs next year will take all available sources of aluminum, leaving none for electric refrigerators, pots and pans, or other civilian needs, William L. Batt, Deputy O. P. M. Production Chief, disclosed yesterday.

At the same time, defense officials said there was "a distinct possibility" that a 40-percent instead of a 20-percent cut in 1942 model automobile production may be necessary.

Testifying before the Senate Defense Investigating Committee, Batt admitted that estimates made last year by the Defense Commission as to aluminum requirements had proved entirely inadequate. He declared that the production goal fixed in this field and other defense production is not high enough to meet requirements.

"Our sights all the way down the line are too low," the former precision bearings manufacturer stated.

* * * * *

Batt told the Senate committee that should the new B-19 superbomber become the "tactical weapon of the future," 1942 aluminum requirements might be 1,400,000,000 pounds instead of 1,200,000,000 pounds as now expected. Such demands can be met, he said, but it will require "all the power of Bonneville Dam plus all the power that Grand Coulee will be producing at that time."

Production facilities for aluminum will be increased this month when the Reynolds Metal Co. starts operations, the O. P. M. official said. Heretofore, the Aluminum Corporation of America has been the only American producer.

Mr. Chairman and gentlemen of the Committee, on April 30, when the bill was under general debate, I discussed at some length its merits and my remarks appear at page 3454 of the CONGRESSIONAL RECORD of that date. I there pointed out the need of this appropriation for national defense.

The CHAIRMAN. The time of the gentleman from Washington has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $900,000, including not to exceed $5,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles: *Provided*, That not to exceed $5,000 of this appropriation may be expended for salaries of employees of the field surveying service temporarily detailed to the General Land Office: *Provided further*, That not to exceed $10,000 of this appropriation may be used for the survey, classification, and sale of the lands and timber of the so-called Oregon and California Railroad lands and the Coos Bay Wagon Road lands: *Provided further*, That this appropriation may be expended for surveys made under the supervision of the Commissioner of the General Land Office, but when expended for surveys that would not otherwise be chargeable hereto it shall be reimbursed from the applicable appropriation, fund, or special deposit.

Mr. RICH. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 16, line 23, strike out "$900,000" and insert, "$750,000."

Mr. RICH. Mr. Chairman, I see that the House is in no frame of mind for economy. You are not going to economize in any manner, and I have only picked out a few things we might strike from this bill. It seems to me that the country at large ought to know that this administration is not going to economize in the regular departments of government and I want the people of the country to know that the administration and all of the new dealers and everybody concerned on that side of the House are not going to do it. The vote shows this afternoon the new dealers are not going to economize.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield for one question?

Mr. RICH. Yes; for one question.

Mr. FITZPATRICK. The gentleman complains about this Department, yet in one bureau of the Department fees to the amount of $7,000,000 were turned over to the Treasury of the United States, and the gentleman is complaining about $900,000 for the administration of the act.

Mr. RICH. Who turned in $7,000,000? Let me hear about that.

Mr. FITZPATRICK. On page 802 of the hearings the gentleman will see that the total turned in was $7,057,942.15.

Mr. RICH. What was that turned in for?

Mr. FITZPATRICK. For charges made in the Land Office, for money received.

Mr. RICH. What for? For surveys?

Mr. FITZPATRICK. Leases on oil lands, rents, and matters of all descriptions.

Mr. RICH. But I am talking about the survey of public lands. Let us keep on the subject.

Mr. FITZPATRICK. That is in the Land Office.

Mr. RICH. I do not yield any further. The gentleman is as far off the subject as the North Pole is from the South Pole.

Mr. TABER. Mr. Chairman, will the gentleman yield to me to correct an error?

Mr. RICH. I yield.

Mr. TABER. The gentleman from New York said that they turned into the General Treasury $7,000,000. That total on page 802 of the hearings shows that it was $1,045,000 that was turned into the general fund.

Mr. RICH. That is about as near correct as anybody on that side could possibly get.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. Not any more. Last year we spent $750,000 for surveying the public lands. I do not think they ought to have that much, but I am willing to give them that much. Let us cut $150,000 from this item for that reason. It will be only a few years before you will have to survey this again, because to survey all of the public lands of this country and mark them, even though they tried to mark them permanently, it will have to be done again in a few years, and you will be continually doing it, so that it is only a waste of money.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. RICH. I ask you to save $150,000 of this item. For goodness sake, show a little disposition to cut down Government expenses.

Mr. WHITE. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes.

Mr. WHITE. The gentleman knows that the Government could not pass title to land until it is surveyed. You have to lay it out in townsites and survey this land, and file it in the Land Office, and everything is based on the survey.

Mr. RICH. I realize that, but $750,000 will do all of the surveying and give you all that information, and you do not need $900,000. Let us vote once for $150,000 worth of economy. Will you do it?

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment.

I am sure the distinguished gentleman from Pennsylvania did not make the statement intentionally that there was spent last year $893,880. There remains 41,500,000 acres to be surveyed. Nothing can be done with this land; no title can be given; no revenues can be received; leases cannot be made until the surveys are made. This is the most economical investment the Government has. The amount of money is approximately the same as devoted to this activity last year. I ask that the amendment be defeated in the interest of economy.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RICH].

The amendment was rejected.

The Clerk read as follows:

For general support and rural rehabilitation of needy Indians in the United States, $1,000,000, of which amount not to exceed $1,000 shall be available for expenses of Indians participating in folk festivals, and not to exceed $50,000 shall be available for administrative expenses incident thereto, including personal services in the District of Columbia (not to exceed $25,000) and elsewhere, and printing and binding (not to exceed $250).

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 56, line 21, after the word "States", strike out the balance of the line and the balance of the page, and on page 57 strike out lines 1 and 2.

Mr. RICH. Mr. Chairman, I just meant to strike out that "support and rural rehabilitation, $1,000,000."

The object of that is this: We have our W. P. A. projects and we have our relief. Now we are writing into this bill the very things that the relief agencies administer to the Indians previous to the establishment of this in this bill. Five hundred thousand dollars is to be relief money to be distributed by the Indian Bureau. It does not seem that we should be putting relief money into this bill.

Mr. O'CONNOR. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes; I yield.

Mr. O'CONNOR. I call the gentleman's attention to the fact that the Indians, as a rule, are discriminated against in being given W. P. A. relief, upon the theory that they are wards of the United States Government and it is up to the Government to look after them. That is why there is no item in this bill that is more necessary for these poor Indians than this $1,000,000 item which will give them a chance to have something purchased for them out of which they will be able to make a living.

Mr. RICH. Do you mean to insinuate that when we vote money for relief, this administration never gave anything to the Indians? Do you mean to insinuate that the administration drew the line against the Indians of this country?

Mr. O'CONNOR. I am saying this to you, just as I said before, the Indian is discriminated against in our relief program, upon the theory that the Indian is the ward of the United States Government, and it is up to the Government to look after him.

Mr. RICH. When the Government looks after the white man, why would it not look after the Indian? It seems to me the white man has pushed the Indian clear off the end of the log, and now they ought to take care of them in the same manner that we take care of white men. But I do not see why we should put $1,000,000 into this bill to permit the Indian Bureau to distribute as they see fit.

Mr. O'CONNOR. I know the gentleman pretty well and I do not believe the gentleman wants to see Indians or white men or red men live off of dog meat in this country. That is what some of these landless Indians were living off of a year ago.

Mr. RICH. Well, we have appropriated money to look after all the people of this country. Why does the Government permit the Indians to eat dog meat?

Mr. O'CONNOR. As a matter of fact, they do not give the Indian anything, but the Indian has to go out and get what he can. Sometimes the only thing he can get is dog meat.

Mr. RICH. You said they did not give the Indian anything, and now the only thing he can get is dog meat.

Mr. O'CONNOR. No; it is what he can get, and that is dog meat, that was a year ago.

Mr. RICH. Well, let us get after this administration then, and see that they do the right thing. They have been doing the wrong thing long enough.

Mrs. BOLTON. Mr. Chairman, will the gentleman yield?

Mr. RICH. Yes; I yield.

Mrs. BOLTON. I think it would be advisable if we as a Congress inquired into the work that we as a nation have done for and against, largely against, the Indians. I served for a year on the Indian Affairs Committee. I would like to see this Congress go very seriously into a study of what the Wheeler-Howard Act and the way it is administered has done to the Indian. It is a shocking situation and one that we should be very deeply ashamed of. [Applause.]

Mr. RICH. Well, I think, Mr. Chairman, that this amount should not be in this bill, but we should administer the funds that we give for relief to the Indians and the white men alike. That is the reason I ask that it be taken out of this bill.

[Here the gavel fell.]

Mr. CASE of South Dakota. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am very much afraid the gentleman from Pennsylvania, who has one of the biggest hearts in the world, is terribly misinformed as to the status of this fund, for the effect of his amendment would be to shove the Indians clear off the end of the log.

The facts are that for a number of years the Indians were eligible for W. P. A., or for help from the Farm Security Administration. A couple of years ago that situation was changed. Rulings of attorneys in the General Accounting Office threw them off relief as far as the Farm Security Administration was concerned. Then in the W. P. A. appropriation bill, a year ago I believe it was, a fund was set up for Indian relief and they went off W. P. A.

We were told that the specific fund for Indian relief was to take the place of the work relief the Indian had received on W. P. A. and F. S. A. and the old direct relief fund for unemployable, needy Indians. This item was in the general relief appropriation bill, $1,700,000 to cover the phases of Indian relief that were formerly handled by W. P. A. and Farm Security and emergency direct relief. It represented a cut of several hundred thousand dollars.

This year the Budget reduced that item of $1,700,000 to $1,300,000, and $1,300,000 was recommended for this bill. The committee has cut that $1,300,000 recommended by the Budget, cut it already down to $1,000,000 and now the amendment offered by the gentleman from Pennsylvania would strike out the entire $1,000,000 and the Indian would be crowded entirely off the end of the log, for they have been taken off W. P. A. and have not been eligible under Farm Security Administration rulings for farm relief.

Let me go further and point out that a year ago when the relief appropriation bill was passed, when the reduced figure of $1,700,000 was set up for Indian relief, the regular estimates were set up for a year of general W. P. A. relief for whites and blacks throughout the country. When that bill was under consideration in the Congress an amendment was adopted making the general W. P. A. relief funds available for expenditure within 8 months, but that provision was not extended to the amount for Indian relief. And later, as you will recall, the Congress made another appropriation for 4 months for general W. P. A. relief, but it did not make any additional amount available for Indian relief. So the amount that was originally scheduled to run the W. P. A. for a year was spent in 8 months, and funds were added to take care of the last 4 months of the fiscal year, but the amount for Indian relief, already cut, was not increased. Mr. Indian got the go-by as usual.

In addition to that fact, this year the Budget reduced that $1,700,000 to $1,300,000. The committee has already reduced the $1,300,000 to $1,000,000, and now the amendment before you would strike that out entirely.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. COCHRAN. This is for unemployables, is it not; people who cannot work by reason of physical disability or age?

Mr. CASE of South Dakota. No; it is for general relief among the Indians, one-half for direct relief and one-half for work projects, according to the committee report.

Mr. MUNDT. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield to my colleague from South Dakota.

Mr. MUNDT. I would like to add to the presentation being made by my colleague from South Dakota that the Indian is probably the most ignored member of our whole American citizenship. The Indian Affairs Committee gets the call on the calendar about once a year to present bills, and it brings bills before you to rectify the position of the Indians, but the membership of the House very seldom attends. In fact, it makes District of Columbia day look like give-away day at Glasgow in comparison. We cannot get the Members to attend; we cannot get the bills through; consequently it is imperative that this amendment be defeated; that this sum be left for the relief of the Indians.

Mr. CASE of South Dakota. My colleague speaks from experience and personal knowledge.

Mr. Chairman, the committee in attempting to justify the reduction makes the following statement on page 10 of the report:

> The committee is of the opinion that the actual reduction of $200,000 recommended under this head is fully justified because of the increased activities in connection with the national-defense program.

As a matter of fact, as I have explained, there is an actual reduction of $300,000 from the Budget and of $700,000 from last year. To attempt to justify such a reduction on such grounds is ridiculous. I have not yet heard of a single national-defense project being located anywhere in the Indian country or anywhere that it has given any Indian a chance for a job. The amendment now before you would strike out the item altogether. Certainly the gentleman was misinformed or he would never have offered it. I ask for the defeat of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

Mr. CASE of South Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASE of South Dakota: On page 56, line 21, strike out "$1,000,000" and insert "$1,100,000."

Mr. CASE of South Dakota. Mr. Chairman, I shall not take my entire 5 minutes on this amendment, because I have explained the situation in opposing the previous amendment. Let me recount briefly, however, that the Budget estimate was for $1,300,000. The committee cut it to $1,000,000. The committee said they had transferred $100,000 of this reduction to the item for road construction, but reference to roads in the report indicates that that item was earmarked so it does not become available for general relief. Consequently, as far as Indian relief and rehabilitation is concerned, the cut is $700,000 below the amount of last year and $300,000 below the Budget recommendation this year.

The justification offered in the committee report is that the reduction—

is fully justified because of the increased activities in connection with the national-defense program.

That adds insult to injury. If the cut were offered in the name of economy or patriotism, that would be something else—but because of "increased activities in the national-defense program"—I challenge any Member of the House to cite one project anywhere in the Indian country where the Indians have a chance to get jobs on national-defense projects. Is there a Member of the House who can cite one single national-defense project in or near an Indian reservation where an Indian has an opportunity to go and get a job? Nobody answers. There is not one, yet the justification given for this reduction is that the Indians can secure jobs through the national-defense program. My amendment seeks to restore $100,000, making a total of $1,100,000, which would still leave the fund $200,000 below the Budget and $600,000 below last year, a cut of 35 percent.

Mr. O'CONNOR. Will the gentleman yield?

Mr. CASE of South Dakota. I yield to the gentleman from Montana.

Mr. O'CONNOR. There is not a defense project in the Dakotas, Wyoming, or Montana, in which States we have a huge Indian population.

Mr. CASE of South Dakota. The gentleman knows whereof he speaks. And in other States with large Indian population, I have heard of not a single defense project offering jobs to Indians—none except the chance to join the Army. And the Indians do that. They are loyal and patriotic citizens. Why treat them this way? I hope you will support my amendment. It will still leave the fund $200,000 below the budget and 35 percent below last year's figure when the Indian was already given the short end of the deal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota [Mr. CASE].

The amendment was rejected.

The Clerk read as follows:

Reindeer service: For supervision of reindeer in Alaska and instruction in the care and management thereof, including salaries and travel expenses of employees, purchase, rental, erection, and repair of range cabins, purchase and maintenance of communication and other equipment, and all other necessary miscellaneous expenses, $90,740, to be immediately available, and to remain available until June 30, 1943.

Mr. RICH. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I just want to call your attention to the fact that the Reindeer Service in Alaska is now costing $90,740 a year. This is to look after the reindeer up there. It is quite a tidy sum and it will continue to be at least that much or more each and every year for the rest of our lives, or as long as Uncle Sam continues to be a Santa Claus.

Mr. Chairman, after the fight we put up to try to save the money that was expended for the purchase of these reindeer, may I say that the people who were sent up there to purchase the reindeer by the Department of the Interior did a good job. They bought them for about half of what it was stated it would be necessary to pay for them. Uncle Sam practically owns all the reindeer in Alaska. I want to give credit to the Department of the Interior for the job it did in purchasing these reindeer. There were not as many as they said there were in Alaska. Now that you have them you will have to take care of them each and every year. Uncle Samuel a real Santa Claus.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Boise project, Idaho, Payette division, $500,000: *Provided*, That such part of the storage capacity of the Cascade Reservoir, and the costs thereof, shall be reserved for other irrigation or power developments in and adjacent to the Boise project, as shall be determined by the Secretary of the Interior.

Mr. RICH. Mr. Chairman, I make a point of order against the language on page 78, beginning in line 15, reading as follows:

Provided, That such part of the storage capacity of the Cascade Reservoir, and the cost thereof, shall be reserved for other irrigation or power development in and adjacent to the Boise project, as shall be determined by the Secretary of the Interior—

On the ground that this is legislation on an appropriation bill.

Mr. LEAVY. Mr. Chairman, does the gentleman make the point of order just against the proviso?

Mr. RICH. Yes.

Mr. LEAVY. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Shoshone project, Wyoming: Heart Mountain division, $150,000; Power division, $300,000; Willwood division, $15,000.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

I do this not for the purpose of offering an amendment but to see if we can reach some agreement relative to adjournment or the reading of this bill. We have but one reading clerk here this afternoon and he has been reading well and continuously for some time. I am wondering if the chairman of the committee expects to move that the Committee rise within the next few minutes.

Mr. JOHNSON of Oklahoma. It is entirely up to the gentlemen here as to what we propose to do. I am sure this committee would agree to skipping several pages if the gentleman wants to make such a unanimous-consent request.

Mr. CARTER. We have some amendments to offer and I have no doubt that other Members have amendments. I believe ample opportunity should be given to offer amendments wherever desired.

Mr. JOHNSON of Oklahoma. I agree with the gentleman.

Mr. CARTER. Mr. Chairman, at this time, then, I ask unanimous consent that we may skip over to the top of page 82, Colorado River Dam fund, and that anyone having amendments anywhere between where the Clerk is now reading and the top of page 82, line 3, be privileged to offer those amendments at this time, and that the pages intervening be deemed as read.

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

Mr. TABER. Reserving the right to object, I do not believe we ought to pass over the reading of a general appropriation bill, and for that reason I feel constrained to object.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Would the gentleman advise the House and myself, if he can, how many amendments may be offered which the minority would want to debate tomorrow? I ask this because of other considerations that confront us.

Mr. CARTER. I know of perhaps six or seven.

Mr. McCORMACK. Has the gentleman an idea about how long the debate on these amendments would take?

Mr. CARTER. I presume it would take the usual 5 minutes on each amendment.

Mr. McCORMACK. We shall not continue much longer today, I am sure of that. Furthermore, the House knows that the leadership of the House on both sides feel that, rather than have the Members subjected to long days of work, unless there is some emergency the committee should rise sometime after 5 o'clock, between 5 and 5:30. Having in mind the fact that tomorrow is Calendar Wednesday and that the gentleman from Alabama [Mr. STEAGALL] wishes to call up some bills which his committee wishes considered, is it fair to assume that the consideration of this bill may not take much more than an hour or an hour and a half?

Mr. CARTER. I should think it would take a couple of hours. That is my best estimate.

Mr. McCORMACK. Would the gentleman from Alabama be interested in continuing with Calendar Wednesday tomorrow if the consideration of this bill does not take too long?

Mr. STEAGALL. I, and I am sure the members of the committee, would be glad to have whatever time we may be able to get tomorrow. We have the whole day as a matter of right.

Mr. McCORMACK. That is true; I understand that.

Mr. STEAGALL. Notice has been given to the members of the committee and to numerous Members of the House that our committee would have the floor tomorrow. This legislation is important. It is a defense measure, pure and simple. I do not know of anything that ought to take precedence over its consideration. However, of course, I am not going to object to a request by the leader.

Mr. CARTER. May I say to the gentleman from Massachusetts that if we run until say 5:30 this afternoon we may be able to finish in an hour or an hour and a half tomorrow?

Mr. McCORMACK. The reason I asked is that when we get into the House I intend to ask unanimous consent that Calendar Wednesday be dispensed with tomorrow only to the extent that it is necessary to complete this bill, and that Calendar Wednesday business then be taken up if the gentleman from Alabama so desires. I understand there is some legislation the gentleman is anxious to bring up. I am glad the gentleman from California asked for this time so that this colloquy could ensue.

Mr. STEAGALL. I would not object to the request of the gentleman from Massachusetts to dispense with Calendar Wednesday. If there is time enough left so that we can pass one of the bills that we are anxious to consider, of course we want the time.

Mr. McCORMACK. My only desire, and the gentleman from Massachusetts [Mr. MARTIN] concurs in it, is to try to help out as much as we can. Of course, my unanimous-consent request can be objected to, but I am personally in such a position that I would feel constrained to submit the unanimous-consent request and let this bill continue to completion. I was hopeful that if we could get through in a reasonable period tomorrow, in say an hour or about that time, the gentleman from Alabama could then take up the bill he has in mind.

Mr. MARTIN of Massachusetts. If the gentleman will yield, I may say for the benefit of the gentleman from Alabama that he probably could get two of his bills through without any great difficulty. I understand there is opposition of a formidable character to only one of them.

Mr. STEAGALL. I do not expect any fight on more than one of the bills, but the gentleman from Massachusetts [Mr. McCORMACK] has suggested that he had information that there would be opposition to two of these bills.

Mr. McCORMACK. No; the suggestion was made that because one of the bills provided for an increased authorization it might be well not to ask unanimous consent for its consideration and passage. May I ask the gentleman from Massachusetts if my recollection is correct?

Mr. MARTIN of Massachusetts. That is true. A billion dollars was involved, and we felt that the bill involved too much money to be taken up under unanimous consent. I want the gentleman from Alabama [Mr. STEAGALL] to understand that I have no understanding from any source that there will be any serious opposition to that, but simply I desired to submit a unanimous consent for consideration, in view of the amount involved.

Mr. STEAGALL. One of these bills involves an increase in the lending and borrowing capacity of the Reconstruction Finance Corporation, and there is in the other bill the gentleman has in mind a provision which extends the limits of insurance that may be guaranteed by the Federal Housing Administration.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RANKIN of Mississippi. Mr. Chairman, I ask unanimous consent to extend the remarks I made this afternoon.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DWORSHAK. Mr. Chairman, I offer the f llowing amendment, which I send to the desk.

The Clerk read as follows:

Page 79, following line 20, insert a new paragraph: Grand Valley Project, Idaho: For further investigations, exploratory and preparatory work, $75,000.

Mr. DWORSHAK. Mr. Chairman, recently, during the debate on this measure, the distinguished gentleman from Washington [Mr. LEAVY] made the statement that he always supported every meritorious proposal made for reclamation development. Throughout the consideration of this bill today I observed that the majority members of the committee have consistently and forcefully supported every amendment and every proposal for the expenditure of funds for reclamation development and other activities covered by the appropriations for the Interior Department.

In harmony with this program, I wish to take a few moments to discuss this amendment providing for $75,000 to conduct and complete engineering investigations and to secure data on the Grand Valley project in eastern Idaho. Three years ago, this project was approved by the engineers who made an investigation. Just recently, the Bureau of Reclamation approved a report as to its feasibility, and as recently as March 3, the Army Engineers Board likewise approved the Grand Valley project as to its economic feasibility. I was informed that, probably within the next 30 days, the report will be transmitted to Congress by the Budget Bureau in regard to this project. In other words, unless this amendment of mine is adopted today, making possible the completion of the investigations and the securing of this engineering data, it is likely there will be a delay of 11 months, because it would involve deferment until next year, when another appropriation bill comes up for consideration.

I shall not go into the mechanics of the project. It provides for the conservation of water in the Great Snake River in eastern and southern Idaho. The Snake River is a branch of the Columbia River. This project involves flood control, power development, and the use of water for reclamation development; and I stress at this time that it contemplates no additional acreage. The reclamation feature simply provides supplemental water for existing acreage. The power development involves about 30,000 kilowatts to be generated, and the Federal Power Commission recently reported a deficiency of 30,000 to 35,000 kilowatts of power in eastern Idaho. This is not a huge hydroelectric development, but it will provide needed power in eastern Idaho. The public utility operating in that area and public agencies which need this power have already offered tentative contracts to take care of the entire output of electricity. Then, in southeastern Idaho, contiguous to this proposed development, lie the greatst phosphate deposits of any State in the Union, estimated at about 8,000,000,000 tons. These phosphates cannot be processed unless there is an abundance of cheap power provided, and I urge at this time that the committee support my amendment in order that reports on the investigation of this project and the engineering data required may be made available, so that there will be no attempt to authorize construction of this project or the awarding of this contract until these investigations have been completed. The Grand Valley project is an economic development in line with the program outlined by the gentleman from Washington [Mr. LEAVY], a member of the subcommittee having the bill in charge. I ask your support, because it is in the interest of not only national defense but the economic defense of the Nation.

Mr. PIERCE. Will the gentleman yield?

Mr. DWORSHAK. I yield.

Mr. PIERCE. What is the purpose of this power, to go the same as American Falls went and Black Canyon, into the hands of the utilities?

Mr. DWORSHAK. The distribution of that power was handled by the United States Bureau of Reclamation.

Mr. PIERCE. At a rate whereby you are paying double and treble what you ought to be paying.

Mr. DWORSHAK. I will say to the gentleman that the city of Idaho Falls, a community of 15,000 residents, other public agencies there, and the Idaho Power Co., have already offered to take over the entire amount of power in excess of that required for the operation of this particular project.

Mr. PIERCE. That is precisely what I am objecting to—turning it over to the private utilities.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. JOHNSON of Oklahoma. Mr. Chairman, I rise in opposition to the amendment. The gentleman who has just addressed the committee [Mr. DWORSHAK] appeared before the Committee on Appropriations and made a very impressive and informative state-

ment. Moreover, I think I can safely say that the committee was sympathetic with what the gentleman is attempting to do. The gentleman has just said that he hopes to get a Budget estimate. Personally I hope the gentleman does get a Budget estimate. No doubt his is one of the many worth-while projects which this Congress will be called upon to make appropriations for within the next few months or possibly years. But this is not the only worthy project presented to the committee.

Mr. DWORSHAK. Will the gentleman yield?

Mr. JOHNSON of Oklahoma. I yield.

Mr. DWORSHAK. I endeavored to point out that there is no effort being made now to authorize the awarding of a contract; but that it is necessary to complete these investigations and secure the data before a Budget estimate can be made for the consideration of the Appropriations Committee.

Mr. JOHNSON of Oklahoma. I understand the gentleman and the committee felt very favorable to his project, but the committee did not have any more information with reference to his project than it did with reference to several others. As I recall, there were 26 Members of the House who appeared before our committee, most of whom had what they believed to be urgently needed projects, and the committee was deeply impressed with the merit of several. In fact, many of them were worth while and meritorious. The committee felt favorably inclined to assist many of them, but if it had approved all of the needed projects it would have required an appropriation of some $44,000,000 above the Budget estimate. We had to stop somewhere. While Members personally feel friendly to the project, and are hopeful for the Budget estimate that the gentleman says he feels he will be able to secure, we nevertheless do not feel that under the circumstances we can accept the gentleman's amendment at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. DWORSHAK].

The amendment was rejected.

The Clerk read as follows:

The Public Works Administration allotments made available to the Department of the Interior, Bureau of Reclamation, pursuant to the National Industrial Recovery Act of June 16, 1933, either by direct allotments or by transfer of allotments originally made to another department or agency, and the allocations made to the Department of the Interior, Bureau of Reclamation, from the appropriation contained in the Emergency Relief Appropriation Act of 1935, the Emergency Relief Appropriation Act of 1937, and the Public Works Administration Appropriation Act of 1938, shall remain available for the purposes for which allotted during the fiscal year 1942.

Mr. RICH. Mr. Chairman, I make a point of order against the language on page 8, from line 14 to line 25, inclusive, that it is legislation on an appropriation bill and not authorized by law.

The CHAIRMAN. Does the gentleman from Oklahoma desire to be heard on the point of order?

Mr. JOHNSON of Oklahoma. Mr. Chairman, I do not care to discuss the point of order further than to say that the matter objected to is authorized under rule XXI as being work in progress. Let me call the Chair's attention to page 705 of the hearings. Judge Leavy is interrogating Commissioner Page of the Reclamation Service. I read as follows:

Mr. LEAVY. Now, under the Public Works Administration allotments made available for these various surveys, is that activity now in progress?

Mr. PAGE. Practically all of those are finished. This is just making available a few small balances which remain of the original allotments made for surveys and other purposes.

Now, may I remind the Chair that it has been repeatedly held that such surveys are in order and that a point of order does not lie against them. If I recall correctly, the same gentleman has raised the same point of order in an identical case and that the present distinguished occupant of the chair has overruled his point of order.

The CHAIRMAN. Permit the Chair to inquire of the gentleman from Oklahoma [Mr. JOHNSON] who the official was that gave that information?

Mr. JOHNSON of Oklahoma. Mr. Page, Commissioner of Reclamation, gave the information I have just quoted.

I might cite rule XXI, to which I have referred. It is in part as follows:

Thus the continuation of the following works has been admitted: A topographical survey, a geological map, marking of a boundary line, marking of graves of soldiers, a list of claims, and recoinage of coins—

And so forth.

Mr. TABER. Mr. Chairman, would the Chair hear me for just a moment on that?

The CHAIRMAN. The Chair would be pleased to hear the gentleman from New York.

Mr. TABER. This is not an item for the continuance of projects, nor is it limited to that, but it is an extension of acts which have or will have expired. Some of them were given an extension a year ago in the appropriation bill that was carried then. A further extension is clearly not authorized by law. There is nothing in the exception to the rule like continuation of a project that would apply to this particular paragraph. It does not do that.

The CHAIRMAN (Mr. COOPER). The Chair is prepared to rule.

The gentleman from Pennsylvania [Mr. RICH] makes a point of order against the paragraph appearing in the bill beginning on line 14, page 80, and extending through line 25 on page 80, on the ground that it is legislation on an appropriation bill.

The Chair has examined the language of this paragraph rather hurriedly but, he feels, with sufficient care to determine that it appears to be exactly the same language as is included in a paragraph of the Interior Department appropriation bill which was considered on March 2, 1938. To that language a point of order was made by the gentleman from New York [Mr. TABER] on the same ground as now stated by the gentleman from Pennsylvania [Mr. RICH].

At that time the Chairman held:

It authorizes reappropriations of appropriations heretofore made, for the work is in progress. The Chair therefore overrules the point of order.

The Chair also invites attention to the fact that on page 705 of the hearings of the pending bill it is stated by the Commissioner of the Bureau of Reclamation that the items here covered constitute work in progress.

Therefore the Chair is constrained to overrule the point of order.

The Clerk read as follows:

Colorado River development fund: For continuation and extension of studies and investigations by the Bureau of Reclamation for the formulation of a comprehensive plan for the utilization of waters of the Colorado River system, as authorized by section 2 of the Boulder Canyon Project Adjustment Act, approved July 19, 1940 (54 Stat. 774), $250,000 from the Colorado River development fund, to remain available until expended, which amount shall be available for personal services in the District of Columbia (not to exceed $5,000) and in the field and for all the other objects of expenditures specified for projects hereinbefore included in this act under the caption "Bureau of Reclamation," under the heading "Administrative provisions and limitations," but without regard to the amounts of the limitations therein set forth.

Mr. RICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RICH: On page 81, line 18, strike out "$250,000" and insert "$100,000."

Mr. RICH. Mr. Chairman, I realize the hour is getting late and that the Members are tired, but here is an opportunity to save $150,000. I want to reduce the amount from $250,000 to $100,000. I offer the amendment for this reason, that on the Colorado River development you are spending money to go out and try to find new projects. The gentleman from Idaho addressed us a few minutes ago urging the appropriation of $75,000 to investigate a project in his district in Idaho, one which was characterized by the Democratic side of the House as a worthy project. It seems to me, however, with all the reclamation projects you have started you ought not to be spending money contriving some way to find something else to spend money on. I cannot for the life of me see why you want to make this investigation and continue to make these surveys for more reclamation projects. Have you not started enough already? It is going to take a number of years to complete what you have started. You have no money to do so. Do you not think you ought to complete what you have already started? I think this would be the wise thing to do. I do not believe you should go ahead and continue to make survey after survey for more projects when you have not got money enough to finish the projects you have already started. You are simply bankrupting the Nation.

I think the wise thing would be for this committee to sustain this amendment cutting the amount down to $100,000 instead of granting the amount carried in the bill, $250,000. In fact, I think you should cut it all out. You are the greatest spenders the world ever knew.

You do not possess sound business judgment; this I say from my observation of the many unsound things you do. Will you ever learn? I hope so before you wreck our Treasury. It is bare as old Mother Hubbards' cupboard.

Mr. SCRUGHAM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am extremely familiar with the terms of this act. I served on the original Colorado River Commission. This appropriation is authorized by section 2 of the original Boulder Canyon Project Act and also by the act that was passed on July 19, 1940, specifically in section 2.

The reason for this item lies in the fact that the upper four States of the Colorado River Basin furnish the greatest proportion of the water of the river. It was the understanding that this appropriation should be made possible from the Boulder Dam funds in order that the projects of the upper States might be given fair consideration and examination.

This involves, not the expenditure of a few dollars to develop a new project but the prompt utilization of this great stream, the third greatest on the American continent and one that has potentialities for the production of power equal to almost any stream on the face of the earth. For this reason I ask that you vote down this amendment, because it would be short-sighted at this time, particularly during this defense period, when perhaps power will be the deciding feature in this titanic struggle between nations. This money is absolutely needed and required, and it is authorized for the continuation of work which has begun.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. SCRUGHAM. I yield.

Mr. RICH. Does the gentleman believe the national-defense program is going to be continued so long that any of the projects which might be started on this river would be completed before it was finished? Is the national-defense program to continue indefinitely?

Mr. SCRUGHAM. This is a project for the conservation of power, the conservation of water resources. It is all the more urgent at this time for the purpose of national defense, but it should be continued indefinitely. It makes for prosperity, it makes for comfort, it makes for civilization.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

Mr. LEAVY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and Mr. DOXEY, having assumed the Chair as Speaker pro tempore, Mr. COOPER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 459) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1942, and for other purposes, had come to no resolution thereon.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that Calendar Wednesday business be suspended tomorrow to the extent necessary to complete the pending bill, and that thereafter, if the gentleman from Alabama [Mr. STEAGALL] desires, the committees may then be called. I make this request in order to protect the gentleman and his committee, if he decides not to go ahead tomorrow, so that he may be protected on the next Calendar Wednesday call.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

WAR DEPARTMENT CIVIL FUNCTIONS APPROPRIATION BILL, 1942

Mr. SNYDER filed a conference report and statement on the bill H. R. 4183, making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes.

EXTENSION OF REMARKS

Mr. ZIMMERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their own remarks on the conference report considered by the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. ZIMMERMAN]?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made in Committee today, and to include certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon [Mr. ANGELL]?

There was no objection.

Mr. SHORT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a broadcast delivered by my colleague from Missouri [Mr. PLOESER].

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr SHORT]?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to place in the RECORD my remarks on this same bill made as of April 30 following the reading of the Puerto Rican hurricane relief item on page 139; that I may also include in my remarks of this afternoon a brief statement by the Resident Commissioner from the Philippine Islands.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. CRAWFORD]?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short letter, and a resolution, relative to a patriotic meeting at Hugo, Okla.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. CARTWRIGHT]?

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. RABAUT]?

There was no objection.

Mr. RABAUT. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD and to include a sermon delivered by Rev. John J. Reilly, director of the Shrine of the Immaculate Conception.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. RABAUT]?

There was no objection.

Mr. SANDERS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include certain tables in connection with the farm situation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana [Mr. SANDERS]?

There was no objection.

Mr. CASEY of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a very splendid and able address made by my colleague from Massachusetts [Mr. CONNERY].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. CASEY]?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. DICKSTEIN] is recognized for 15 minutes.

ALIEN CAMP AND OTHER PROPAGANDA

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD and to include excerpts from newspapers.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. DICKSTEIN]?

There was no objection.

Mr. DICKSTEIN. Mr. Speaker, I again want to call the attention of the Members of Congress to Camp Nordland, the German-American Bund center at Andover, N. J., which has been opened for business for disseminating Nazi propaganda and other Nazi and un-American activity. At the present time no person can enter the grounds unless a special pass is obtained from the so-called fuehrer or leader of that camp, which has been condemned over and over again both by the American Legion and other patriotic groups as subversize and un-American.

The object of opening the camp now is for the sole purpose of collecting money for the German aviators and other prisoners of war in Canada. They are having a drive which will take place, Mr. Speaker, at North Bergen, N. J., and at Camp Nordland. This money is to be collected from American people beginning June 30, and, in my opinion, is nothing but a racket by a group of bundsters who are spreading propaganda to the effect that the German prisoners now in Canada need their help.

Speaking again about the German prisoners of war in Canada. From information I have received, I do not know that they can get any help over there and I do not know that the Canadian

Government will permit it, yet we in this country allow the bundsters to parade around the country appealing to the American people for money and help.

At this time I must again call attention to the fact that on May 23, 1940, I had occasion to address the House on the German Library of Information, which is the official propaganda agency of the German Government, directly under the control of the German Consul in New York City, who receives his instructions from the German Propaganda Minister, Mr. Goebbels.

This propaganda agency in the German Government is conducting its work quite openly without restraint or hindrance, and the CONGRESSIONAL RECORD of the date of my speech contains excerpts of the manner in which this German Library of Information is untrammeled in its conduct of propaganda throughout the United States.

Our own post office has granted second-class-mail privileges to this agency of the German Government, and information which our own Government could not transmit to its citizens is carried quite freely through our mails. It is almost pathetic to see how we in this country are unable to engage in the slightest bit of correspondence with anyone in Germany without being subjected to the severest kind of censorship while, on the other hand, the German Government can flood us with propaganda.

Thus it is not surprising to see references to this film, Victory in the West, in the official organ published by the German Library of Information in New York City. This is what the German Library of Information has to say about the film:

> Among all the documentary films of the past year the most effective and grandiose is, without doubt, Sieg im Westen (Victory in the West), recently shown for the first time to enthusiastic audiences throughout the world.
>
> Made by order of Field Marshal General von Brauchitsch during the battles of last May and June, this documentary picture is something entirely new, inasmuch as it was filmed in the midst of actual fighting. Most of the component parts were prepared by the reporter squadrons of general headquarters, but what makes Sieg im Westen unique is that thousands of feet of film seized by the victorious German armies from the British, French, and Belgian troops were also incorporated. Nearly 3,000,000 feet were condensed into the approximately 12,000 feet of the feature.
>
> Sieg im Westen is part III of a documentary military film which will cover the entire war.

There is, therefore, no question but that the German high command has deliberately and for its own purposes filmed the whole story of the rape of Holland and Belgium, and the destruction of France, and that now our people are being shown this propaganda through the moving pictures undisturbed.

Again, on August 27, 1940, I referred to the German Library of Information and its propaganda work, and I think a very fine summary of what this library of information does is contained in the recent book by Richard Rollins, entitled "I Find Treason," page 208 and following pages, from which I shall now quote:

> The library is a German Government agency. The German Government and not Dr. Schmitz supports the library. Dr. Schmitz and his staff are salary employees of the Nazi government. New York City Magistrate Keutgen said an admission by the German Embassy that the library was an agency of its Government exempted it from the law. The library's propagandizing goes far. It works in the closest kind of cooperation with unofficial Nazi propaganda bureaus. It gives its mailing list and material to nonregistered, nondiplomatic groups. Italian consulate members and Fascist leaders have been traced to this office. One of the unofficial propaganda depots was the American Fellowship Forum. The figure behind both the library and the forum is brilliant, well-known George Sylvester Viereck, a United States citizen, who has, since his place on the Kaiser's World War pay roll, been a German propaganda agent stationed in this country. Viereck is paid $500 a month to be the correspondent of a Munich newspaper. On September 27, 1939, he concluded a pact with Beller, then head of the library, to prepare articles and news for Facts in Review, to offer expert advice on all German propaganda problems, and to present to the American public the true picture of events abroad.

In the distribution of films throughout the country, the totalitarian powers have found the occasion to instill into our people a propaganda of fear. Taking their clue from the fact that a good many nations in Europe folded up without any real fight against the juggernaut of military power which Germany launched forth, a great number of films found its way into this country which visualize this idea of fear throughout the length and breadth of the United States.

Such are the famous pictures known as Victory in the East and Victory in the West, both of which pictures have caused large numbers of people to become convinced that the German Army is invincible. It is such pictures, shown in all our cities and throughout the country which may eventually succeed in paralyzing our military effort and our work of rearmament.

Under the present law, pictures coming from other countries are subject to a qualified censorship by our customs agencies. If a picture is obscene, its admission to the United States can be prevented. But there is no law on the books which in any way interferes with the importation of what they call news reels. Now, news reels, as a rule, are a factual presentation of conditions and perform an additional function in informing the public. Where a picture is shown for the purpose of informing us of conditions, such a picture is desirable, and its distribution throughout the United States should be encouraged and its dissemination made easy. On the other hand, where a picture is made with the sole object of being disguised or undisguised propaganda, its distribution is not only against the public interest, but definitely harmful and inimical to the good order of the country.

There is an old saying that pictures speak louder than words. Many a person, who, by reading the newspapers would obtain a more or less general view of a particular situation prevailing in the world, will be more impressed by a scene that he naturally considers to be an actual picture of conditions. Where such a picture is made with the sole object of containing an atmosphere of fear, something should be done to make its distribution difficult if not impossible.

Realizing the importance of moving pictures, all totalitarian nations have forbidden the presentation of moving pictures to their subjects except by authority, but these same totalitarian governments do not hesitate to send pictures to our country, where they would not permit our pictures to be exhibited to their own subjects.

You see, it is all one way. We accept all the trash that is sent to us from abroad without fear or favor, but the totalitarian governments will not accept our pictures unless they are prepared to suit their own ideas and views. Very often films are sent to South American countries and thereafter shipped from South American countries to our States by totalitarians to disseminate this malicious propaganda. Unless we take a decided stand against it, this propaganda of fear is liable to spread and paralyze our efforts for national defense.

Thus, by describing the invincibility of the German war machine, our people are treated to a beautiful view of how the Nazi government can sweep away everything that stands in its path, and if we do not yield gracefully we shall find ourselves in the position of Holland and other countries whose people were crushed by the Nazi juggernaut, as were the people of the Low Countries. [Applause.]

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Ohio [Mr. BENDER] is recognized for 30 minutes.

THE CONVOY QUESTION DEMANDS AN ANSWER

Mr. BENDER. Mr. Speaker, a little less than 1 year ago, the political leaders of America met at Philadelphia and Chicago and declared their opposition to war. We were not going to involve the people of our country in another European catastrophe. We were determined to keep American interests as far away from Europe as we possibly could. Not a drop of American blood was going to be spilled on a foreign battlefield. This was less than 12 months ago. We wrote this sentiment into the political platforms of both the Democratic and Republican Parties. We were even ready to keep American shipping at home, rather than run the risk of involvement in a war which we did not want. Neutrality was our objective.

Within a few months we had changed our tune. We were no longer neutral. We had become nonbelligerents. Our policy was altered to furnish all aid to Britain short of war. It was still "short of war." We began to look upon ourselves as a great producer. We would build the ships, the planes, the tanks, and we would sell them to Great Britain. It was all to be done for cash on the barrel head. It looked for a very brief moment like a good thing. All gain and no risk.

Business was to continue as usual and perhaps a good deal better. Our manufacturers started to count their potential profits. They started too soon.

Before we had settled back in our seats the first act was over. The comforting assurance that no American boys would ever be sent to fight on foreign soil vanished into thin air. The short-of-war, business-as-usual fantasy disappeared. We got, instead, the lend-lease bill. We discovered that we were to give the implements of war to England. We were no longer selling. We were not even lending or leasing. We were giving.

Today, the issue has advanced one step further. It is a decisive and, I believe, an irretraceable step. The administration leadership calls this step naval patrols. The rest of the Nation uses another word, convoys. Perhaps all this discussion is entirely academic. James Roosevelt, the son of our President, has been widely quoted in the press of our country in the last week. He has expressed the opinion that we are already in this war except for the shooting. If we are in it already, there is no need for administration spokesmen to beat around the bush. There is no need for them to soften the effect of convoys by calling them patrols. There is no need for this frantic campaign by Secretary of War Stimson, Secretary of the Navy Knox, Secretary of State Hull to drum up enthusiasm for our entry into the war.

Let us know and understand the facts before we adopt a final position. What are the arguments in favor of the convoy system? What is the reasoning which prompts the administration to expend its time in this direction? In the last few weeks, official figures reveal a tremendous loss in British shipping. Since the war began, more than 5,000,000 tons of English bottoms have been sunk. Britain can build no more than 2,000,000 tons a year. This is a serious predicament. If the materials we are producing for Britain are being sent to the bottom, we are producing them in vain. I recognize the soundness of this reasoning. But what are the facts? Are the goods being sent from our shores getting over to England? The facts refute those who argue the necessity for American convoys.

Admiral Emory S. Land, Chairman of the United States Maritime Commission, is the man best equipped to know what is happening to our shipping. He tells us that of 205 ships leaving American ports for British destinations in the first 3 months of 1941, only 8 were sunk. Since the last day of February, not a single vessel traveling from an American port to Great Britain has been lost. We deplore the loss of the 8 ships and their cargoes. We deplore more deeply the possibility that American lives were lost with them. But is this ratio of loss sufficient to induce the people of our country to move right into the firing line? Do the fathers and mothers of America want to send their boys into a second World War because 8 cargoes destined for England have not been delivered? I think the answer must be obvious. There is no need for convoys on the facts. Our goods are getting through to Britain.

If the facts do not justify the tremendous agitation for patrols, what is behind this talk? Does the President have information which may induce him to change his opposition to the convoy system? Is there any new development in the European situation which the people of our country should know? What is the significance of all these speeches by Cabinet members and congressional weather-tappers?

Only a few days ago, newspaper columnists revealed the state secret that our Navy has a squadron of ships in the Indian Ocean. The Japanese were first to let this information out of the bag. No one in civilian life outside of the White House inner circle knows what other dispositions have been made of various parts of our fleet. A week back, newspaper reports from Vichy spoke of an American ship escort accompanying a large fleet of ships to the Red Sea. The rumor was denied. But if we have battleships already in the Indian Ocean, it is easy to understand how it started.

To me, all these serious matters point to one conclusion and one conclusion only. The administration is determined to whip up war sentiment wherever it can. A United States Senator close to the White House has demanded the bombing of Tokyo. Others believe that we should declare war and bring our Navy into action at once. Those who disagree with the administration viewpoint are described as dumb. Convoys mean shooting and shooting means war. President Roosevelt made this remark only a short time ago. It is just as true today as it was in April. It will be just as true tomorrow.

But for those who desire our intervention in this war, nothing could be better designed. You picture the possibilities. In 1917 it was the *Lusitania* which created the war incident. We have tried to prevent the recurrence of such an episode by restraining all shipping. But convoys, by whatever name you choose to call them, will create another *Lusitania*. They will be fired upon by German or Italian vessels. As sure as the fate they are tempting, some of them will be attacked by dive bombers or submarines. And even though we recognize the right of Axis forces to attempt their destruction, the loss of American lives will kindle the war spirit which Washington is seeking to rouse today.

All this is nothing new. Mark Twain wrote a short story far removed from his usual humor a good many years ago. He called it The Mysterious Stranger. And in it he said:

> I can see a million years ahead. And this rule will never change in so many as half a dozen instances. The loud little handful—as usual—will shout for war. The pulpit will warily object, at first; the great big bulk of the Nation will rub its eyes and try to make out why there should be a war, and will say earnestly and indignantly, "There is no necessity for it." Then the handful will shout louder.
>
> A few fair men on the other side will argue and reason against the war with speech and pen, and at first will have a hearing and be applauded. But it will not last long; those others will outshout them, and presently the antiwar audience will thin out and lose popularity. Before long you will see this curious thing: The speakers stoned from the platform and free speech strangled by hordes of furious men, who in their secret hearts are still at one with the stoned speakers—as earlier—but do not dare to say so. And now the whole Nation will take up the war cry and shout itself hoarse and mob any honest man who ventures to open his mouth; and presently such mouths will cease to open.

Already the process is under way. Those who oppose the steps which are leading us inevitably into war are being fought. Senator WHEELER has been called an appeaser. Only a few years ago his patriotic devotion to his country won him serious consideration for a Presidential nomination. Gen. Hugh Johnson has been denied the right to sacrifice his financial security for his Nation. Seven years ago he stood arm in arm with the leadership of his country. Colonel Lindbergh has resigned his commission because his views were not acceptable to the national administration. Philip La Follette, former Governor of Wisconsin, finds himself denied the right to state his views in Pittsburgh and Miami.

The prophetic words of Mark Twain are coming home all too realistically. Let the American people refuse to be deceived. If we are to enter this war, let us do it because we choose intelligently and intentionally to do so. Let us not be deceived into it. Let us refuse to shut our eyes to the significance of naval patrols. We are not children. We are a mature people, capable of understanding the relative dangers of a German victory and American intervention in this terrible war. We want neither. It may be that our desires cannot be granted. But let us understand the steps we are taking.

Today convoys are not necessary to achieve the purpose we have agreed to further. American goods to aid England are arriving at their destination. American convoys mean shooting, and that shooting means war. Keep these facts in mind, for they are real; they have meaning; they are neither hysteria nor emotion. Make up your mind on the basis of the facts. Your conclusions may be different from mine. But as for me, I believe that the safety of America lies in the strength of our people, the fertility of our farms, the production of our mines and our factories. It does not lie on the blood-stained battlefields of Europe. It does not lie in the storms of the Atlantic nor the reaches of the Pacific. If we accept the responsibility of convoys, we shall not be able to stop there. We shall be dragged, day by day, into a conflict which will create new wounds. It will heal none. [Applause.]

The SPEAKER pro tempore. Under a previous special order of the House, the gentleman from Massachusetts [Mr. CASEY] is recognized for 15 minutes.

PRICES

Mr. CASEY of Massachusetts. Mr. Speaker, in the last few weeks news of the Battle of the Balkans, the Battle of Africa, and the Battle of the Atlantic have monopolized attention to such an extent that a little news item bearing vitally on the battle of the United States escaped almost everyone's attention. On

April 27 the Bureau of Labor Statistics released figures showing that the cost of living was about 2½ percent higher now than it had been before the outbreak of the war, and that an increase of about 3 percent more was likely to occur by the middle of September.

Taken by themselves these figures are by no means alarming. An increase of 5 to 6 percent in living costs during 2 years of war abroad and the most intensive rearmament effort in our history at home is not excessive by any standard. But how much further will we go? Are we again taking the first steps on the same inflationary spiral that we climbed 25 years ago, and are we again heading toward another 20 years of painful economic readjustment? Or have we learned enough from our last disastrous experience to be able to take the necessary measures to avoid such a repetition and to take those steps quickly, firmly, and effectively?

Last month I brought this very important problem to the attention of this House in general terms. I have since had an opportunity to go over the situation in detail, and I propose to point out briefly some of the specific factors which are causing prices to go up at the present time and some of the measures which can be taken at once to prevent our commodity markets from getting out of hand.

First and foremost, of course, is the disruption of world trade directly caused by the war. Commodities ordinarily obtained from central Europe and Scandinavia have almost entirely disappeared from the market; such drugs as belladonna have gone up 10 times in price since August 1939. Imports from other sections of the world have not been cut off completely, but they are becoming increasingly difficult to obtain as the shortage of shipping becomes more acute. Ocean freight rates and insurance rates have been advancing almost without let-up; for example, it now costs $25 to bring a ton of burlap from Calcutta, where it cost only $7.50 in the summer of 1939. Before the war sugar could be shipped from Cuba for 13 cents a hundred pounds; today it costs 50 cents. As a result, the prices of all these imports such as manganese and chromium ores, quinine, tungsten, burlap, iodine, coffee, cocoa, and sugar—basic products essential as well to peacetime industry as to the armament program—have all been moving up very rapidly to as much as double their pre-war levels. Even coastwise shipping has been affected; prices of fuel oil in northeastern cities have been considerable higher than usual during the past 2 winters because tanker rates on shipments from the Gulf coast have more than quadrupled.

With world conditions as they are, it is clear that the shipping situation is going to get much worse before it gets any better. But this does not mean that we must throw up our hands and do nothing. We cannot, of course, expect to obtain these sea-borne goods as cheaply as we did before the war broke out. But neither is it essential that we pay exorbitant prices for them. I am fully aware that the costs of operating ships are higher today than they were 2 years ago, and that insurance rates have risen very substantially. However, there is no excuse whatever for the increases in shipping rates which have actually occurred. It simply does not cost four times as much to operate ships carrying fuel oil from Galveston to Boston as it did a year or two ago; it should not cost four times as much to bring sugar from Cuba to the United States or six times as much to bring mahogany from Africa to New York. In fact, the entire shipping situation seems to afford the clearest indications of outright profiteering that have been brought to my attention so far. I cannot understand why the Maritime Commission has been so slow in acting not merely to prevent rates from going higher, but to bring them down to figures bearing at least a remote relation to actual operating costs. Remember that the increase in rates does not put one single extra freighter into service nor land one additional ton of any essential commodity in the United States. If we are to protect the housewife from having to pay outrageous prices for sugar, coffee, and cocoa; if we are to keep the costs of the armament program from skyrocketing because of advancing prices for manganese and tungsten and rubber and tung oil, the shipping-rate situation deserves first and immediate attention.

At the same time I am convinced that steps should be taken to ration the supplies of scarce imported commodities in order to prevent buyers from uselessly bidding against each other for goods whose supplies have been unavoidably curtailed. There is no valid excuse for raising the prices of belladonna 1,000 percent; someone is simply taking advantage of the situation. Last but not least, industry should adjust as quickly as possible to the use of substitutes in order to lessen its dependence upon goods which must be transported by water. Yet even now, manufacturers of oil burners are continuing a vigorous advertising campaign to induce home owners in New England to install their equipment at low prices and on easy terms, completely ignoring the probability that there will not be enough tankers next winter to bring the oil from the mid-continent producing fields to the northeastern consuming centers.

As regards the domestic situation, conditions in general are, of course, far better. Nevertheless, defense and British orders, coupled with expanding civilian demand, have imposed a very heavy strain on many industries. Steel mills have been operating at full capacity; zinc smelters just cannot turn out enough metal to meet current needs, and textile mills, particularly those producing the coarser cloths needed by the Army, have fallen farther and farther behind orders. In many cases this has led to a wild scramble for supplies on the part of buyers seeking to anticipate shortages or to forestall price advances which they believe to be impending. Orders have been placed almost regardless of price; scrap zinc and aluminum and nickel were bought at prices far above the market quotations for the virgin metals. Prices of as standard a textile as print cloth rose 30 percent in the past 4 months alone, and there have been numerous reports that premiums ranging as high as 25 percent and more are being paid to insure prompt delivery of standard everyday commodities.

I fully realize that there has been a real increase in production in many industries, particularly in those dependent upon imported raw materials. Wage advances have added to costs in a few cases, but they have been far less of a factor than is generally supposed, and in many instances their effect has been more than counterbalanced by lower overhead due to increased production. In any event, these necessary increases in cost do not by themselves constitute the real threat of inflation.

I am much more concerned about those cases in which prices have gone up far more than the increases in costs of production can possibly warrant. For example, while the farmer is getting very little more for raw cotton today than he did a year ago, prices of cotton yarns and cotton cloth as well as of cottonseed oil, have been climbing rapidly; prices of worsted fabrics have gone up faster than the price of raw wool; prices of lard have been skyrocketing while the price of hogs has been advancing much more slowly, and so on down the line. This does not necessarily imply that there has been any profiteering in the true sense, but merely that demand has temporarily outrun supply and that buyers are frantically bidding against each other to fill what they consider to be their requirements. It is noteworthy that in many of our industries, and particularly in our heavy industries, prices have been kept down in spite of this pressure by buyers. Price quotations for such basic materials as copper, lead, zinc, and steel have not gotten out of line and the manufacturers of these products are cooperating effectively with national-defense officials in the effort to prevent runaway markets. Unfortunately this is not true in some of the other instances which I have mentioned. Prices of cotton yarns and cotton textiles, of lard and tallow and cottonseed oil, of some kinds of lumber, of some canned foods, and of a considerable range of other products have advanced more than can possibly be justified on any cost basis.

I have heard it said by some that prices should be allowed to go up in order to compensate industry for the lean years of the past decade. In peacetime there may be some point to this contention, but today it just cannot be maintained. In any emergency such as the present, when the threat of a disastrous inflation is so imminent, price advances must be kept to the minimum necessary to maintain a fair operating margin.

I am confident that most of our big businessmen fully realize the seriousness of the situation and are doing their best to cooperate in the prevention of runaway markets, but the few who are not cooperating can readily nullify these efforts. It is obvious that this must not be allowed to happen and that Government must be equipped with adequate powers to prevent it from happening. Price ceilings must be established for those commodities which are getting out of line and adequate powers must be provided for their enforcement. At the

same time, every effort must be devoted to remedy those bottlenecks in production which have occurred, to anticipate others before they are upon us, and to keep prices generally in line by the simple expedient of insuring as far as possible that there should be enough of every kind of essential commodity to go around.

I have repeatedly pointed out that consumers get pushed around because they have no organized lobby to exert pressure in their behalf and because there is no legislative agency before which they can bring their problems and their protests. Consumers cannot individually come to the Government to find out where their interests are involved and to speak up for those interests.

I believe that the time is ripe—in fact, it is almost overripe—for this Congress to take specific steps to protect Mr. and Mrs. America from the threatened spiraling of prices. I have introduced a resolution asking that there be established a committee to investigate the costs of the necessities of life; this committee to be composed of five members of the House of Representatives, to be appointed by the Speaker. Very shortly I shall appear before the Rules Committee asking for a rule on this resolution, and I am confident that the Rules Committee will grant it.

This problem is now receiving the attention of several other agencies of the executive branch of the Government. During the last war many governmental agencies, such as the emergency rent laws, were introduced in order to keep prices from soaring far beyond any justifiable limits.

A watched pot never boils, and it is my conviction that, no matter how many agencies in the executive department are interested in prices, a committee in the legislative branch should make it its duty to act as a watchdog in the interest of decent prices, particularly those necessities of life such as food, medicine, and clothing.

I therefore earnestly solicit the support for this resolution of every Member of this body. There is nothing partisan about it. Its main purpose is to protect the constituents of all of us, Mr. and Mrs. America. [Applause.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. CUNNINGHAM (at the request of Mr. GILCHRIST), for 2 days, on account of important public business.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. J. Res. 74. Joint resolution to authorize the postponement of payment of amounts payable to the United States by the Republic of Finland on its indebtedness under agreements between that Republic and the United States dated May 1, 1923, May 23, 1932, and May 1, 1941; to the Committee on Ways and Means.

ADJOURNMENT

Mr. CASEY of Massachusetts. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 48 minutes p. m.) the House adjourned until tomorrow, Wednesday, May 14, 1941, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON FLOOD CONTROL

The Committee on Flood Control will continue hearings on Wednesday, May 14: Senators and Members of Congress.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary will hold public hearings on H. R. 4017, a bill permitting exemption from certain restrictions on political activity in municipal affairs, on Wednesday, May 14, 1941, at 10 a. m., in room 346, House Office Building, before Subcommittee No. 1.

The Committee on the Judiciary will hold public hearings on H. R. 4394, to amend the Bankruptcy Act (respecting referees) on Monday, June 2, 1941, at 10 a. m., in room 346, House Office Building, before the Special Subcommittee on Bankruptcy and Reorganization.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold public hearings on Wednesday, May 14, 1941, at 10 a. m., on H. R. 3361, to provide that the United States shall aid the States in fish restoration and management projects, and for other purposes.

COMMITTEE ON INVALID PENSIONS

The Committee on Invalid Pensions will hold public hearings on the following private bills:

H. R. 181. Mary W. Osterhaus, by Mr. Bland.
H. R. 341. Inez Clair Bandholtz, by Mr. Hoffman.
H. R. 492. Rosalie C. Hood, by Mr. Sparkman.
H. R. 902. Elizabeth Painter Menoher, by Mr. Reece of Tennessee.
H. R. 1493. Florence Sharp Grant, by Mr. Darden.
H. R. 2190. Nellie J. Merriman, by Mr. Marcantonio.
H. R. 2787. Ethel Wise, by Mr. Traynor.
H. R. 3312. Grizelda Hull Hobson, by Mr. Jarman.
H. R. 3358. Adelaide Westover, by Mr. Woodruff of Michigan.
H. R. 3560. Jeannette W. Moffett, by Mr. Rivers.

The hearings will be held Thursday, May 15, 1941, at 10:30 a. m., in room 247, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

535. A letter from the Postmaster General, transmitting a draft of a proposed bill authorizing the designation of Army mail clerks and assistant Army mail clerks; to the Committee on Military Affairs.

536. A letter from the Acting Secretary of the Navy, transmitting a draft of a proposed bill to amend the act approved May 13, 1908 (35 Stat. 128; U. S. C., title 34, sec. 383), relative to retirement of officers of the United States Navy after 30 years' service; to the Committee on Naval Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 4258. A bill to supplement the navigation laws and facilitate the maintenance of discipline on board vessels of the United States; with amendment (Rept. No. 531). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 1642. A bill granting to regular employees of the District of Columbia not paid on an annual or monthly basis the same benefits with respect to holiday leave with pay as are enjoyed by similar employees of the Federal Government; with amendment (Rept. No. 532). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 1073. A bill to amend the Classification Act of 1923, as amended; with amendment (Rept. No. 533). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on the Merchant Marine and Fisheries. H. R. 2074. A bill to amend section 353 (b) of the Communications Act of 1934, as amended; with amendment (Rept. No. 534). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 166. An act to provide a right-of-way across Camp Wallace Military Reservation, P. I.; without amendment (Rept. No. 535). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee on Military Affairs. S. 167. An act to provide a right-of-way across Camp Wallace Military Reservation, P. I.; without amendment (Rept. No. 536). Referred to the Committee of the Whole House on the state of the Union.

Mr. SNYDER: Committee of conference on the disagreeing votes of the two Houses. H. R. 4183. A bill making appropriations for the fiscal year ending June 30, 1942, for civil functions administered by the War Department, and for other purposes; without amendment (Rept. No. 537). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. BLAND:

H. R. 4730. A bill to amend section 92, title 2, of the Canal Zone Code, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. FADDIS:

H. R. 4731. A bill to establish additional national cemeteries; to the Committee on Military Affairs.

By Mr. FLANNAGAN:

H. R. 4732. A bill granting the consent of Congress to the department of highways, Commonwealth of Virginia, to construct, maintain, and operate two free bridges across the New River, one at Bluff City and the other at Eggleston, in the State of Virginia; to the Committee on Interstate and Foreign Commerce.

By Mr. FULMER:

H. R. 4733. A bill to add certain lands to the Boise National Forest, the Salmon National Forest, and the Targhee National Forest in the State of Idaho; to the Committee on Agriculture.

By Mr. HÉBERT:

H. R. 4734. A bill to regulate the practice of professional engineering and creating a

board for licensure of professional engineers in and for the District of Columbia; to the Committee on the District of Columbia.

By Mr. O'LEARY:

H. R. 4735. A bill to amend the act approved October 10, 1940 (54 Stat. 1105), to permit such responsible officers as may be designated by heads of departments or establishments to authorize or approve the allowance and payment of expenses incident to the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty; to the Committee on Expenditures in the Executive Departments.

H. R. 4736. A bill to authorize the Department of Agriculture to make open-market procurements where the agrgegate amount involved does not exceed $100; to the Committee on Expenditures in the Executive Departments.

By Mr. VOORHIS of California:

H. R. 4737. A bill to provide for the issuance, by the Administrator of Veterans' Affairs, of regulations providing for more liberal policies in determining the service connection of disabilities, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. ALLEN of Louisiana:

H. R. 4738. A bill to authorize improvements within the Red River Basin, La.; to the Committee on Flood Control.

By Mr. MAY:

H. R. 4739. A bill authorizing overtime rates of compensation for certain per annum employees of the field services of the War Department, the Panama Canal, the Navy Department, and the Coast Guard, and providing additional pay for employees who forego their vacations; to the Committee on Military Affairs.

By Mr. HOOK:

H. J. Res. 184. Joint resolution to authorize the postponement of payment of amounts payable to the United States by the Republic of Finland on its indebtedness under agreements between that republic and the United States, dated May 1, 1923, May 23, 1932, and May 1, 1941; to the Committee on Ways and Means.

By Mr. JARMAN:

H. Con. Res. 34. Concurrent resolution authorizing the printing as a House document a revised edition of the pamphlet entitled "Our American Government: What Is It? How Does It Function?"; to the Committee on Printing.

By Mr. VREELAND:

H. Res. 207. Resolution authorizing the United States Maritime Commission to negotiate with the city of Newark, N. J., for the use of Port Newark as a shipbuilding yard; to the Committee on the Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BURGIN:

H. R. 4740. A bill granting a pension to Clarence Clyde Cope; to the Committee on Invalid Pensions.

By Mr. GALE:

H. R. 4741. A bill for the relief of Midwest Oil Co.; to the Committee on Claims.

By Mr. KEFAUVER:

H. R. 4742. A bill for the relief of William A. Hammond; to the Committee on Military Affairs.

PETITIONS, ETC.

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

1052. By Mr. EATON: Resolutions passed by the Women's State Republican Club of New Jersey, Inc., at their convention, urging upon Congress all possible effective aid to Great Britain; to the Committee on Foreign Affairs.

1053. By Mr. PATMAN: Petition of the Senate of the Forty-seventh Legislature of the State of Texas, urging the President of the United States and the Congress of the United States to take necessary steps to insure continued production and delivery to the democratic nations now engaged in war to meet their immediate needs in combating the war against the totalitarian aggressor nations; to the Committee on Foreign Affairs.

SENATE

WEDNESDAY, MAY 14, 1941

(Legislative day of Thursday, May 8, 1941)

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

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

Almighty God, Thou transcendent secret, transcendent height, depth, length, and breadth, the plenitude of all insufficiency, the perfection of all imperfection: We bow before Thee in reverent adoration with a deep sense of our defects in the midst of all our blessings, conscious of our failures in the midst of our achievements, and with sighs of unrest for that which we are not.

Grant that in cherishing our ideals we may never neglect the work that needs doing today. Make us alive and responsive to the claims of the Nation upon us, alert to what the ever-changing circumstances of the times may require from us, in speech or spirit, to the call for gentleness here, for courage there, and, above all else, make us wise and strong to the ultimate fulfilling in us of Thy divine will with power.

We ask it in our dear Redeemer's name. 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, May 13, 1941, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

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

Mr. HILL. I announce that the Senator from Arkansas [Mrs. CARAWAY] is absent from the Senate because of a death in her family.

The Senator from Mississippi [Mr. HARRISON], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from New Mexico [Mr. CHAVEZ] is detained on important public business.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

SENATOR FROM WEST VIRGINIA

Mr. KILGORE. Mr. President, Dr. JOSEPH ROSIER, Senator-designate from West Virginia, is now in the Chamber, and ready to take the oath of office.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the oath will be administered to him.

Mr. ROSIER, escorted by Mr. KILGORE, advanced to the Vice President's desk, and the oath prescribed by law was administered to him by the Vice President.

EXECUTIVE COMMUNICATION

The VICE PRESIDENT laid before the Senate the following letter, which was referred as indicated:

SERVICES AND PAY OF CUSTOMS OFFICERS AND EMPLOYEES

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to authorize regular tours of duty for customs officers and employees at night and on Sundays and holidays without extra compensation, and generally to clarify the provisions of the customs laws relating to the rendering of services by customs officers and employees at night and on Sundays and holidays, the assignment of customs officers and employees to perform overtime services, and the payment of extra compensation and expenses for such services (with an accompanying paper); to the Committee on Finance.

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 resolution of the House of Representatives of the State of Oklahoma; to the Committee on Agriculture and Forestry:

"Resolution 51

"Resolution memorializing the Congress of the United States of America to enact appropriate legislation to increase the purchase of farm homes for tenant farmers in the State of Oklahoma by the Federal Farm Security Admininstration under the tenant purchase program

"Whereas the experience of the Federal Farm Security Administration in purchasing farms for tenant farmers in the State of Oklahoma under the tenant purchase plan