lending powers and functions of the Reconstruction Finance Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARTLETT:

H. R. 3917. A bill to amend section 5 (a) of the Farm Credit Act of August 19, 1937 (50 Stat. 703); to the Committee on Agriculture.

By Mr. COX:

H. R. 3918. A bill to amend section 201 of the Federal Power Act; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS:

H. R. 3919. A bill to amend sections 812 and 861 of the Internal Revenue Code so as to allow the deduction of the amounts of bequests, legacies, devises, or transfers to or for the use of veterans' organizations in determining the net estates of decedents subject to Federal estate taxes; to the Committee on Ways and Means.

By Mr. GEARHART:

H. R. 3920. A bill to exclude certain vendors of newspapers from certain provisions of the Social Security Act and Internal Revenue Code; to the Committee on Ways and Means.

H. R. 3921. A bill to amend subsection (c) of section 3108 of the Internal Revenue Code (53 Stat. 359; 26 U. S. C. 3108 (c)) and the second paragraph of subsection (a) of section 3114 of the Internal Revenue Code (53 Stat. 360; 26 U. S. C. 3114 (a)); to the Committee on Ways and Means.

By Mr. KEATING:

H. R. 3922. A bill to provide for the admission of certain former members of the armed forces to practice law in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MILLER of California:

H. R. 3923. A bill to authorize retroactive payment of compensation or pension barred because of capture, internment, or isolation by the enemy during World War II; to the Committee on Veterans' Affairs.

By Mr. WOLVERTON:

H. R. 3924. A bill to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H. R. 3925. A bill to amend the Public Health Service Act to provide grants to postgraduate schools of public health; to the Committee on Interstate and Foreign Commerce.

By Mr. MICHENER (by request):

H. R. 3926. A bill to authorize the Attorney General to designate the location of the offices of United States marshals; to the Committee on the Judiciary.

H. R. 3927. A bill to amend the act of September 7, 1916, to authorize certain expenditures from the employees' compensation fund, and for other purposes; to the Committee on the Judiciary.

H. R. 3928. A bill to prescribe the measure of damages on account of trespass upon, unlawful use of, and unlawful enclosure of lands or resources owned or controlled by the United States; to the Committee on the Judiciary.

H. R. 3929. A bill to amend the act entitled "An act to provide additional protection for owners of patents of the United States, and for other purposes," approved June 25, 1910, as amended, so as to protect the United States in certain patent suits; to the Committee on the Judiciary.

By Mr. REEVES:

H. R. 3930. A bill to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898, as amended, in relation to extensions made pursuant to wage earners' plans under chapter XIII of such act; to the Committee on the Judiciary.

By Mr. REES:

H. J. Res. 221. Joint resolution to provide for permanent rates of postage on mail matter of the first class, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ELLIOTT:

H. Res. 251. Resolution to provide that Members of the House of Representatives and officers shall, for their convenience, be furnished with identification cards; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BLAND:

H. R. 3931. A bill for the relief of James W. Keith; to the Committee on the Judiciary.

By Mr. JENKINS of Pennsylvania:

H. R. 3932. A bill for the relief of Elizabeth Bohm and Edith Bohm Staub; to the Committee on the Judiciary.

By Mr. ROHRBOUGH:

H. R. 3933. A bill for the relief of Rev. John C. Young; to the Committee on the Judiciary.

PETITIONS, ETC.

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

656. By Mr. CASE of South Dakota: Petition of Mary Seeley and 23 other signers, all members of Battle Mountain Auxiliary, No. 1, United Spanish War Veterans, Hot Springs, S. Dak., requesting favorable consideration of H. R. 969 and H. R. 2516, which propose an increase in pensions of Spanish-American War veterans; to the Committee on Rules.

657. By Mr. LYNCH: Petition of Paralyzed Veterans Association of Bronx County, Bronx, N. Y., opposing any cut in the appropriation requested by General Bradley, Administrator of Veterans' Affairs; to the Committee on Appropriations.

658. Also, petition of the Human Relations Commission of the Protestant Church of the City of New York, urging (1) passage of the antilynching bill; (2) H. R. 2768, to create an Evacuation Claims Commission to adjudge claims made by Japanese-Americans for losses incurred in the evacuation; and (3) H. R. 2933, to stay the deportation of persons excluded from naturalization because of race; to the Committee on the Judiciary.

659. By the SPEAKER: Petition of T. S. Kinney, Orlando, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

660. Also, petition of Mrs. B. F. Crane, Zephyrhills, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

661. Also, petition of Mrs. Albina Bibeau, St. Petersburg, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

662. Also, petition of Mrs. Martha Moffitt, Sanford, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

663. Also, petition of Mrs. Carrie L. McManus, Sarasota, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

SENATE

MONDAY, JUNE 23, 1947

(Legislative day of Monday, April 21, 1947)

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

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

We thank Thee, O Lord, that this land is still governed by the people's representatives. Let democratic processes be seen at their best in this time of testing. As these chosen men discharge their duties, guide them, O God, in the decisions they must make today. Give them the grace of humility, and shed now Thy guiding light into every mind. Break down every will that is stubborn against Thine or that has ignored Thee.

May what is done be so clearly right that it needs no incendiary justification. Soothe our still-smoldering hearts and minds with the spirit of forgiveness. Let us be swayed not by emotion or ambition but by calm conviction.

This we ask in Jesus' name. Amen.

THE JOURNAL

On request of Mr. WHITE, and by unanimous consent, the reading of the Journal of the proceedings of Friday, June 20, and Saturday, June 21, 1947, 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 were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts:

On June 20, 1947:

S. 321. An act to amend section 17 of the Pay Readjustment Act of 1942 so as to increase the pay of cadets and midshipmen at the service academies, and for other purposes.

On June 21, 1947:

S. 26. An act to make criminally liable persons who negligently allow prisoners in their custody to escape;

S. 50. An act for the relief of Joseph Ochrimowski;

S. 125. An act to amend the Civil Service Retirement Act of May 29, 1930, as amended, so as to extend the benefits of such act to the Official Reporters of Debates in the Senate and persons employed by them in connection with the performance of their duties as such reporters; and

S. 620. An act for the relief of Mrs. Ida Elma Franklin.

LABOR-MANAGEMENT RELATIONS—VETO MESSAGE

The Senate resumed the reconsideration of the bill (H. R. 3020) to prescribe fair and equitable rules of conduct to be observed by labor and management in their relations with one another which affect commerce, to protect the rights of individual workers in their relations with labor organizations whose activities affect commerce, to recognize the paramount public interest in labor disputes affecting commerce that endanger the

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public health, safety, or welfare, and for other purposes.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the Senate is under the limitation of voting at 3 o'clock p. m. on House bill 3020. Prior thereto the time is to be equally divided and to be under the control of the Senator from Ohio [Mr. TAFT] and the Senator from Florida [Mr. PEPPER].

Mr. TAFT. Mr. President, in the absence of the Senator from Florida, I suggest that we have a call for a quorum, the time required to develop a quorum to be divided equally between the two sides. May we have unanimous consent that that be done?

The PRESIDENT pro tempore. That is the universal practice. The clerk will call the roll, the time to be equally divided between the two sides.

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

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

Mr. LUCAS. The Senator from Utah [Mr. THOMAS] is absent by leave of the Senate, having been appointed as a delegate to the International Labor Conference at Geneva, Switzerland.

The Senator from New York [Mr. WAGNER] is absent because of illness.

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

Mr. PEPPER. Mr. President, I yield 30 minutes to the Senator from Wyoming [Mr. O'MAHONEY].

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for 30 minutes.

LABOR BILL EXPANDS GOVERNMENT POWER

Mr. O'MAHONEY. Mr. President, I rise to speak in favor of sustaining the veto of the President of the United States of the pending so-called Taft-Hartley bill. I do this primarily on two grounds. The first of the grounds upon which I am now urging that the veto be sustained is that the bill, if it becomes a law, will set up a labor czar, with power and authority over the economy of the whole United States, greater by far than the power that was ever vested in any Government official under President Roosevelt or the New Deal.

The second ground upon which I urge this is that by the terms of the bill itself it becomes clear that the first action under the bill will be the institution of a violent intra-agency row between the newly established or expanded Labor Relations Board and the newly created independent general counsel of the Board. The bill ought to be called a bill to create a labor czar and promote discord.

Its first result will be to bring about a struggle for power within the agency between the Board itself and the general counsel; but the general counsel will win, because, by the language of the bill and the language of the conference report, he is to be an independent officer, appointed by the President, with the advice and the consent of the Senate; but he will be clothed—and I am quoting from the language of the proposed act—with "final authority on behalf of the Board in respect of the investigation of charges and the issuance of complaints." It is to me an amazing fact that the Republican majority of the Eightieth Congress, which we were told was elected to office upon the theory that there has been too much government in Washington, is by the bill setting up an office with more power over the life and death of American business, as I have already said, than was ever dreamed of by President Franklin D. Roosevelt and the New Deal.

No one will have the slightest idea of what the effect of the act will be until the general counsel has been appointed and confirmed, except that it is perfectly clear from the language of the bill itself that the general counsel and the Board will be locked in battle until one or the other wins.

Mr. President, if ever there was a job that should be well done by the Congress of the United States, this is it. We have not taken the time to do the job properly. We have had the advantage of the advice of a distinguished Member of this body, who is also a member of the majority, who served on the National Labor Relations Board, and who, speaking out of his experience, has told us that the bill is an administrative impossibility. We have not chosen to take the time that would be necessary to make the bill administratively feasible and to make it an agency for promoting labor-management peace, instead of an agency for promoting turbulent disputes within the agency and within American business.

All the weeks thus far devoted to the consideration of the problem have been weeks of jockeying for position. There have been those who have besought Congress to pass no labor legislation at all. They were not in the executive arm of the Government. They did not speak for the President. There have been those, however, Mr. President, who have been urging that Congress pass a punitive bill. The pending bill is a punitive bill.

SHALL CONGRESS ADJOURN OR LEGISLATE?

We are told now by the Senator from Ohio [Mr. TAFT], whose name is attached to the legislation—and I listened to the Senator in his radio broadcast last night—that unless this particular bill is passed over the President's veto, we shall have no labor legislation at all. To me that means only one thing: It means that the Republican leadership in Congress regards it as of greater importance that Congress shall adjourn by the 26th of July, than that it should take the time to write a law such as the country needs, such as I think perhaps the country believes it is getting in the pending legislation instead of this bill which is so obviously defective as to make a settlement of the labor issue impossible under its terms.

Mr. President, I want to undertake, by reading the bill itself and the report, to demonstrate the accuracy of what I say. I am talking to those Members of this body upon the Republican side who actually believe—and I know the most of them do—that we have had too much government in Washington, and that we ought to restore control of the economy of the Nation to the people who carry on the economy. I have heard the condemnation, emanating from Republican sources over many years, of the concentration of executive power, the concentration of Government power, over business and over the lives of the people. During the campaign of last fall, the cry of the Republican campaign managers to the people of the United States was, "Have you had enough?"—meaning clearly that if the Republicans were to be entrusted with the management of Government, they would see that the amount of Government regimentation and control would be reduced. I undertake to show by reading the bill that, far from reducing Government control, this measure extends it.

READ AND UNDERSTAND

Let me read, Mr. President, from page 5 of the conference report, section 3 (d) of the measure. I have often discovered in my experience as a Member of this body that Senators frequently take legislation of this kind on faith without reading it. When a committee charged with the responsibility makes a report, and says that the bill reported will do this or that, Members of the Senate, like all people of the country, are likely to assume that what is said is correct. So much authority is concentrated here and we have so much legislation to act upon that we cannot read every bill. I know that perhaps a substantial majority of the newspapers of the United States seem to feel that this bill should become law, but I am sure that few editors have read the measure. They are taking it on faith too. But I undertake to show, Mr. President, by a reading of the bill, that many editorial expressions which demand of Senators to vote to override the veto have, in all likelihood, been written without a knowledge of what the bill does.

Let us read the language:

> SEC. 3 (d). There shall be a general counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years.

There, in words of one syllable, we are told that the general counsel of the Board will be appointed, not by the Board, but by the President of the United States, with the advice and consent of the Senate. He will be an independent

officer. He will not be subject to direction by the National Labor Relations Board with respect to his principal functions.

What are the powers to be given to this new official? These are the words of the measure itself:

The general counsel of the Board shall exercise general supervision over all attorneys employed by the Board (other than trial examiners and legal assistants to Board members) and over the officers and employees in the regional offices.

Can there be any misunderstanding of what that sentence means? It gives to this independent officer general supervision over all the lawyers, except trial examiners and the personal advisers of the members of the Board, and over all the employees in the regional offices of the Board. Can it be possible, Mr. President, that the sponsors of the bill, the members of the Senate Committee on Labor and Public Welfare, and the members of the conference committee, actually desired to set up an independent officer who should have control and supervision over the regional employees appointed by the Board? That is what the bill does. Someone may say, "Why, that would be unthinkable. The general counsel no doubt appoints these people." That would be a mistake, Mr. President.

In section 4 (a) we find this sentence:

The Board shall appoint an executive secretary, and such attorneys, examiners, and regional directors, and such other employees as it may from time to time find necessary for the proper performance of its duties.

So the bill undertakes to authorize the Board to appoint attorneys and regional officers and other employees to help it to perform its duties—observe those words, its duties—and then it turns around and gives general supervision of those very employees selected by the Board to the independent officer, the general counsel. How can anyone imagine that such a bill could work successfully?

INTRA-AGENCY STRUGGLE FOR POWER

Let me read another sentence which demonstrates conclusively that a conflict would be bound to result if the veto is overridden. I am reading now from section 5:

The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place. The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States.

So here, Mr. President, we undertake to clothe this Board with the power to prosecute any inquiry anywhere in the United States, but at the same time we set up the independent officer, the general counsel of the Board, upon whom the Board must rely for advice, and we give him the independent power to control the employees in the regional offices throughout the United States, as well as to supervise all the work of the attorneys.

But one may say, "Surely that was not intended. Surely the situation will not develop in that manner." Ah, but, Mr. President, let us see what the conferees said they intended to do by this language. If anyone has the slightest doubt of what the language means, it is completely cleared up by what the conferees have said about it on page 37 in their own explanation of their purpose. It is their explanation, not mine.

The conference agreement does not make provision for an independent agency to exercise the investigating and prosecuting functions under the act—

That is what the Senate bill did, and the Senate conferees abandoned it—

but does provide that there shall be a general counsel of the Board, who is to be appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years.

I wish Senators would pay heed to this language coming from the report of the conferees when they undertake to tell the Members of the Senate and the Members of the House and the people of the country just what they had in mind when they were writing this conference bill. Here is their language:

The general counsel is to have general supervision and direction of all attorneys employed by the Board (excluding the trial examiners and the legal assistants to the individual members of the Board), and of all the officers and employees in the Board's regional offices, and is to have the final authority to act in the name of, but independently of any direction, control, or review by, the Board in respect of the investigation of charges and the issuance of complaints of unfair labor practices, and in respect of the prosecution of such complaints before the Board.

No one can misunderstand that. The independent officer appointed by the President, with the advice and consent of the Senate, is authorized by the bill before us, as clearly stated in the conference report, to act for the Board, "but independently of any direction, control, or review by, the Board in respect of the investigation of charges and the issuance of complaints of unfair labor practices."

Can anyone wonder that I call the general counsel a labor czar? He acts for the Board, but independently of it, independent, as the conferees put it, "of any direction, control, or review." Make no mistake about it, Mr. Businessman, he will be telling us, not asking us, just as he will be telling the Board.

We will not know how he will use this power until he has been nominated and confirmed. When that takes place he will read the law. He will understand what Congress has said about his independence and it is inevitable that he will not surrender to the Board. Human nature, being what it is, he will take and exercise the power Congress is giving him. The Board will resist him, no doubt, but the Board will lose. Who knows what his point of view is going to be? Who can find the standards in this bill that will guide his imperious discretion?

CONCENTRATION FURTHER CONCENTRATED

I have said that the bill creates the most tremendous centralization of power over American business that was ever suggested in the United States. It takes only 3 or 4 minutes contemplation of the language which I have read, and of other language in the bill, to show that that is absolutely true.

It might be said in defense of the provisions which I have just read that the purpose in making the general counsel independent of the National Labor Relations Board was to make him a prosecutor, and make the Board a court to hear the cases. It might be argued that the purpose was to make the National Labor Relations Board a sort of court to deal impartially, and as a matter of first impression, with the cases which were to be worked up by the independent officer.

I have two criticisms of that argument. The first, of course, is that inasmuch as the general counsel is the legal adviser of the Board, the two functions have not been separated. There was a complete separation in the Senate bill, but now the two functions are joined, and the legal adviser of the Board is made independent of the Board.

But let us assume that that were not the fact. Let us disregard that criticism for a moment, and consider the other. It will be borne in mind that the bill creates a board and, by the language which I have just read, gives it the power to hold hearings and pursue inquiries anywhere in the United States; it makes no difference where. The bill gives the Board the power to delegate its authority. How many criticisms have we heard about the delegation of authority by executive function? It is worth while to place the language to which I refer in the RECORD at this point. I read from section 3 (b):

(b) The Board is authorized to delegate to any group of three or more members any or all of the powers which it may itself exercise. A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board, and three members of the Board shall, at all times, constitute a quorum of the Board, except that two members shall constitute a quorum of any group designated pursuant to the first sentence hereof. The Board shall have an official seal which shall be judicially noticed.

Observe that the Board is given complete and plenary power to delegate any or all of its power to any group of three; and then any two members of that group of three can speak for the Board. So we have a bill—and I invite the attention of lawyers in this body to this—which not only authorizes the Board to delegate its powers, but authorizes the Board to delegate its powers, and all of them, to less than a quorum of the Board. This we do in the name of reducing government in Washington. This we do in the name of returning control of the economic life of the people of the United States to the people of the United States; and we undertake a program of delegated powers which, so far as I know, has never been suggested before in the history of this Government.

I was speaking of the description which has been given by some of its supporters to this measure, or which might be given, as a bill intended to authorize the National Labor Relations Board to sit as a court and to hear cases.

On the Supreme Court of the United States we have nine justices. But before they are called upon to pass upon the controversies which arise in the administration of the laws of this Nation, the cases are all tried, as matters of first impression, by courts in the various districts, by courts of appeal, or by courts especially established for particular purposes. Under the structure of the judiciary system of the United States we preserve local and regional independence. We guarantee to the people the opportunity to have their disputes settled where they live. Do we do that in this case?

Mr. President, I stood upon this floor in 1937 and criticized the so-called court-packing bill because it would have authorized the appointment of traveling judges who would go out of Washington to all parts of the United States and pass upon the litigation of the people of the United States. Now the great Republican Party undertakes to create for our all-important labor-management economy a traveling judiciary system which will go all over the United States, with power to inquire into the economic labor-management controversies of the people and bring them back here to Washington for decision. They cannot be decided by the people or for the people in any local tribunal. They can be determined only by the central body in Washington.

Can anyone wonder, Mr. President, that I undertake to say that the bill goes further than any bill ever proposed—not to say any bill ever passed—toward the creation of arbitrary central Government power in Washington? It comes from the spokesmen of the Republican Party. All their denunciation of arbitrary central Government power will be of no more consequence than a breath of air if they support this bill. Let no Member of the majority ever again open his mouth in denunciation of arbitrary Government power over the lives of the people if he votes to override this veto.

He will have acted, as the clear language of this measure says, to give a single officer almost complete power over the economic life of the United States.

This, Mr. President, is just another step on the road toward centralization which we have been following for lo these many years. Why cannot Senators and Members of Congress take off the blinders and read the bill?

The PRESIDENT pro tempore. The time of the Senator from Wyoming has expired.

Mr. PEPPER. Mr. President, I yield three additional minutes to the Senator from Wyoming.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for three additional minutes.

Mr. O'MAHONEY. Mr. President, I say, let Senators read the bill, and they will have no doubt in their minds that here we are taking another long stride in the trend of arbitrary power in Washington, in the destruction of the power of the people to run their own economy. Congress should act to protect and strengthen the power of the people, instead of increasing the power of Government, as this bill does. We ought to sustain the veto and then, if necessary, remain in Washington throughout the remainder of the summer to write a bill which will be——

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

Mr. O'MAHONEY. I yield.

Mr. HICKENLOOPER. I should like to ask the Senator if it is not true that a majority of all the Democrats in both Houses of Congress have voted for this bill? When he talks about party responsibility——

Mr. O'MAHONEY. Mr. President, that is no argument. The leadership is the leadership of the Republican Party. I grant that some of my Democratic colleagues have been almost as blind as the gentlemen on the other side of the aisle have been.

Mr. HICKENLOOPER. Mr. President, if the Senator will yield further, I will again suggest that a majority of all the Democrats in the Congress of the United States have voted in favor of this bill.

Mr. O'MAHONEY. There is one thing I can say, and that is that a majority of the Democrats in the Senate have not yet been lured away by the blind leadership which is coming from the other side—doing the very thing they say should not be done.

EXPENDITURES IN CONNECTION WITH ELECTIONS

O Mr. President, let me take sufficient time to analyze another provision of the bill which has been completely misunderstood and misrepresented by the spokesmen for the bill. I was upon the floor of the Senate when the distinguished senior Senator from Ohio [Mr. TAFT] told this body that the conferees had written into this bill a provision which would prevent labor organizations from spending the money of their unions to affect in any way a presidential election. I read the provision, and when I read it I was amazed to find that there was not a word in it to support the interpretation given by the Senator from Ohio that this bill would prevent labor unions from publishing newspapers with their funds raised by dues but permit them to express political opinions in papers financed by subscriptions.

The PRESIDENT pro tempore. The Senator's time has again expired.

Mr. PEPPER. Mr. President, I yield to the Senator from Wyoming three more minutes.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for an additional 3 minutes.

Mr. O'MAHONEY. He said, in response to the Senator from Florida [Mr. PEPPER], that the purpose of the bill was to permit labor unions to print newspapers if they did it by subscriptions. Let us see what is done. I will read from section 304 in regard to restriction on political contributions and expenditures. This is an amendment of section 313 of the Corrupt Practices Act:

It is unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a contribution or expenditure—

That is the new word used—

in connection with any election to any political office—

Observe that the language is "in connection with," not "to affect" any election—

or in connection with any primary election or political convention or caucus held to select candidates for any political office, or—

Observe this language—

or for any corporation whatever, or any labor organization to make a contribution or expenditure—

That is the new word "expenditure"—

in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in, or a Delegate or Resident Commissioner to Congress are to be voted for.

Observe these words, "any corporation whatever or any labor organization to make a contribution or expenditure in connection with" such an election.

Mr. President, if a labor organization is prohibited from making an expenditure in connection with a Presidential election or any other election, then by this language "any corporation whatever" is also prohibited from doing so. Corporations and labor organizations are treated precisely the same. The section is not a prohibition against expenditures to "affect or influence" an election but "in connection with" an election.

I said to the Chicago Tribune representative a week ago Saturday when he called me up, and I say to the Associated Press, the United Press, and the editor of every newspaper in the United States that is published by a corporation, that if this measure provides what the Senator from Ohio says it does, then not only are labor organizations prohibited from making expenditures "in connection" with an election but so also are any corporation newspapers. An expenditure which is made to send a correspondent to Philadelphia to report the next Republican Convention is an expenditure "in connection with" the next election and is prohibited.

Editors who want to override the veto may comfort themselves that the bill will not be enforced. But I say to them and to you that this is an example of the careless manner in which this bill has been drawn. It is only one of many mistakes. The bill should be rewritten.

This is a time for patience, industry, and tolerance. Let us sustain the veto and write a good bill.

Mr. PEPPER. Mr. President, I yield 15 minutes to the Senator from Nevada [Mr. MALONE].

The PRESIDENT pro tempore. The Senator from Nevada is recognized for 15 minutes.

Mr. MALONE. Mr. President, I had not intended to debate this question further; but so many fine people in my State and in the Nation are so confused and bewildered by the multiplicity of Government controls and conflicting interpretations of the proposed remedies, that they assume it is necessary to line up violently prolabor or promanagement.

This labor bill has become an intensely emotional issue. Prejudice and feeling apparently have taken the place of reason and logic. There are some among us who seem to think all that is desired in the way of improving conditions must be done by legislation, which may never be effective until great sums have been spent on litigation.

Mr. President, we appear to be continuing the policy of trying to save the country by dangerously stirring up class hatreds. We may be on the road to dissensions that form the wedge to cleavages that will lead to profound changes, at a perilous time, when unity is the most urgent need in sustaining our democracy. We confidently set up laws and regulations that divide men and women representing the workers and management into groups and classes, and which practically forbid the normal social relationships, and which are expected to bring worker-management peace.

I am therefore constrained to make my position crystal clear. I am not prolabor or promanagement. I am pro-United States.

Mr. President, it is time we correlate some of the trends which in themselves may be relatively innocuous, but which in their entirety are extremely dangerous, and which would lead the people of this country into a situation which they would not knowingly create by their votes at the polls.

This fateful procedure, step by step, each apparently simple and logical, may lead to that final plunge, which as this body will recall, in the progress of events took us into two world wars, and left the Congress, in each case, no alternative but to declare war, because when the question finally reached Congress it found we were already in the fight.

All this, we were shocked to find, boiled up out of the mess of catch words and slogans—historic phrases such as "make the world safe for democracy," "the four freedoms," "reciprocal trade," "the forgotten man," "economic royalists," "we owe it to ourselves," "we cannot be prosperous in a starving world," and dozens of other pithy expressions which inflamed the minds of men in those times of extreme nervous stress and strain.

Mr. President, I wonder if the American people will ever wake up and realize that some nation had better stay prosperous in a world that has had starving people through 5,000 years of recorded history, that this dream of reciprocal trade as now advocated in our world of plenty will prove to be just one more method of dividing our substance with the nations of low-wage living standards by importing the products made by their low-paid people, instead of helping them to help themselves? Will we ever realize that huge loans and gifts to foreign nations, made without hope of repayment, and without a definite international policy geared to our domestic economy, mean lower wages for Americans? Will we ever understand that the pouring out of such floods of our substance—whether released by the direct action of congressional appropriations, or by treaty commitments that force us to pay indirect reparations through one foreign nation to another, or by the funds which come through the Import-Export Bank or through the securities sold to the American public by the World Bank, and loaned in the same manner, or by means of trade treaties which stifle our own production by importation of the merchandise and commodities of the low-wage nations of the world—is all part of the manipulation directed to the same goal of lowering the standard of living of the American people?

Mr. President, will we ever realize that all this has been advocated by the administration for the past 15 years and that it is all part of a well-laid plan to enslave this Nation under a gigantic socialistic system or something worse, and that the weird system of administering labor legislation has been a part of this plan? Bear in mind it is this same administration, now raising the cry of communism, which officially recognized Russia a few months after coming into power in 1933, without providing safeguards of any kind whatsoever. It is this same administration that has produced some of the strangest administrative rulings and some of the most weird Supreme Court decisions in cases between labor and management that have ever occurred in the history of this Nation.

These are the reasons why I ran for the Senate of the United States in the first place. I did not win the first time. I won in the third round. The New Deal defeated me twice, with the help of a bipartisan coalition in 1934 and 1944. I am allergic to bipartisan combinations.

Mr. President, the solution, then, does not lie in superimposing another layer of complicated Federal laws and machinery on top of an act which itself, for the most part, should be repealed. The solution lies in the defeat of the administration in 1948, so that the Government may assume, in relation to worker-management disagreement, the role of making the rules and fairly administering them.

My reason for supporting the veto is not that I care to support an administration which, in my judgment, has reached the point of extreme incompetence through the creation of the greatest maze of bureaus, boards, commissions, and trick organizations ever assembled in any government, but because we have not found the answer in retaining the already top-heavy Wagner Act and by attempting to repair it through an act almost as lengthy, and which in one particular provision unduly weakens the workers' bargaining unit, as I have previously stated on this floor.

Mr. President, I believe in less Government meddling, not more, as applied to worker-management relations and all other Government functions in this Nation. It is time we stopped the labor-management pendulum from swinging back and forth and determine where that old dong ought to hang.

As I have repeatedly stated, I will vote to regulate both the workers' bargaining unit, and management, but I will not vote to break or unduly weaken either one.

Mr. TAFT. Mr. President, I yield 5 minutes to the Senator from Washington.

Mr. CAIN. Mr. President, the junior Senator from Washington comes from a magnificent and sovereign State which is probably as highly organized in a labor sense as any State in our Nation. I have therefore been exposed to what is known as pressure of an unusual character and intensity. Few Senators in this Chamber have been given greater encouragement to vote to sustain the President's veto. Few Senators have been so threatened with political reprisals as has the junior Senator from Washington.

I have studied the legislation; I have listened to and read the endless words uttered before the committee hearings and on this floor; I have talked to as many labor leaders as time made possible; I have analyzed, as best I could, the President's veto message; I have welcomed the telegrams and letters and telephone calls, by what seem the thousands, which have come to me in recent weeks, on both sides of the subject, from the citizens of every walk of life in my own home State.

Mr. President, a man's opinion is no better than the information on which it is based. On the basis of a flood-tide of information on the subject of the labor bill before us, which I have worked and labored so hard to understand, I shall, without apology, but with hope for better human and industrial relationships in the future, vote to override the President's veto.

Mr. President, I have three basic reasons for my decision.

First, I am completely convinced that no thinking person, no intelligent person, and no real American in our land believes that a maintenance of the status quo is good for America. The President of the United States has urged, has he not, that our labor laws be changed. Without exception, every member of the Senate Labor and Public Welfare Committee recommended changes in the prevailing legislation. During the course of our recent filibuster, no single opponent of the proposed labor legislation failed to agree that changes were in order. To vote against the conference report is to encourage industrial relations in this country to stand still. I cannot vote to retard progress.

Second, I am completely convinced and satisfied that the substance of the conference labor bill retains the right to strike, while at the same time it helps to enforce the right of a man or woman to work. Americans generally, including tens of thousands of union members, have registered in scores of ways their opposition to the senselessness and utter waste of secondary boycotts, for example, and jurisdictional strikes. The average American knows and is willing to say that the right of free speech belongs to everyone regardless of the class or group of which he is a part. Provisions to rectify past abuses in these fields are included in the conference report. I do not presume to know abolutely that the corrective provisions will cure the evils. No

man can be certain now that the legislation is the best legislation which can ultimately be written. What we do know is that reasonable and fair-minded Americans have done their best to correct the faults which have surrounded us in recent years. The conference bill, Mr. President, has sought to attain its single objective of keeping the wheels of industry in full production for the good of this Nation and of the world. I shall vote again for the conference report because its intention is good and fair and democratic.

Third, I shall vote for the conference report because its designers and the entire Congress know that the intended labor legislation is not an end in itself. There is nothing sacred in the instrument before us. I should vote to oppose the measure if I thought that its provisions were not to be subject to change. A joint congressional committee is charged with seeing that a performance of the provisions of the bill lives up to the bill's intentions and high promise. This can only be accomplished, Mr. President, by revision and change and modification and enforcement. There may, indeed, be included provisions and demands which will not work. If they do not work they must be changed so that they will work. If the bill is worth anything—and I think it is worth a very great deal—it is because this Congress, which represents the mass of America, will insist that the legislation changes form and character and direction in keeping with the demands of the difficult days which lie before us all.

The PRESIDENT pro tempore. The time of the Senator from Washington has expired.

Mr. CAIN. I should like to have an additional half minute, I say to the Senator from Ohio.

Mr. TAFT. I yield to the Senator whatever part of 5 minutes the Senator may require.

Mr. CAIN. I thank the Senator.

Mr. President, as an American citizen and as a Senator in the Senate of these United States, I am privileged to vote for an instrument which is free from cynicism and futility and despair. This instrument says to America and to the world that we shall keep on trying until we find industrial peace and security at home. If the instrument fails to accomplish its high objectives, the very same men who wrote it, and supported it, and those far more able men who follow us all, will try and try again until men can work without fear of oppression or restraint from the abusers of privilege, be they of labor or of management.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from New Jersey [Mr. HAWKES].

The PRESIDENT pro tempore. The Senator from New Jersey is recognized for 10 minutes.

Mr. HAWKES. Mr. President, the question before us today is not whether we should support one man, but whether we should vote our best judgment in the interest of millions of working men and women, and the Nation.

The welfare of all the people in the United States is so much more important than our interest in or feeling for any one man or group of individuals that our duty demands that our action shall be in the interest of the body politic and economic.

No one claims that H. R. 3020 is a perfect bill, because it would be absolutely impossible for any set of human beings to enact a law governing the human relationships between employer and employee, which, as we go along, will need no amendments or changes.

Since the beginning of time we have been endeavoring to find a way to improve the human relationship which, in the old days, was the relationship of master and servant, but which today, after hundreds of years of effort and the invoking of Christian principles, has become the relationship of employer and employee.

All any laws that we or any other representatives of the people enact can ever be, under a system of freemen, are rules of the game of human relationship.

The Government should be a fair referee, to see that the rules of the game are properly administered and complied with. To succeed, the Government must apply the rules in a nonpartisan manner, ever watchful of the necessity for change in the rules of the game so as to correct unfairness and injustice.

Unless I misunderstand the people of this Nation, they do not want monopoly in the hands of any individual or group of individuals in the United States, whether serving as leaders in business and industry, or leaders in labor unions.

No sane or understanding American citizen or representative of the people would pursue a course, in or out of Congress, that would injure or destroy the legitimate rights of the working people of this Nation. If he did, he would injure himself and all other good Americans.

The essence of Americanism is to establish fair rules of conduct and human relationship, so as to keep the door of opportunity open for the poorest man in our country who complies with the established laws and rules of action to improve his status in American life.

But we must remove fear from the hearts of men and women and restore their right of freedom and safety in the pursuit of those rights, if we would preserve the American system of freemen, and the leadership to peace that has recently fallen upon our shoulders.

Every representative of the people must carefully weigh what is right and what is wrong, and he must recognize that, while there may be thousands of telegrams sent to him supporting one side, yet there are milions of people back home who would send telegrams if they felt it to be necessary.

Those silent millions, both in and out of the ranks of labor, expect us to do our duty, and abolish any rules of the game heretofore established which interferes with their pursuit of happiness and the rightful exercise of their desires to make a living in such a way as not to interfere with the welfare of the people as a whole.

Let us not listen only to the loud voice of those who think they have the biggest interest in the passage or defeat of this bill, whether they be in the ranks of employers or the leaders of workers. Rather let us listen to the silent voice of the millions back home who seldom speak, but who are waiting for peace, prosperity, and justice, and who still believe in the guaranties of the Constitution of the United States.

No law can be much better than the proper administration of it makes it. A bad law can be made fairly good if wisely and equitably administered. A good law can be made horribly bad by an administration of it with the objective and purpose of proving it unworkable and bad.

This bill, wisely and fairly administered, will bring prosperity to the country and its people, and, in my judgment, which is founded upon 45 years of intimate association with labor, of which I was a part for a number of years, it will bring injury to none of the legitimate rights and freedoms of labor.

No bill will bring prosperity if those in power wish to make it fail. No law will be good of itself, and the limitations for all law lie in the honesty, intelligence, and integrity of its administration.

Since 1935 we have been operating under a labor law which destroyed mutuality between employer and employee. It even destroyed, to a very substantial extent, the right of free speech guaranteed by the Constitution of the United States. What happened to it? So far as I know, little or nothing has been done in 12 years to change the bad features of that law, until this Congress has finally offered a new set of rules which, in its opinion, will lead to substantial betterment in the relationship of employer and employee.

On the foundation of that relationship rest all the hopes of future years for prosperity at home and our leadership in the cause of justice and peace in world affairs.

I hope this Congress and succeeding Congresses will never make the mistake of letting any part of this law remain on the books as the guiding rule of human relationship one minute longer than it takes to analyze its effect and enact a cure in the form of amendments or replacements if they are needed to establish fair rules of human relationship between employer and employee—rules that are compatible with the preservation of our American system of freemen and the American system of making a living, based upon human rights and the security of property ownership—rules which do not stimulate friction and enmity between the groups which make up our American free competitive enterprise system.

Under our American system, the workingman of today can and has become the owner and employer of tomorrow. The rules of conduct or the laws governing the relationship of human beings are the foundation upon which we built, but the superstructure, which has made America great in the past, can only be preserved through friendly voluntary cooperation which recognizes that no good can come to any individual and remain with him permanently except through this process of voluntary cooperation, and a recognition by all that the welfare of the individual is absolutely dependent upon the over-all accomplishment and happiness of the people as a whole.

Believing these things, and recognizing the imperfections of human accomplishment on the one hand, and the power of the representatives of the people to correct things which are wrong on the other hand, I shall vote to override the Presidential veto.

Mr. TAFT. Mr. President, I yield 20 minutes to the Senator from Minnesota [Mr. BALL].

The PRESIDING OFFICER (Mr. KNOWLAND in the chair). The Senator from Minnesota is recognized for 20 minutes.

Mr. BALL. Mr. President, as one who has been associated with the development of the pending legislation since its inception, and who has gone through all the many weeks of hearings and committee consideration, continuing over a period of about 5 months—which, of course, completely belies the suggestion and charge heard so often that this is hasty, ill-considered legislation—I studied the President's veto message very carefully.

I must say that I find it one of the most amazing documents to come out of the White House since I have been in the Senate. As I read that message, it appears to me that the President cannot find a single clause or section in the bill of which he approves. As far as I can recall, I think the only section on which he does not comment adversely is that prohibiting strikes by Government employees; which merely reenacts into permanent law a section which has been carried for 2 years in every appropriation bill.

That is an amazing situation, Mr. President. Here is a bill which has been evolved after 5 months of arduous effort by the committees of both Houses, which has commanded in each House over two-thirds of the votes of all the Members; and the President of the United States cannot find a single section of which he approves.

So far as the veto message is concerned, Mr. President, there are apparently no real abuses in the field of labor relations which need correction. I do not see how, in the light of that message, the Congress could possibly write a bill which would obtain Presidential approval.

I have known the present occupant of the White House for a long time. I served with him intimately on committees of the Congress. I do not believe that the President had time to study the bill carefully. I am convinced that the message and the ideas on which it was based were furnished to him by agencies of the Government, notably the National Labor Relations Board, on whose analysis of the bill there has been comment on the Senate floor.

I consider that analysis completely distorted, Mr. President. It disregards all the reports of the committees. It disregards the statements of the managers of the bill on the floor of the Senate and on the floor of the House, in order to put the harshest possible interpretation on every single section and sentence of the bill; as if the NLRB, which will have a major responsibility in administering it, will lean over backwards to make the law operate as harshly as possible on unions.

That kind of attitude, of course, we know is not going to prevail. I think it is rather significant that the analysis prepared by the attorneys of the Board follows so closely the analysis published and placed in the RECORD by Representative MARCANTONIO, of New York, and the analysis prepared by Lee Pressman, general counsel of the CIO, who could hardly be termed to be anxious for any kind of labor legislation.

Mr. President, this message is so studded with distortions of the clear legislative intent of the provisions of the bill that it would not be possible in the time allotted me to go into all of them, but I should like to refer to a few.

In his first comment, that the bill would substantially increase strikes, under paragraph (4), the President has this to say:

> The bill would force unions to strike or to boycott, if they wish to have a jurisdictional dispute settled by the National Labor Relations Board.

Mr. President, that statement is just not true. Every time the National Labor Relations Board now handles a representation case, the Board must first decide what is an appropriate unit; and in deciding what is an appropriate unit, it assigns certain work tasks to the people within that unit. So that every time there is a representation case, the Board, in effect, now decides that kind of jurisdictional dispute. Of course, when it is a dispute between two unions as to who shall represent all the employees in a plant, we know that the Board determines those disputes.

Mr. President, in his second list of objections to the bill, under paragraph (3) of his veto message, the President has this to say:

> The bill presents the danger that employers and employees might be prohibited from agreeing on safety provisions, rest-period rules, and many other legitimate practices, since such practices may fall under the language defining "featherbedding."

Mr. President, that again is a complete distortion of the actual wording of the section to which the President refers, which is 8 (b), which makes it an unfair practice for a labor organization—

> 6. To cause or attempt to cause an employer to pay or deliver, or to agree to pay or deliver, any money or other thing of value, in the nature of an exaction, for services which are not performed or not to be performed.

There is not a word in that, Mr. President, about "featherbedding." It says that it is an unfair practice for a union to force an employer to pay for work which is not performed. In the colloquy on this floor between the Senator from Florida and the Senator from Ohio, before the bill was passed, it was made abundantly clear that it did not apply to rest periods, it did not apply to speed-ups or safety provisions, or to anything of that nature; it applied only to situations, for instance, where the Musicians' Federation forces an employer to hire one orchestra and then to pay for another stand-by orchestra, which does no work at all.

Mr. President, in the third list of objections to the bill, in paragraph (1), the President says this:

> The bill would invite frequent disruption of continuous plant production by opening up immense possibilities for many more elections, and adding new types of elections.

Mr. President, the only new type of election added is the one at which employees have a chance to vote for the first time, by secret ballot, as to whether they want compulsory membership in a union. That is the only new type of election. As for requiring more frequent elections, the only provision in the bill relating to that is in section 9, providing that only one valid election may be held in a single year. Instead of increasing the possibility of having too frequent elections, the bill goes in exactly the opposite direction by saying there cannot be more than one election in 1 year. At present, the law is silent in that regard, and there have been cases where elections have been held as many as three or four times in 1 year.

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

Mr. BALL. I am sorry, Mr. President; my time is limited, and I want to finish. If I have time, at the end of my remarks, I shall be glad to yield.

In his fourth set of objections to the bill, in paragraph (1), the President, in his veto message, says:

> The bill would make it easier for an employer to get rid of employees whom he wanted to discharge because they exercised their right of self-organization guaranteed by the act. It would permit an employer to dismiss a man on the pretext of a slight infraction of shop rules, even though his real motive was to discriminate against this employee for union activity.

Mr. President, what that refers to is an explicit provision inserted in the bill in conference, saying that if the employer proves to the satisfaction of the Board that he discharged an employee for cause, he cannot be held guilty of an unfair-labor practice in discharging him. That is exactly the rule which the courts now require the National Labor Relations Board to follow. In other words, if the National Labor Relations Board finds that an employer discharged an employee for cause, they cannot find him guilty of an unfair-labor practice, and it is up to the Board to make the decision.

In paragraph (4), under the same division, the President says this:

> It—
>
> The bill—
>
> would deprive workers of the power to meet the competition of goods produced under sweat-shop conditions by permitting employers to halt every type of secondary boycott, not merely those for unjustifiable purposes.

Mr. President, neither the Secretary of Labor nor the Chairman of the NLRB was able to tell us in specific terms what a justifiable secondary boycott is. But further than that, the whole purpose of the present Wagner Act is to guarantee to employees full freedom in choosing their own representatives.

Mr. President, the whole purpose of a secondary boycott is for one union to force the employees of another employer to choose that particular union as their representative, regardless of their own desires. Every secondary boycott today is in its purpose in violation of the National Labor Relations Act, and yet the President tells us that some of them are justifiable.

Paragraphs (5) and (6) of the same division again distort the plain definition of "agent" in section 2 of this rewrite of the Wagner Act, which says that to prove agency one does not necessarily have to prove that the principal specifically ratified or authorized the acts of the agent.

Finally, Mr. President, in his seventh list of objections is the statement that the bill would discriminate against employees. In paragraph (1) the President has this to say:

> (1) It would impose discriminatory penalties upon employers and employees for the same offense, that of violating the requirement that existing agreements be maintained for 60 days without strike or lock-out while a new agreement is being negotiated. Employers could only be required to restore the previous conditions of employment, but employees could be summarily dismissed by the employer.

Mr. President, that is a rather startling criticism to come from the same President who a year ago recommended a special bill which would have drafted into the Army employees who refused to go back to work when ordered to by the President, and which would have subjected them to the penalties of court martial if they refused to go back. I think ours is a very mild provision, which merely says to unions, "You must have a 60-day reopening clause in your contract."

Mr. President, those of us who have worked with the bill are convinced that there is not a provision in it which will hurt any legitimate activity of labor unions. Instead it is in effect a bill of rights for small employers and for the rank and file of working men and women. It deals specifically and clearly with such things as the abuses of compulsory membership in unions through closed and union-shop contracts, with the abuses of secondary boycotts and jurisdictional strikes, with the potential abuses of welfare funds.

I may say, Mr. President, that the sponsors of the bill agree that the provision on welfare funds is a stopgap designed to keep the situation from degenerating into a racket until Congress has time to investigate the whole thing fully. The bill clarifies the status of foremen, which is an imperative step if the free enterprise system is to continue to function efficiently in this country.

Finally, it deals, admittedly not too strongly, with the problem created when industry-wide strikes or lockouts tend to paralyze the whole national economy. It is not a final answer, but I may point out, Mr. President, that that is one of the specific subjects for the joint committee set up in title IV to study.

In conclusion, Mr. President, I do not think the veto message contains a single legitimate argument against the bill which can be sustained by fair-minded men and women, and I sincerely hope that the Senate will again pass this measure and make it law.

Mr. TAFT. Mr. President, I yield 10 or 15 minutes, whatever he wishes, to the Senator from New York [Mr. IVES].

Mr. IVES. Mr. President, when the conference bill was before this body on the day on which it was finally passed by the Senate, I expressed myself rather thoroughly concerning it. It is not my purpose at this time to repeat to any great extent what I said then.

However, the veto message accompanying the President's disapproval, as I see it, was utterly extreme, extreme in an uncalled-for manner, extreme in a sense which leaves no room by which there is a possibility to get together. Therefore, in the face of that veto message, I should like to make further comment.

As I said at that time, and I repeat now, this is not a perfect bill. No one knows that better than I do. However, I want to point out one very important thing, and that is that in all probability this is as near perfection, insofar as legislation of this nature is concerned, as we can hope to reach at this particular time of the Congress of the United States. It probably reflects more completely the composite thinking of the Congress of the United States at this time than would any other piece of legislation dealing with this subject.

So when the President comes forth and, as was pointed out by the Senator from Minnesota [Mr. BALL], has nothing favorable to say about any part of the legislation, it causes one to pause, because I happen to know very definitely that most parts of this measure are very good indeed. It is not as bad as it has been pictured to be in the veto message. The message contains exaggeration after exaggeration. The worst possible interpretation again and again is placed upon the bill's provisions. Then it is inferred it is to be subjected, finally, to the worst possible type of administration that any act of this nature could possibly have. Of course, if that were the case, we would have chaos; but that is not the case. The bill, with sympathetic, sincere administration, can be made to work, and it can be made to work without any injury whatever to the legitimate objectives of organized labor. In fact, administered properly, the bill can strengthen organized labor, and I want to see organized labor strengthened.

The attitude of the President, the attitude of the critics of the legislation, causes me to wonder: Is there going to be a definite attempt to sabotage this legislation if it is enacted? I come to the point which I think is one of the three most important in connection with the bill, namely, Will the National Labor Relations Board, and the administration under that Board, seek to sabotage the legislation? I do not believe so. I have faith in the Chairman of that Board. He may not agree with the bill, he may not like it, but he is the type of man who will do his utmost to see that its provisions are carried out faithfully.

There may be sabotage in other places. That is what has to be watched.

It must be definitely understood—and this is the second most important thing in connection with this legislation—that we should have an appropriation sufficient to permit the Board properly to administer the law. Let no one deceive himself about that. Failure to appropriate a sufficient amount of money can in itself bring about the sabotage of this act. I trust that the Congress of the United States, in its wisdom, will see that sufficient funds are provided for this purpose.

Third, and finally, and most important of all, is the question of the joint congressional committee which has been referred to in the discussion today. Too little attention has been paid to the importance of that joint committee. However, I think its significance is now beginning to be realized. The joint committee itself, through its own operations and activities, can pave the way for the removal of any undesirable situation which may develop as a result of this legislation. That may sound like a rather extreme statement. I have had experience in this field, with this type of committee activity and this type of approach. I am not afraid of this bill, with the type of joint congressional committee which I assume will be established under it—seven members from the Senate and seven members from the House. This joint committee will have a grave responsibility. Presumably, its members will be named at the time the law goes into effect, which I assume will be 60 days after the enactment of the bill.

The joint congressional committee has two areas of responsibility in the very first instance. First, it must see that there is no sabotage in the administration of the law. That is one task which, above all others, it must assume—to see that the administration is as we intend it to be, that there is fairness and justice under the law and that the new law is interpreted as it is our intention that it should be interpreted.

The second main function of the joint committee this year will be the job of ascertaining those parts of the bill which may not be perfect, which may not work satisfactorily. There may be a few provisions which will not work as intended; but that should not be permitted to destroy the whole piece of legislation. The task of the committee will be to ascertain those unsatisfactory parts, to prepare appropriate amendments, and to see that these amendments are offered and properly supported at the next session of the Congress.

As I stated in my remarks 2 weeks ago, this bill is not an end product. This is not final legislation on this subject. That was the mistake which had been made in connection with the National Labor Relations Act, when it was first passed, and ever since. This type of legislation is subject to constant change and correction. If it were perfect today, 5 years from today many imperfections would very likely have shown up, in view of intervening circumstances. There can be no end product, no final legislation, in this field.

With that understanding, the joint congressional committee can go forward, looking for corrections which must be

made, and helping management and labor to get together and to work together. These things they can do, and I know it. The joint committee should act in part to help formulate administrative policy and procedure as well as to perform its functions as a strictly legislative agency at the inception of the new law. These things the committee can do, and I know it.

If the committee will go forward with the idea of helping to get labor and management together, the idea of correcting the defects in the legislation, and, finally, the idea of having a law which is absolutely fair and as nearly perfect as possible, then I predict that the bill passed today—as I believe it will be—will prove to be of great benefit to the country.

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

Mr. IVES. I yield.

Mr. KNOWLAND. I should like to say to the able Senator from New York that as chairman of the Subcommittee on Labor and Federal Security of the Committee on Appropriations, I quite agree with him that there must be sufficient funds for the National Labor Relations Board to carry out the purposes of the proposed act. As chairman of the subcommittee, I shall do everything in my power to see that adequate funds are supplied.

Mr. IVES. I thank the Senator from California.

The PRESIDENT pro tempore. Does the Senator from Ohio [Mr. TAFT] yield further?

Mr TAFT. Mr. President, I have no other speaker at the moment.

Mr. MORSE. Mr. President, acting in behalf of the Senator from Florida [Mr. PEPPER] while he is absent from the Chamber, I shall parcel out the time until he returns, or until the Senator from Ohio again wishes to take time.

The PRESIDENT pro tempore. To whom does the Senator yield?

Mr. MORSE. I yield 5 minutes to myself, Mr. President.

The PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I shall not speak at length, as my announcement indicates; but I could. [Laughter.] I have been very much interested in some of the newspaper comments today, to the effect that those of us who spoke at length last Friday and Saturday in opposition to the attempt to force a vote Saturday at 5 p. m. on the President's veto failed to win our point. Some papers are saying that the filibuster petered out and fizzled.

I note in the Washington Post this morning another of its slanted editorials on the historic debate on labor issues which has been going on during this session of Congress. As to the debate of last Friday and Saturday, the editorial says that—

> The filibuster against the labor bill fizzled without bringing either credit or hope of victory to its sponsors.

It would be rather interesting if the press, and particularly the Washington Post in its editorials, would present the facts in regard to the filibuster of last week end. The news stories in the Washington Post were very accurate, but its editorial of this morning, like some of its other editorials on this labor legislation, was very misleading and inaccurate.

The facts are that the filibuster would have been in progress as of this hour if the majority in this body had not accepted the terms on which the filibuster was ended. We stated at the beginning of the filibuster that there would be no vote on Saturday at 5 o'clock, and that we would continue to talk through the week end until our point was granted, namely, that the majority in this body should not be allowed to force its will upon a minority exercising its rights. We had the right under the rules to object to the proposal for a unanimous-consent agreement to vote on the veto message at 5 p. m. on Saturday. We exercised that right. The majority became angry and in violation of our rights under the rule decided to force us into a continuous session unless we yielded to their demand that we forego our rights. We accepted their challenge. We said that the rule requiring unanimous consent of the Senate before debate could be stopped in the Senate would become meaningless if the majority were permitted to adopt the tactics with which they threatened us. We pointed out why we thought that no vote should be taken before 3 p. m. Monday. When the majority refused to extend to us the parliamentary courtesy to which we were entitled under the spirit and intent of the unanimous-consent rule, we proceeded to talk at length. We quickly organized a group of speakers to talk through the week end and until Monday at 3 p. m. Those are the facts.

It was my agreement with my colleagues to talk until half an hour past midnight on Saturday. I could have done so. I was taking care of myself in the debate all day Saturday from 6:30 a. m., so that I knew I could have done it. In 1941, at the Raleigh Hotel, in the settlement of the railroad case, I held representatives of the parties in session in several committee rooms for 36 continuous hours without a wink of sleep on my part. My carcass has not so deteriorated since 1941 that I could not have kept the Senate in session until half an hour past midnight last Saturday. We had the majority licked and they soon discovered it. The majority settled the filibuster by surrendering its untenable position in this fight. It accepted the terms which we laid down—that we would not vote before 3 o'clock this afternoon. That was our position throughout. It was the Republican leadership that fizzled and blundered by ever starting this fight. Let the Washington Post present that fact if it wants to be fair. It should square its editorials with the facts of its excellent news stories.

Let me make a point or two with regard to the merits of the great issue now before us. I have just listened to two very interesting and able speeches—one by my good friend from Minnesota [Mr. BALL] and the other by my good friend from New York [Mr. IVES].

I think these two distinguished Senators have overlooked one very fundamental point in drafting legislation, and that is that if legislation contains language which permits of abuse of power, it is bad legislation. To say that they believe that extreme interpretations have been placed on the legislation by the President and by some of us who have opposed the legislation on the floor of the Senate is to overlook the point that what the President has been pointing out, and what we have been pointing out, is that the language of the bill would permit abuse of power. It is subject to the interpretation we have put on it and party litigants under it will be entitled to those interpretations as a matter of legal right. This law will not and cannot, under its legal meaning, be interpreted and administered to please the Senator from Minnesota and the Senator from New York. It must be given its legal meaning by the courts and I say that the courts are bound to apply it quite differently from the way Senator IVES and Senator BALL talk about it.

To try to alibi it, or rationalize it on the ground that if it is properly administered it will not be as bad as we think it will be, begs the whole question. The Senator from Minnesota [Mr. BALL] and the Senator from New York [Mr. IVES] cannot take away from the courts of this land their solemn obligation to give the legal meaning to the language used in this bill as the law requires. Employees will be entitled to decisions under it which, according to the language of the bill, will enable them to destroy many legitimate rights of labor.

The PRESIDENT pro tempore. Does the Senator wish to extend his own time?

Mr. MORSE. For 2 minutes, Mr. President.

The PRESIDENT pro tempore. The Senator is recognized for two additional minutes.

Mr. MORSE. The courts are bound to apply the language of this bill in accordance with its legal meaning; and when they do, many hardships will be imposed not only upon organized labor in this country but upon employers as well. It is a legal monstrosity which will cause much litigation and resulting labor strife.

The second point I would make on their speeches is that running through them is the tacit admission that before this bill is finally passed they recognize that it contains a great many imperfections. So does the Washington Post seem to recognize that fact in some of its slanted editorials. I say statesmanship calls upon us now to prevent the passage of legislation which even the sponsors themselves will admit contains many imperfections. These sponsors are engaging already in a confession and avoidance plea.

The last point I want to make is one in regard to Senator IVES' talk about sabotaging the bill. I do not know what he meant by sabotage, but, as I said on Saturday, if this bill goes on the books the junior Senator from Oregon will take the position that the forces of government must be used to carry out and enforce the bill. There cannot be government by law in this country on any other basis. But our insistence upon enforcement of the law is not going to change human nature. I am very much of the opinion that labor, recognizing the tremendous injury that this bill will inflict

upon its legitimate rights, will dig in along a united front and fight the administration of this bill to the extent that it visits upon labor gross injustices.

Will that produce industrial harmony in America? Will that give us the peace in industry that we want? Not at all, Mr. President. We shall not be able to escape the fact that before this bill is even dry on the statute books we shall have to proceed at once to work out substantial revisions of it. Why not do it now? Why not recognize the duty of statesmanship which rests upon each and every one of us and sustain this veto and then proceed, as was pointed out by another speaker this morning, the very able statesman from Wyoming [Mr. O'MAHONEY] to work on a bill that will meet the objections which have been raised to this bill? I think that is the solemn duty of each one of us in this session of Congress. I shall not vote, Mr. President, for a bill which the proponents already recognize is one which should be started down the road of revision.

Mr. President, I do not believe that an issue more vital to the economic welfare and the over-all public interest of this country will be before the Members of this body for many a day. I am sure that at the hour of 3 o'clock this afternoon every man in this body will have an opportunity to make his record as to whether he will vote to protect the public interest or will vote for a bill so prejudiced in its terms that it will invite and invoke great industrial disharmony for years to come until the injustices of the bill are wiped once and for all off the statute books of America? I shall be glad to stand on my record of consistent opposition to this bill and in support of the President's excellent and unanswerable veto message.

Mr. ROBERTSON of Wyoming. Mr. President, will the Senator from Ohio yield to me for a moment?

Mr. TAFT. I yield 1 minute to the Senator from Wyoming.

The PRESIDENT pro tempore. The Senator from Wyoming is recognized for 1 minute.

Mr. ROBERTSON of Wyoming. Mr. President, at this point in the debate I ask that an editorial in the New York Times, the leading Democratic newspaper of the United States, be inserted in the RECORD.

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

LAST VOTE ON THE LABOR BILL

Today at 3 p. m. the fate of the Taft-Hartley labor bill will be decided. At that hour the Senate, by agreement, will vote either to override the President's veto or sustain it. If the veto is overridden, the bill will be automatically entered on the statute books and become the law of the land.

On Saturday the filibuster, which was certainly the poorest argument advanced against the bill, showed signs of collapsing through the sheer physical inability of the handful of Senators who engineered it to carry it on. At least, it accomplished the delay they sought. It may or may not have given the administration time enough to switch a few votes. Sometimes such tactics boomerang on those who invoke them. The tally today will show to what extent the last-ditch stand of the bill's opponents was effective.

No further debate, however, could possibly add any enlightenment to the consideration of the measure. Few measures in the history of Congress have been more fully discussed and debated. The Taft-Hartley labor-management bill has been in the making since January. Labor leaders, one after another, have appeared before committees of the two Houses to express their views in opposition or offer their advice. Not one of them admitted any need for reform or offered a helpful suggestion. Advocates of the legislation have received the same careful hearing. Liberal Senators and friends of labor like Senator IVES have been listened to attentively and have exercised a moderating influence on the legislation as it now stands. The formal debates in Congress have been exhaustive and no point at issue has been overlooked. The President has fully expressed his disapproval, both in his lengthy veto message and in his radio appeal to the people. Labor has had ample time to conduct an opposition campaign through extensive newspaper advertising and public meetings. By every rule of reason, the debate has ended.

And Congress has determined that it shall end. The measure is backed by huge majorities in both Chambers. In the House, which has already rejected Mr. Truman's veto, the vote was 4 to 1 against the President. In the Senate the majority in favor of the bill is almost as impressive. It includes many in the President's own party and men of both parties recognized as liberal and moderate. Only in the Senate, where the overriding majority must register at least two-thirds of those voting, does any doubt of the bill's passage remain. That doubt is about to be resolved.

Mr. TAFT. Mr. President, I yield 1 minute to the Senator from New York [Mr. IVES].

Mr. IVES. Mr. President, I do not want it understood in this body that I indicated or intended to indicate in my remarks that this bill has all the matter with it which the Senator from Oregon would indicate I may have indicated. I think, on the whole, that the bill has very little the matter with it that will have to be corrected. Again I say that, on the whole, it is as good a piece of legislation, undoubtedly, as we can get together at this time.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Connecticut [Mr. BALDWIN].

The PRESIDENT pro tempore. The Senator from Connecticut is recognized for 10 minutes.

Mr. BALDWIN. Mr. President, as a freshman Senator last January I sat in the Hall of the House at the joint session and listened to the President's message on the state of the Union. I have a copy of it here. I find that the matter of labor-management relationship is a matter which is dealt with in that message at greater length than is any other single subject. I think, Mr. President, that we are overlooking the fact that the President himself made many recommendations with reference to labor-management legislation. We seem to be laboring under the thought that the President himself has not expressed any opinion with reference to it until he expressed it in his veto message. That is not the fact. So, just for a moment or two, Mr. President, I should like to deal with some of the recommendations which the President of the United States made in that message. He said, in speaking of collective bargaining:

But as yet not all of us have learned what it means to bargain freely and fairly. Nor have all of us learned to carry the mutual responsibilities that accompany the right to bargain. There have been abuses and harmful practices which limit the effectiveness of our system of collective bargaining. Furthermore, we have lacked sufficient governmental machinery to aid labor and management in resolving differences.

Mr. President, this bill attempts to deal and, I think, does deal as effectively as possible with all of the generalities to which the President himself called attention in this part of his message.

Then he said this:

Certain labor-management problems need attention at once and certain others, by reason of their complexity, need exhaustive investigation and study.

This bill, Mr. President, does deal fairly and justly with certain labor-management problems.

I had occasion a short time ago to look into the matter of the length of time which was spent in hearings on the Wagner Labor Relations Act, that very vitally important piece of legislation which has so greatly affected and, I think, in most respects, affected for good, the labor-management relations of the people of this country. I found that the time spent in hearings on that vitally important piece of legislation was not more than half the time which has been spent upon this legislation with which we are dealing today. I think, Mr. President, if my recollection serves me correctly, that the same thing can be said of the time spent in debate on that measure. In my humble judgment, since I have been in the Senate, never has more careful and thorough attention been given to a piece of legislation than has been given to the bill with which we are now dealing.

The President said this:

We should enact legislation to correct certain abuses and to provide additional governmental assistance in bargaining. But we should also concern ourselves with the basic causes of labor-management difficulties.

I think this bill fairly deals with the things which the President mentioned.

He said further:

Point No. 1 is the early enactment of legislation to prevent certain unjustifiable practices.

First, under this point, are jurisdictional strikes. In such strikes the public and the employer are innocent bystanders who are injured by a collision between rival unions. This type of dispute hurts production, industry, and the public—and labor itself. I consider jurisdictional strikes indefensible.

This bill, Mr. President, deals, and I think fairly and justly, with the subject of jurisdictional strikes.

The President said, further:

The National Labor Relations Act provides procedures for determining which union represents the employees of a particular employer. In some jurisdictional disputes, however, minority unions strike to compel employers to deal with them despite a legal duty to bargain with the majority union. Strikes to compel an employer to violate the law are inexcusable. Legislation to prevent such strikes is clearly desirable.

While this bill may not be perfect in all details, Mr. President, an honest, earnest, and, I think, effective attempt has been made to deal with that subject matter.

The President further said:

Another form of interunion disagreement is the jurisdictional strike involving the question of which labor union is entitled to perform a particular task. When rival unions are unable to settle such disputes themselves, provision must be made for peaceful and binding determination of the issues.

Mr. President, that is dealt with fairly and justly in this bill. The President said further:

The appropriate goal is legislation which prohibits secondary boycotts in pursuance of unjustifiable objectives, but does not impair the union's right to preserve its own existence and the gains made in genuine collective bargaining.

Mr. President, the matter of boycotts, too, is effectively dealt with in this bill.

We could go down through that message, with item after item that the President himself has recommended as needing legislative attention, and we could lay those recommendations alongside this bill and, I believe, could show that every one of them has been dealt with in the bill in a fair and honest and earnest attempt to provide a remedy.

The President also recommended a joint commission. The Congress has seen fit to deal with that recommendation by providing for a joint committee to be appointed by the President of the Senate and the Speaker of the House of Representatives. That committee has a great responsibility, Mr. President. Its purpose is to watch the effectiveness of this legislation and to make amendments and changes where it believes that abuses under this new legislation may occur and where a more effective or just method can be found. I have enough confidence in my colleagues on both sides of the aisle in this Senate, and likewise in the Members of the House of Representatives, to believe that they will earnestly and fairly watch this legislation, and where abuses occur, will step in with amendments for their remedy. I myself will lend my full support to corrective measures if corrective measures may be necessary to take care of abuses which may appear under this bill.

Mr. President, the junior Senator from Connecticut as a freshman Senator took the recommendations of the President of the United States very seriously. True, I was not on the Committee on Labor and Public Welfare, but I did read the hearings, I did listen to most of the debate, and I have seen every representative of an organized labor group who has come to my office, either back home in Connecticut or here in Washington. I talked with those people as earnestly and fairly as I could, to get their points of view, and, in some respects, when they made a point, I bore it to the committee in an effort to get some changes, and some corrective changes, along the line of those suggestions, as made to me.

Mr. President, our labor-management relations in Connecticut have been good—better, I think, than in most other parts of the country. But I, as a Senator in the Senate of the United States, must deal with this problem on a Nation-wide basis. I must exercise my own honest, best judgment to determine, in the light of what is presented here, whether by and large this bill will do what it is intended to do—improve labor-management relationships. In my humble judgment, it will do exactly that.

So, Mr. President, I was somewhat surprised and somewhat disappointed when we received a veto message which found fault with every single provision in this bill, without a word of recommendation as to how the changes should be made. Of course, we live in a political system; in a sense we are all politicians. God grant that we may be politicians in the true and correct sense to advance the science of free government. I do not want to cast any aspersions upon this veto message, but I do say that a veto message which apparently finds fault with every single part of this bill without any suggestion of solution loses, in my humble judgment, a great deal of weight in its effect upon the judgment of the Members of this Senate and in its effect upon the thinking of the entire people of the United States.

Last fall, after the election, the President had this to say—and I quote now from an editorial appearing in the New York Times. This editorial has already been inserted in the RECORD:

So sweeping was the popular verdict that the President himself publicly announced his acceptance of the decision at the polls, and pledged his full cooperation with the new Congress in a nonpartisan spirit. Said he—

Now I quote further from this editorial, which purports at this point to quote the words of the President:

The people have elected a Republican majority to the Senate and House of Representatives. Under our Constitution, the Congress is the lawmaking body. The people have chosen to entrust the controlling voice in this branch of the Government to the Republican Party. I accept this verdict in the spirit in which all good citizens accept the results of any fair election.

Mr. President, in light of that statement, I humbly raise the question whether this veto message fairly and justly lives up to the assertion of nonpartisanship.

The PRESIDENT pro tempore. The time of the Senator from Connecticut has expired.

To whom does the Senator from Ohio yield at this time?

Mr. TAFT. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. TAFT. How many minutes are left to both sides?

The PRESIDENT pro tempore. Each side has 32 minutes remaining.

Mr. TAFT. I think it is probably the turn of the Senator from Florida at this point. Some six or seven Senators have spoken on our side, and only two Senators on the other side have spoken.

Mr. LANGER. Mr. President, I desire to have 2 minutes.

The PRESIDENT pro tempore. The time is under the control of the Senator from Ohio and the Senator from Florida.

Mr. PEPPER. I yield 2 minutes to the Senator from North Dakota.

Mr. LANGER. Mr. President, laying aside all consideration of the unfair provisions of the Taft-Hartley measure which the President has vetoed, and which is before us for final action today, I desire to make a very brief statement regarding it from a new angle.

For a considerable time, this bill has been a political football, as everyone is aware, with the two major parties striving for the most favorable position in the elections next year. This bill is sponsored by the Republican Party; and it was said by some, prior to the veto, that its passage by the Congress placed the President on the horns of a dilemma, inasmuch as approval of it by him would alienate large groups of voters, while, on the other hand, if the bill were vetoed and if the veto were sustained, it could be pointed out by his opponents, in cases of strikes or other industrial disturbances, that the President was fully responsible because the Republican Congress had passed the bill, and therefore the President was responsible, inasmuch as he did not permit the bill to be finally enacted.

Mr. President, I have listened to the distinguished Senator from Connecticut who has just concluded speaking. I challenge his statement that the President's veto is against every sentence and paragraph of that bill. The President particularly said that he wanted labor legislation, that he was against the secondary boycotts, that he was against jurisdictional strikes.

Now the President has vetoed the bill. I say to the Senate today that if this veto is overridden, the President of the United States will be a hero to the farmers and laborers for whom he fought, and every Senator who votes against sustaining the veto will, of course, take the consequences of his action.

Mr. PEPPER. Mr. President, I yield 5 minutes to the Senator from Idaho [Mr. TAYLOR].

The PRESIDENT pro tempore. The Senator from Idaho is recognized for 5 minutes.

Mr. TAYLOR. Mr. President, I am glad the Senator from Nebraska is on the floor, because I wish to add my word to those spoken by the Senator from Oregon in expressing my astonishment at reading in the papers that the Senator from Nebraska said it had been proven that the majority had shown how to break a filibuster, namely, by just staying in session. In the first place, as I have repeated, I did not engage in a filibuster. It was merely a thoughtful interlude, to give the people time to think the matter over. The majority did not break anything. The debate could have gone on, the Lord knows how long, but they agreed to what we wanted in the first place, namely, a delay at least until after the President of the United States had had time to talk to the people of America. That is what we were after, and that is what we got. If that is a victory for the Republican majority steamroller, very well, I hope they enjoy many such victories.

Mr. President, this legislation is going to cause chaos in the United States. In fact, if I were Joe Stalin, I could not wish for anything more up my alley than the

labor bill that is about to be foisted on the people of America, because it is going to be unworkable. There will be more strikes, there will be confusion and chaos, and we all know that is what communism feeds on.

The people of America feel strongly about this matter, Mr. President. Senators will notice that the page boys are putting on my desk and the adjoining desks petitions signed by 54,681 citizens of America protesting this legislation, urging that it be vetoed, and urging that the veto be upheld. It takes a lot of work just to sign this many petitions. It goes to show how strongly the people of America feel about the matter. I dare say that if these petitions were rolled out and placed end to end, there would be enough to reach from here to the White House.

I will ask the boys to take the petitions away now. I just wanted the folks to see them. Here they are. I do not intend to read them into the RECORD in the 5 minutes at my disposal.

Mr. President, I wish to make a last-minute appeal to my southern colleagues. I desire to impress upon them that the Democratic Party must be a liberal party, if it is to be a party at all. I implore them to help us in the struggle to make the Democratic Party a liberal party, and in return I can assure them that those of us who consider ourselves liberals will not be unreasonable in our dealings with our southern friends. We want to advance the cause of the colored people, we insist that progress be made, but we do not insist on a revolution overnight in this matter. I do wish to extend this last-minute appeal to our friends from south of the Mason and Dixon's line, to join with us in upholding the hands of the President of the United States, and the leader of our party, in this crucial instance.

In closing, I should like to say to the Senator from Connecticut, when he calls attention to the fact that our President offered to cooperate with the majority party in passing legislation beneficial to the American people, that I agree he did, but the President of the United States did not agree to join the majority party or anybody else in enslaving the American people, cutting the heart out of the labor movement of America, and wrecking our economy.

The PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PEPPER. Mr. President, I will ask the Senator from Ohio if he will not have some speaker on his side proceed. I have been awaiting the return of the minority leader to the floor. It would be a convenience if the Senator from Ohio might have someone take the floor at this time.

Mr. TAFT. Mr. President, there is no other speaker to proceed at the moment. I have been in charge of the bill for some 5 months, and I should like to close the debate myself. I am ready to speak, but I have no particular desire to take the full time. There is no one else on this side who desires to speak at this time.

Mr. PEPPER. I shall address myself to the measure, awaiting the return of the minority leader, and desist in his favor upon his arrival.

Mr. President, I think all of us feel this is a critical vote we are about to cast this afternoon. As the President said in his message, the significance of the vote will be felt for decades yet to come. When the historian looks back upon this period, and seeks to discover some of the criteria of the sentiment of this era, I am sure this will be one of the votes upon which the historian will place his finger in accusing condemnation.

Mr. President, this is not the first time a decision has been made between the special and the general interests. This is not the first time the mighty storm of reaction has burst over a nation or a people. This is not the first time the mighty waves of selfishness have broken upon the helpless and defenseless masses of the people. But I am comforted by the memory, and by the testimony of history, that those victories of reaction have not been permanent, and that the masses of the people, however constantly pressed to earth, have, like truth, always risen again.

Mr. President, the Republican majority in this body cannot destroy the labor movement of America, nor can it retard the inevitable progress of both economic and political democracy. I foresee the day when we shall do in the Congress what the labor government in Great Britain did to the stupid legislation enacted after the general strike in Great Britain in 1926, which rankled in the breast of labor and the lovers of democracy until it was wiped from the statute books of that great nation. This, too, will not endure if it, in this moment of frenzy, in this moment of intolerance, in the sweep of reaction, shall come to be a part of the statute law of this land.

No, Mr. President, the common man is on the march; he is going forward, not backward. He is going to enjoy more democratic liberties, not less. He will have stronger collective-bargaining power, not weaker, and he will have more laws upon the statute books of a nation as his protecting shield, not fewer laws, in the bitter struggle to lift himself and his family up to the accepted American level and standard of decency.

Mr. President, while there may be passing comfort for those who may gain the victory in this cause—should they gain it—I venture to remind them of another who gained a victory. It was the great Pyrrhus, who lost his army in his victory, and to those who are—if they do—to achieve this political victory, it will be a pyrrhic economic victory in the first place, and I dare say a pyrrhic political victory as well.

The workers of America have been accustomed to economic and political democracy. They are not going to forget it, and they are not going to allow it to be snatched away from them. It has become a part of the American tradition. It has become a part of the heart and sentiment of American democracy.

Mr. President, neither should those who may feel a temporary disappointment or dejection consider there is any permanence in that sentiment, because the tide will inevitably turn, and whether this reactionary wave shall break upon the jagged rocks of another depression, or whether it shall finally be hurled back by the determined persistence of the masses of the working people of America, be sure, Mr. President, it will not endure.

Yet, the people could be spared so much tragedy, so much strife, so much bitter conflict. After the last war similar policies were adopted. Not I, but Gov. Harold E. Stassen, of Minnesota, said it was the antilabor policy of the United States Government, then in charge of the majority party of today in the Senate, that contributed to the depression of the late 1929's, and hurled America into the darkest economic abyss of our time. That, too, could have been spared. But we chose not to spare our generation that ordeal. If the same party shall be responsible for the same folly, Mr. President, they will have to take the responsibility for the same inevitable and tragic consequences.

So, Mr. President, I wish we could learn more from history. We might have been saved a depression and spared a war, could we have learned more, Mr. President, about economic democracy and about collaboration for world peace.

But, Mr. President, if we shall have to pay the cost of another depression, and, God forbid, another war, for our folly, then I shall still hope that, at long last, we may learn that economic and political democracy is best for all, Mr. President, not just for a favored class; it is best for all; and the American people are determined to have it, however bitter may be the temporary assults upon their struggle, whatever passing victories may be achieved by those who come into temporary command and authority.

I yield to the minority leader, the Senator from Kentucky, in case he cares to speak now.

The PRESIDENT pro tempore. The Senator from Kentucky may be recognized for how many minutes?

Mr. PEPPER. For the time that remains on this side.

The PRESIDENT pro tempore. The Senator from Kentucky is recognized for 18 minutes.

Mr. BARKLEY. Mr. President, I thank the Senator from Florida for his generosity in yielding to me the time that remains to those opposing the bill. I recognize the tenseness which surrounds our deliberations at this time regarding one of the most vital subjects that confronts the American people. I have from the very outset sought to divorce my consideration of this subject from politics, except that we all know that in our complex society, where the Government has been compelled to extend its authority more and more as time went on, we cannot very well escape considerations of politics, in the broad sense of that term.

As I have heretofore said on this floor, it is impossible to draw a straight line and say that all on one side is politics and all on the other is economics. The economic condition of our country and of the world may determine their politics, and frequently the political conditions which have existed and persisted have had a permanent influence upon our economics. I have tried to divorce my consideration of the pending legislation

from any coloring by partisan politics, and therefore I regret profoundly that there have been, in and out of Congress, those who have seen fit to impugn the integrity and the sincerity of the President of the United States in regard to the veto of the bill.

I do not know, Mr. President, whether the people of the United States at the last election gave a mandate to any political party or not. I imagine that every Member of the House and the Senate who was a candidate made his own platform, upon which he appealed to the people of his State or his district. There was no general platform upon which all ran for Congress. I have no doubt that the platforms probably varied according to the sentiment of the district. But we are constantly told that the American people issued a mandate to the Congress of the United States to do or not to do certain things.

Following that election, the President of the United States issued what I regarded then, and regard now, as a broad-minded and constructive statement, in which he accepted in good faith the results of the election. I hold in my hand an editorial from the New York Times of last Saturday, June 21, a paper for which I have the greatest respect, which I read every day and Sunday, and which I regard as one of the greatest newspapers in the world, if not the greatest. In this editorial the statement issued by the President last November is quoted. I do not wish to have the entire editorial placed in the RECORD, but I desire to quote that part of it referred to as containing the statement of the President:

> The people have elected a Republican majority to the Senate and House of Representatives. Under our Constitution the Congress is the lawmaking body. The people have chosen to entrust the controlling voice in this branch of the Government to the Republican Party. I accept this verdict in the spirit in which all good citizens accept the results of any fair election.

Because of that cooperative statement on the part of the President of the United States, in which he said he accepted the result, as we all accepted it, it is now claimed that he foreclosed himself against the exercise of his constitutional power in determining what his attitude shall be toward legislation which is placed upon his desk; that, because he accepted the result of the election, he cannot exercise the right of veto given to him by the Constitution, with respect to this labor legislation. The same newspapers which have quoted that statement as foreclosing the President in regard to the pending legislation also refer to it in regard to his veto of the tax bill; and yet the same press which condemns him for vetoing the tax bill and the labor bill, because he accepted the result of the last election, demands that he veto another bill now on his desk, the so-called wool bill.

If he violated his obligation under the Constitution and his statement made after the last election by vetoing the labor bill and the tax bill, where could we draw the line so as to retain in the Chief Executive of this Nation the right and the power and the judgment still to exercise his own prerogative conferred upon him by the Constitution as a part of the legislative process in dealing with any law that Congress may enact and send to the White House?

Mr. President, I have heard it said by Senators, I have heard it repeated in public and in private, that the President may be right in his analysis of the legislation, that it may be unworkable, that it may be discriminatory, that it may be unfair, that it may inject the power and interference of the Government into our economic system far beyond the requirements of the situation with which we are dealing, but nevertheless they feel constrained to vote to override the veto because, as they say, the people want a bill.

Mr. President, the people, I have no doubt, want a bill. The people have not read this bill. I do not know whether they want this bill or not. I myself would like to have a bill, but I will not vote for this bill.

Mr. President, I think the Senators of the United States owe some obligations to the people. If some of us feel that the bill is unworkable, that it is unwise, that it goes far beyond the precincts which it should inhabit in order to do something in the shape of a bill, it is my conception of our duty here to vote our convictions upon it and take upon ourselves the obligation to explain to our people why we take that course. That may require some swimming upstream, Mr. President, but I think it is better to swim upstream, if necessary, than to float downstream. It may involve political inconvenience. It is always easier to float downstream than to swim upstream, but swimming upstream gives infinitely more exercise and more character than mere floating with the tide.

There is a well-known species of fish in the West that swims upstream. It battles with the rapid currents of the mounting stream in order to find a spawning place in the upper reaches of the stream. Then it spawns and dies, and by that process nature provides mankind with fish of that variety.

If, in consideration of legislation here and elsewhere, we find it necessary among our own people to battle the ripples of the stream as we try to swim upstream, even though it might involve our political death, if we can render that service to society which this species of fish renders by surrendering its own life, it will be worth the effort, Mr. President.

The other day the integrity and sincerity and the very word of the President of the United States was brought in jeopardy by a prominent Member of the Congress of the United States, who stated that in vetoing the labor bill the President had violated his word to the American people. Before the bill ever went to the White House, Mr. President, I stated that I was confident the President would give it the most sincere consideration of which he was capable, that he would have it analyzed by those upon whom he had a right to rely, from a legal and economic standpoint, and would arrive at a judgment in accordance with his own conscience, without regard to its political effect upon him. I do not know what the political effect may be upon him. I do not know what political effect may result to the party of which he is the head, but since I have been a Member of the Congress of the United States for 34 years, more than 20 of which have been spent in this body, I have never seen any legislation so carefully and so meticulously analyzed as the labor bill was analyzed in the message of the President returning it to us without his approval. Notwithstanding statements that have been made by high-ranking Members of this body that the President did not understand the bill and does not now understand it, I make bold to say that nobody else on either side has analyzed it so carefully or explained it so meticulously as the President did in his message to Congress or to the House of Representatives.

Suppose it turns out that the President is right, Mr. President. Suppose it transpires that it does produce chaos instead of order. Suppose it turns out that it brings about more strikes instead of fewer strikes. Suppose it turns out that it throws our economic and industrial system into a revolving cauldron of disagreement, chaos, and misunderstanding, it will make little difference then who may have been right from a political or partisan standpoint in the consideration of this legislation.

Mr. President, I wish to read a letter which I have just received from the President of the United States, to confound those who said that he vetoed the bill for political reasons hoping that the Congress would override his veto and make it a law anyhow regardless of the veto. I am happy to say that Harry S. Truman is not that kind of a President, he is not that kind of a cheap politician. If he were, he would not be entitled to and would not enjoy the confidence of the American people. I read his letter:

> THE WHITE HOUSE,
> *Washington, June 23, 1947.*
>
> The Honorable ALBEN W. BARKLEY,
> *The United States Senate,*
> *Washington, D. C.*
>
> DEAR SENATOR BARKLEY: I feel so strongly about the labor bill which the Senate will vote on this afternoon that I wish to reaffirm my sincere belief that it will do serious harm to our country.
>
> This is a critical period in our history and any measure which will adversely affect our national unity will render a distinct disservice not only to this Nation but to the world.
>
> I am convinced that such would be the result if the veto of this bill should be overridden.
>
> I commend you and your associates who have fought so earnestly against this dangerous legislation.
>
> I want you to know you have my unqualified support, and it is my fervent hope, for the good of the country, that you and your colleagues will be successful in your efforts to keep this bill from becoming law.
>
> Very sincerely yours,
> HARRY S. TRUMAN.

The PRESIDENT pro tempore. The time of the Senator from Kentucky has expired.

Mr. BARKLEY. I urge my colleagues, in a final word, to sustain this veto for the reasons given so eloquently and cogently in the President's message.

Mr. TAFT. Mr. President, I yield 10 minutes to the Senator from Georgia [Mr. GEORGE].

Mr. GEORGE. Mr. President, I wish to say at the outset that I have not the slightest doubt that the President of the United States is entirely sincere in submitting his veto message. I have no doubt also that he has analyzed the bill with the assistance of those in the executive branch of the Government who are unfriendly to this legislation. But I have no doubt that the President has reached what he considers to be an entirely honest decision on this measure.

Mr. President, I voted for this legislation when it came before the Senate. I voted for the conference report; and I shall have to vote to override the President's veto. My reasons are simple. Within 10 minutes, of course, I could not undertake and would not undertake to discuss the merits of the bill as such.

Almost 12 years ago, in July 1935, the Congress of the United States and the President of the United States approved the Wagner Act. I voted for the Wagner Act. I therefore do not appear on this floor as one unfriendly to labor. At that time I believed that it was necessary to pass the Wagner Act, although I realized that it was a very one-sided piece of legislation.

What has occurred in the interim? For nearly 10 years, at least, honest men in industry, and many in labor, as well as many not directly connected with either management or labor, have earnestly besought the American Congress to make some simple, sensible amendments to the Wagner Act.

What has happened? During all that long period of time the Committee on Education and Labor in the United States Senate has held the line, and aside from the present bill has brought to this floor only one other bit of legislation which would have corrected, in a small degree, the inequities and unbalance of the Wagner Act. I refer to the Case bill, which the President saw fit to veto about a year ago after it had been passed by the Congress of the United States.

I do not criticize the President for the exercise of his veto rights and powers; but I do assert that if there is to be any labor legislation in America, if we are to bring about any degree of balance in the unbalanced condition which has existed for almost 12 years, now is the time to do it, not in anger toward the workers of the Nation, not in resentment of their devotion to legislation which they thought was for their benefit, but simply and solely because this Nation, as a representative government, must somewhere down the road decide whether the people of the United States shall be allowed to function through their lawmaking bodies, or whether organized minorities are to control and dictate the legislation which we must have.

I speak plainly, but not in anger. There is but one way for us to break the strangle hold of labor bosses—not the rank and file of the workers, but labor bosses who have been unwilling to dot an "i" or cross a "t" for 12 long years. That is to pass this bill and invite labor and management to come to the Congress of the United States, where both should come, and sit around the table as honest men, representing conflicting and ofttimes hostile interests, be it conceded, and there iron out their differences.

In my opinion this is the final test of whether government is to function or whether minority groups, highly organized, are to dictate the type of legislation that we shall have. If there were no other reason for the passage of this legislation, I should assuredly support it.

In his address to this body the distinguished Senator from Oregon [Mr. MORSE], whom I hold in high esteem, asserted that if the bill should prove to be unworkable or have inequities and injustices in it, we could not excuse ourselves by saying that we would vote for it nevertheless. I would agree with him, but when I recall that for 12 years, whatever the merits of the proposal, the Senate Committee on Labor and Education held a stranglehold upon the throat of the American people and would not permit legislation to come before this body, then I must wholly reject the logic of the distinguished Senator from Oregon, which otherwise would be impeccable. This is the only chance that we shall have, but it is a magnificent chance for the American people. I speak not in anger or hostility toward the workers. I speak as one who voted for the original Wagner Act in the firm belief at that time that if inequities did appear and inequalities did exist, we could correct them as a legislative body. I have seen the hands of the legislative body tied. I have seen the legislative body of this Nation helpless in the face of organized minorities operating from outside.

So, Mr. President, I shall be compelled, much as I regret to do so, to vote to override the President's veto of this bill.

Mr. TAFT. Mr. President, it is now approximately 6 months since this Congress returned to Washington to consider the task which lay before it. Regardless of the issues in the election, there was unquestionably a demand at that time, as there is now, for labor legislation, for a reform of the abuses which had become apparent to the American people. They had been deluged with a series of strikes. They had been deluged with strikes ordered for men who did not desire the strikes. They had been deluged with strikes against companies which had settled all difference with their own men. They had been deluged with strikes in violation of existing collective-bargaining agreements. They knew of mass picketing. They knew that in those strikes men had been excluded from their own plants by force and violence. They knew that the men in the unions themselves had been arbitrarily treated by the leaders, and that unless they chose to please the leaders they lost their jobs. They were fired from the union and lost their jobs with the company, and in many cases they found it impossible to continue their own trade. They knew of feather-bedding practices. They knew the limitation on apprentices, so that men could not be obtained for necessary work. They knew of the limitation on the freedom of employers, and they knew of the many unjust provisions of the Wagner Act as administered by the National Labor Relations Board.

There was a demand that we act. I deny completely that there has been politics in the drafting of this legislation. It was participated in by all. Certainly, I felt that with the public demand for reform in this particular field the Republican Party, which happened to have control of the Congress, would be held to be delinquent if it failed to propose a reasonable labor-reform measure. To that extent, if that is politics, the bill is politics.

We went to work. Many bills were introduced. The committee held hearings and heard from labor leaders, from industrialists, from experts—it gave everyone a chance to be heard, until we were criticized for delaying the matter. There was nothing hurried in the development of the legislation.

Finally the committee produced a bill which 11 out of the 13 members of the committee supported when it came to the floor of the Senate. It was amended on the floor. There was an overwhelming vote in favor of some of the amendments. Other amendments were rejected. The bill went to conference, and in conference various provisions of the House bill were accepted. But, Mr. President, after 6 months' consideration, after a thorough debate on the floor of the Senate, after a thorough debate in conference, and another debate on the floor of the Senate on the conference report, the bill was agreed to and sent to the President of the United States.

Last Tuesday the President held a press conference in which he said:

> I do not know that there will be a labor veto. I have not made up my mind. I still have to study it.

The President replied to another question that he might act before Friday, but explained that he had not as yet read the bill in the form in which it passed both Houses of Congress. He said:

> I am going to study it for the next 2 days.

As the result of 2 days' study by the President of the United States, the work of many hundreds of men, the sincere and careful work of several dozen men who have gone into the details of this legislation from the beginning to the end has been set aside by the veto exercised by the President of the United States. Of course, he has the constitutional right to veto a bill, but it seems to me it is a case in which he might well have withheld the actual exercise of that right. To my good Democratic friends and Republicans who believe in Thomas Jefferson, let me say that Thomas Jefferson never vetoed a bill presented to him by Congress. He felt that that right should be exercised only in a time of the greatest emergency, and he questioned whether it should be exercised at all.

Mr. President, we have drafted this bill and it is based on the theory of the Wagner Act, if you please. It is based on the theory that the solution of the labor problem in the United States is free, collective bargaining—a contract between one employer and all of his men acting as one man. That is the theory of the Wagner Act, that they shall be free to make the contract they wish to make.

Many people have felt that the Government should come in certain cases and impose compulsory arbitration in the fixing of wages, if the parties cannot agree. Our provision for dealing with Nation-wide strikes has been criticized.

After 60 days, if they still want to vote for a strike, we have not forbidden it, because we believe that the right to strike for hours, wages, and working conditions in the ultimate analysis is essential to the maintenance of freedom in the United States. We have rejected every effort to impose upon any men any wages, hours, or working conditions to which they, through their representatives, do not agree.

We have been criticized on the ground that for that reason the bill is too weak. I do not think so. I think that if the Government is going to fix wages it will fix prices and the entire economy. I think our freedom depends upon maintaining the free right to strike. It can be limited. Surely it is not too much to ask men to maintain the status quo for 60 days rather than endanger the safety and health of the Nation. But in the last analysis, if it becomes a political strike, then the Government will have to act through some special emergency legislation for that particular case, as was done in connection with the general strike in England. We have based it upon free collective bargaining and have not modified that right in any material respect.

We have tried to deal with abuses. We tried to get testimony as to just what is wrong in this field, and there is testimony on the record as to each of the things which we have tried to correct.

We have tried to correct secondary boycotts and jurisdictional strikes. The truth is that originally, before the passage of any of the laws dealing with labor, the employer had all the advantage. He had the employees at his mercy, and he could practically in most cases dictate the terms which he wished to impose. Congress passed the Clayton Act, the Norris-LaGuardia Act, and the Wagner Act. The latter act was interpreted by a completely prejudiced board in such a way that it went far beyond the original intention of Congress, until we reached a point where the balance had shifted over to the other side, where the labor leaders had every advantage in collective bargaining and were relieved from any liability in breaking the contract after they had made the bargain. That was a condition under which strikes actually were encouraged and protected, no matter what the purpose or the character of the particular strike.

All we have tried to do is to swing that balance back, not too far, to a point where the parties can deal equally with each other and where they have approximately equal power. I think the largest companies today can deal with their employees throughout the Nation, but the smaller companies are practically at the mercy of the labor-union bosses. Whatever they have insisted upon in the last 4 or 5 years the employers have practically had to give to them. We want to get the situation back to the point where it is fair. If a man does have the power to enforce and obtain an unreasonable demand, he is much less likely to make an unreasonable demand. Strikes have largely been brought about by unreasonable demands to which the employer finally felt he could not possibly yield and at the same time maintain the integrity and independence of his business.

This is a perfectly reasonable bill in every respect. If we are to have free collective bargaining it must be between two responsible parties. Some of the provisions of this bill deal with the question of making the unions responsible. There is no reason in the world why a union should not have the same responsibility that a corporation has which is engaged in business. So we have provided that a union may be sued as if it were a corporation. We have provided that the union must file statements as corporations have had to file them, setting up their methods of doing business and making financial reports to the members and to the Secretary of Labor. That sort of reform actually strengthens the members in their collective bargaining. There will be no free collective bargaining until both sides are equally responsible.

We have set up a Mediation Service. We took it out of the Department of Labor because it was felt, rightly or wrongly, that as long as it was an agency of the Department of Labor it must necessarily take a prolabor slant and therefore could not be as fair in mediating differences between the parties. Then we outlawed secondary boycotts and jurisdictional strikes. There was no testimony in the record anywhere to the effect that secondary boycotts and jurisdictional strikes were justified. We asked the President's representatives as to what kind of secondary boycotts were justified, but we never got a satisfactory answer.

In this bill we prohibit secondary boycotts all over this country. There have been secondary boycotts in which a union has said, "We will not handle the goods of manufacturer X because we do not like the men who make his particular goods"; and in many cases where a manufacturer had a union certified to him—perhaps a CIO union—an AFL union has boycotted it, or vice versa. All over the country such things have occurred; and I know that in my own State, small manufacturers have absolutely been driven out of their business and have been destroyed by unions far off from their concern, unions in which they had no interest whatsoever. Yet the strikes have dragged on. We have tried to prohibit secondary boycotts, and we give the Board the power to decide the controversies.

Here and elsewhere the union leaders have said, "Yes; these are abuses, but leave them to us. We will get together; we will settle these abuses." But never at any time have they suggested legislation.

I say to the Senate that this bill could have been only one-half as strong as it is, if we please to call it strong, and yet there would be exactly the same opposition from every labor leader and we would have exactly the same propaganda that is going out today against this bill. Mr. President, it is not against the provisions of this bill. They try to pick out little things here and there and try to exaggerate their importance. Mr. President, it is not the provisions of this bill that they are concerned about; it is any legislation that would in any way reduce the power of the labor leaders. They have opposed it for 10 years.

I was quoted, perhaps, by the Senator from Wyoming, earlier today, as saying that if this bill does not pass, there will be no legislation. That was not an ultimatum from me; that was a conclusion by the labor leaders, and from the President's own message.

The President did not find one thing to approve in this measure. He has criticized it as he has the Case bill—in every section. Apparently he will veto any bill on the subject.

References have been made to breaking the bill into pieces and enacting the separate pieces. Apparently, if that were done, the President would criticize and would veto every piece.

The President has never yet recognized that there are abuses. There is nothing in his message really recognizing that there are abuses, except a little lip service, "Well, there are some things we should do something about." But the President has failed to point out any specific abuses whatever, and he has failed to point out any legislation to accomplish the desired result. His message mentions elimination of jurisdictional strikes and secondary boycotts, but we never got any real recommendation from him about taking care of those problems.

Mr. President, for the last 10 years we have had bills dealing with labor problems and labor legislation. We have in this body, men who know as much about labor legislation as anyone in the Government of the United States or anyone outside the Government of the United States does; and yet they would appoint another commission. That is the recourse of people who do not want any legislation at all.

So we face here the problem of whether, the Senate and the House of Representatives having agreed upon a constructive labor measure, we are going to put that through or whether we are going to say to the labor-union leaders, "No; there is no Congress of the United States, there is no President of the United States, who dares to stand up against your power." Certainly the power they exercise today is a threat to the welfare of the people of the United States.

Certainly the bill is complicated. Why? Because the Wagner Act was complicated; and in order to deal with it, we had to amend every section of the Wagner Act. That is what most of this bill is.

I sat in the hearings on the Wagner Act in 1939, and I can tell the Senate something about the power of the first Board which was set up. Talk about the power of the general counsel under this measure. Just think of the power of that first Board, made up of the two Smiths and Madden—people who regarded themselves as crusaders to put a CIO union, if you please, in every plant in the United States. That was their effort. There was no pretense of fairness or justice. I have never known of any other case in the United States

where there were such outrages or such injustices as those which were perpetrated by that Board.

The Board has gradually improved, and today we have somewhat a separation of powers. But at that time the Board was both the judge and the jury. True, the powers against labor unions which they had were not as great as the powers provided in this bill, because the powers that Board had were all against employers. In this bill we have changed that situation, so that now the bill recognizes that there are unfair labor practices on the part of employees, just as the former bill recognized that there were unfair labor practices on the part of employers. We have tried to balance up the two. We have not made unlawful a single act on the part of employees which was not made unlawful on the part of employers in the original bill. Otherwise we have left those provisions alone and untouched, except perhaps for the provision of freedom of speech. In the United States there is a demand that we restore complete freedom of speech to both sides, and that we have done. Otherwise there is no modification. No employer can beat down a union; no employer can discriminate; no employer can refuse to deal with a union which is duly certified to him.

So, Mr. President, I say that in this bill we have simply tried to equalize the Government's power as against the unions and as against the employers. We have tried to abolish special privileges conferred by preexisting legislation, and we have based this measure on freedom of contract and on free collective bargaining.

Mr. President, I have listened with interest to all the criticisms—the petty criticisms of this and the petty criticisms of that. All that we have done with the Board, as referred to by the Senator from Wyoming, is to make a separation of powers. Under this bill the Board is judicial. It is judicial today. Its counsel will be a prosecutor. He will not have any extraordinary powers—nothing like the power of the Attorney General of the United States, who decides whether criminal actions shall be brought against anyone in the United States. Under this bill, the counsel will have the right to make the decision as between employer and employee; but his decision will be subject to the judicial decision of the Board and, above the Board, the courts; and we have given the courts greater power to look into the decisions of the Board and to provide for the redress of any injustice.

Mr. President, the charges made against this act are wholly unjustified.

I appeal to the Senate of the United States to stand up to the work of the legislative body. This is a case of legislation. It is a case in which the President never should have intervened. It is a case in which the President could well have taken the position that, regardless of whether he liked or did not like the work that had been done, the public desire for equity between employer and employee should prevail, no matter what his personal opinion might be.

Mr. President, I trust that the President's veto will be overriden.

I suggest the absence of a quorum.

Mr. BARKLEY. Mr. President, will the Senator withhold that for a moment, to yield to me for one matter?

Mr. TAFT. I yield.

Mr. BARKLEY. Will the Senator yield, so that there may be read at the desk a brief statement from the Senator from New York [Mr. WAGNER], explaining the reason for his inability to be present?

Mr. TAFT. I am glad to do so.

Mr. BARKLEY. Mr. President, I send the statement to the desk and ask that it be read.

The PRESIDENT pro tempore. That can be done by unanimous consent. Without objection, the clerk will read.

The Chief Clerk read as follows:

REASON FOR SENATOR WAGNER'S ABSENCE FROM THE SENATE TODAY

Senator WAGNER, the author of the act which the Taft-Hartley bill will amend, is not able to be present to cast his vote in favor of sustaining the President's veto. Because of his great devotion to the working men and women of this country, and because, in his estimation, this bill will destroy what he has so long labored to develop—industrial peace through democracy—every effort was made and every facility at the disposal of the great city of New York was made available to Senator WAGNER in order to have him present here on the Senate floor today. It was Senator WAGNER's most ardent hope that the doctors would see fit to let him come. But it was the unanimous and expert decision of his two personal physicians, together with Dr. Edward M. Bernecker, commissioner of hospitals of the city of New York, and Dr. Samuel Frant, of the New York City Health Department, after final and thorough examination this morning, that "he not be permitted to make any trip whatsoever." It is their opinion that if he did so at this moment, it might well prove fatal. Senator WAGNER has a heart ailment, and his blood pressure, most unfortunately, at the moment is at such a level that any strain or excitement would be sufficient to result in his death.

From his sick bed he urges those Senators who are about to override the President's veto to reconsider, for he says—and these are his exact words: "The President would not lie at this crucial moment in history."

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

The PRESIDENT pro tempore. Before the quorum is called, the Chair would like to state that the Senate Chamber is unusually full, both on the floor and in the galleries. The Chair earnestly requests the guests of the Senate to remember that the rules of the Senate prohibit demonstrations of any nature, and it will greatly facilitate the work of the Senate if it is allowed to proceed through this critical vote, and thereafter, if there are no demonstrations.

The Senator from Ohio suggests the absence of a quorum. The clerk will call the roll.

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

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

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

The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? As required by the Constitution, the clerk will call the roll.

The legislative clerk called the roll.

Mr. LUCAS. I announce that the Senator from Utah [Mr. THOMAS] is absent by leave of the Senate, having been appointed a delegate to the International Labor Conference at Geneva, Switzerland.

If present and voting, the Senator from Utah would vote "nay."

The result was—yeas 68, nays 25, as follows:

YEAS—68

Aiken	Flanders	Overton
Baldwin	Fulbright	Reed
Ball	George	Revercomb
Brewster	Gurney	Robertson, Va.
Bricker	Hatch	Robertson, Wyo.
Bridges	Hawkes	Russell
Brooks	Hickenlooper	Saltonstall
Buck	Hoey	Smith
Bushfield	Holland	Stewart
Butler	Ives	Taft
Byrd	Jenner	Thye
Cain	Kem	Tobey
Capehart	Knowland	Tydings
Capper	Lodge	Umstead
Connally	McCarthy	Vandenberg
Cooper	McClellan	Watkins
Cordon	McKellar	Wherry
Donnell	Martin	White
Dworshak	Maybank	Wiley
Eastland	Millikin	Williams
Ecton	Moore	Wilson
Ellender	O'Conor	Young
Ferguson	O'Daniel	

NAYS—25

Barkley	Langer	Murray
Chavez	Lucas	Myers
Downey	McCarran	O'Mahoney
Green	McFarland	Pepper
Hayden	McGrath	Sparkman
Hill	McMahon	Taylor
Johnson, Colo.	Magnuson	Thomas, Okla.
Johnston, S. C.	Malone	
Kilgore	Morse	

NOT VOTING—2

Thomas, Utah Wagner

The PRESIDENT pro tempore. Two-thirds of the Senate having voted in the affirmative, the bill is passed.

Mr. WHERRY. Mr. President, I move that the Senate reconsider the vote by which the bill was passed over the President's veto.

Mr. TAFT. I move that the motion of the Senator from Nebraska be laid on the table.

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

The motion was agreed to, and Mr. WHERRY's motion was laid on the table.

LEGISLATIVE PROGRAM

Mr. WHERRY. Mr. President, I wish to announce for the benefit of some Senators who have asked what the business of the Senate would be for the remainder of the afternoon, that, if it is agreeable to the Senate, it is our intention to have a call of the calendar at the conclusion of consideration of the urgent deficiency bill.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bill and joint resolution of the Senate:

S. 751. An act to continue a system of nurseries and nursery schools for the day care of school-age and under-school-age children in the District of Columbia through June 30, 1948, and for other purposes, and

S. J. Res. 113. Joint resolution authorizing the erection in the District of Columbia of a memorial to the Marine Corps dead of all wars.

The message also announced that the House had severally agreed to the amendment of the Senate to each of the following bills of the House:

H. R. 1628. An act relinquishing to the State of Illinois certain right, title, or interest of the United States of America, and for other purposes;

H. R. 1997. An act to provide seniority benefits for certain officers and members of the Metropolitan Police force and of the Fire Department of the District of Columbia who are veterans of World War II and lost opportunity for promotion by reason of their service in the armed forces of the United States; and

H. R. 2545. An act to provide funds for cooperation with the school board of the Moclips-Aloha district for the construction and equipment of a new school building in the town of Moclips, Grays Harbor County, Wash., to be available to both Indian and non-Indian children.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3611) to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DIRKSEN, Mr. BATES of Massachusetts, Mr. O'HARA, Mr. McMILLAN of South Carolina, and Mr. SMITH of Virginia were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 3737) to provide revenue for the District of Columbia, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. DIRKSEN, Mr. BATES of Massachusetts, Mr. O'HARA, Mr. McMILLAN of South Carolina, and Mr. SMITH of Virginia were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 2369) providing for the suspension of annual assessment work on mining claims held by location in the Territory of Alaska; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WELCH, Mr. CRAWFORD, and Mr. SOMERS were appointed managers on the part of the House at the conference.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ELECTRIC UTILITY DEPRECIATION PRACTICES

The PRESIDENT pro tempore laid before the Senate a letter from the Chairman of the Federal Power Commission, transmitting a copy of the Commission's report entitled "Electric Utility Depreciation Practices," 1945, which, with the accompanying report, was referred to the Committee on Interstate and Foreign Commerce.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the City Council of the City of Chicago, Ill., favoring the enactment of House bill 2910, to authorize the United States during an emergency period to undertake its fair share in the resettlement of displaced persons in Germany, Austria, and Italy; to the Committee on the Judiciary.

A resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., favoring the enactment of legislation to provide universal military training; to the Committee on Armed Services.

Letters in the nature of petitions from John A. Nelson, of Los Angeles, Calif., and J. T. and Peggy Cowan, of Savanna, Ill., praying that the Senate override the President's veto of the Taft-Hartley labor relations bill; ordered to lie on the table.

Telegrams and a letter in the nature of petitions from the International Brotherhood of Electrical Workers, Local Union 1186, Honolulu, T. H.; Charles Lazzio, president, Dyers Local No. 1733, Paterson, N. J., and D. E. Covis, Columbus, Ohio, praying that the Senate sustain the President's veto of the Taft-Hartley labor relations bill; ordered to lie on the table.

A resolution adopted by the American Newspaper Guild at Sioux City, Iowa, commending Senators BARKLEY and MORSE in their efforts to sustain the President's veto of the labor bill; ordered to lie on the table.

By Mr. CAPPER:

A petition signed by 40 citizens of Manhattan, Kans., praying for the enactment of Senate bill 265, to prohibit the transportation of alcoholic beverage advertising in interstate commerce; to the Committee on Interstate and Foreign Commerce.

A petition signed by 103 citizens of Spokane, Wash., praying for the enactment of Senate Joint Resolution 76, proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. WILEY:

A joint resolution of the Legislature of the State of Wisconsin; to the Committee on Expenditures in the Executive Departments:

"Senate Joint Resolution 51

"Joint resolution memorializing the Congress of the United States to halt all disposal of war surplus goods

"Whereas after World War I a scandal resulted from the corrupt manner in which the sale of surplus war goods was handled and futile investigations did nothing more than to serve as a warning against future recurrences of the same sort of scandal; and

"Whereas there is ample evidence at the present time of inefficiency, favoritism, dishonesty, graft, and corruption in the methods being employed in the disposal of war surplus goods; and

"Whereas the misuse of privities, unscrupulous dealings, and various other types of favoritism as well as the misuse of veterans' privileges in the disposal of war surplus goods is adversely affecting the rights of the honest veteran seeking to avail himself of his priorities in acquiring surplus goods; and

"Whereas in many instances unused but useable materials are being dishonestly disposed of as junk or scrap to favored buyers; and

"Whereas an improved system for the disposal of war surplus goods must be immediately developed if a major scandal is to be averted: Now, therefore, be it

"*Resolved by the senate (the assembly concurring)*, That the Congress of the United States is respectfully requested to provide by law for an immediate stoppage of all disposal of World War II surplus material until a new and adequate system of disposal can be worked out; and be it further

"*Resolved*, That Congress is respectfully requested to thoroughly investigate the present system of war surplus disposal and take steps to see that present corruption in the disposal of such goods is brought to light; and be it further

"*Resolved*, That duly attested copies of this resolution be immediately transmitted to the clerks of both Houses of the Congress of the United States and to each Member of the Congress from this State."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SALTONSTALL, from the Committee on Appropriations:

H. R. 3493. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1948, and for other purposes; with amendments (Rept. No. 338).

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

H. R. 1585. A bill for the relief of Adolph Pfannenstiehl; with an amendment (Rept. No. 341);

H. R. 1956. A bill for the relief of Hugh C. Gilliam; with an amendment (Rept. No. 342); and

S. J. Res. 123. Joint resolution declaring that in interpreting certain acts of Congress, joint resolutions, and proclamations World War II, the limited emergency, and the unlimited emergency shall be construed as terminated and peace established; with amendments (Rept. No. 339).

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

S. 1461. A bill to extend certain powers of the President under title III of the Second War Powers Act; with amendments (Rept. No. 340).

BILLS INTRODUCED

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

By Mr. MARTIN:

S. 1491. A bill to amend the Social Security Act with respect to State plans for aid to the blind; to the Committee on Finance.

By Mr. LANGER:

S. 1492. A bill to amend the Social Security Act so as to provide unemployment compensation for Federal employees; to provide benefits for Federal employees involuntarily separated from employment; and for other purposes;

S. 1493. A bill to amend section 19 of the Veterans' Preference Act of June 27, 1944 (58 Stat. 387), and for other purposes; and

S. 1494. A bill to amend section 14 of the Veterans' Preference Act of June 27, 1944 (58 Stat. 387); to the Committee on Civil Service.

S. 1495. A bill to amend section 346 of the Nationality Act of 1940, as amended, so as to permit the making of copies by Government agencies of certain immigration and naturalization papers; to the Committee on the Judiciary.

S. 1496. A bill relating to training on the job for veterans who are lawyers; to the Committee on Labor and Public Welfare.

PRESIDENTIAL SUCCESSION—AMENDMENTS

Mr. RUSSELL and Mr. McCLELLAN each submitted amendments intended to be proposed by them, respectively, to the bill (S. 564) to provide for the performance of the duties of the office of President in case of the removal, resignation, or inability both of the President and Vice President, which were severally ordered to lie on the table and to be printed.

Mr. McMAHON submitted an amendment in the nature of a substitute intended to be proposed by him to Senate bill 564, supra, which was ordered to lie on the table and to be printed.

DAVID I. WALSH—TRIBUTE BY WILLIAM H. McMASTERS

[Mr. LANGER asked and obtained leave to have printed in the RECORD a tribute to David I. Walsh, by William H. McMasters, of Belmont, Mass., which appears in the Appendix.]

EXCERPT FROM A SPEECH BY SENATOR BREWSTER ON AMERICAN HELP TO OTHER NATIONS

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an excerpt from a speech on the subject of American help to other nations, delivered by Senator BREWSTER on June 14, 1947, at Flag Day exercises in Philadelphia, which appears in the Appendix.]

IMPORTANCE AND ATTRACTIVENESS OF THE TEACHING PROFESSION—ARTICLE BY SENATOR WILEY

[Mr. WILEY asked and obtained leave to have printed in the RECORD an article entitled "So You Don't Want To Be a Teacher" written by him, and published in the June 21, 1947, issue of the magazine Forward—For Young People, which appears in the Appendix.]

AMERICA'S NEW ROLE IN WORLD LEADERSHIP—SPEECH BY SENATOR THYE

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD a speech entitled "America's New Role in World Leadership," delivered by Senator THYE at the commencement exercises at Carroll College, Waukesha, Wis., on June 9, 1947, which appears in the Appendix.]

FLOOD CONTROL—STATEMENT BY SENATOR MYERS BEFORE HOUSE APPROPRIATIONS SUBCOMMITTEE

[Mr. MYERS asked and obtained leave to have printed in the RECORD a statement made by him before the House of Representatives Appropriations Subcommittee considering flood control and rivers and harbors items in the Army civil functions appropriation bill for the fiscal year beginning July 1, 1947, which appears in the Appendix.]

STATEMENT BY SENATOR MAGNUSON BEFORE APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE APPROPRIATION BILL, 1948

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD a statement by himself to be made before the Senate Appropriations Subcommittee on the Department of Agriculture appropriation bill, 1948, which appears in the Appendix.]

SPEECH BY SENATOR PEPPER IN SUPPORT OF THE PRESIDENT'S VETO OF THE LABOR BILL

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a radio speech delivered by him on June 22, 1947, in support of the President's veto of the labor bill, which appears in the Appendix.]

HARRY F. SINCLAIR AND THE ANGLO-AMERICAN OIL TREATY—ARTICLE BY HAROLD L. ICKES

[Mr. TAYOR asked and obtained leave to have printed in the RECORD an article by Harold L. Ickes, dealing with Harry F. Sinclair and the pending Anglo-American oil treaty, published in the New York Post of June 20, 1947, which appears in the Appendix.]

SPENDING BY GOVERNMENT DEPARTMENTS—ARTICLE BY HERMAN A. LOWE

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an article dealing with the buying of 1948 supplies with 1947 funds by Government departments, by Herman A. Lowe, published in the Philadelphia Inquirer of June 19, 1947, which appears in the Appendix.]

CONGRESS AND HOUSING—EDITORIAL COMMENT

[Mr. LODGE asked and obtained leave to have printed in the RECORD an editorial entitled "Congressional Failure," published in the Haverhill (Mass.) Gazette of June 2, 1947, and an editorial entitled "Housing—This Session of Congress?" published in the South Boston Gazette of June 13, 1947, which appears in the Appendix.]

PUBLIC POWER IN THE NORTHWEST—EDITORIAL FROM THE SEATTLE STAR

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an editorial entitled "New Attack on Public Power Is Threat to Northwest," published in the Seattle Star of June 13, 1947, which appears in the Appendix.]

AMENDMENT OF PUBLIC HEALTH SERVICE ACT—CHANGE OF REFERENCE

Mr. AIKEN. Mr. President, under date of June 11, 1947, the Social Security Administrator communicated to the President of the Senate a draft of a bill amending the Public Health Service Act. His communication and the draft of the bill were referred to the Committee on Expenditures in the Executive Departments. That committee has examined the bill and has ascertained that all matters in it naturally come under the jurisdiction of the Committee on Labor and Public Welfare. So I ask unanimous consent that the Committee on Expenditures in the Executive Departments be discharged from the further consideration of the communication and bill and that they be referred to the Committee on Labor and Public Welfare, where they evidently belong.

The PRESIDENT pro tempore. Without objection, the change of reference will be made.

STATEMENT BY COMMITTEE ON THE JUDICIARY DEALING WITH PRESIDENT'S MESSAGE ON PORTAL-TO-PORTAL ACT OF 1947

Mr. DONNELL. Mr. President, on May 14, 1947, the President of the United States signed the Portal-to-Portal Act of 1947. On the same day he sent to the Congress a message with respect to his action on that measure. On the same day it was announced by the temporary Presiding Officer of the Senate that the message would be referred to the Committee on the Judiciary.

Today the Committee on the Judiciary approved a statement with respect to the message from the President. I now present to the Senate, on behalf of that committee, the statement so approved, and ask unanimous consent that it be incorporated at this point in the CONGRESSIONAL RECORD.

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

To the Senate of the United States:

ITEM I

This communication is sent you by reason of two portions of that certain message of May 14, 1947, from the President of the United States to the Congress of the United States in which he notified Congress of the fact that he had that day signed H. R. 2157, the Portal-to-Portal Act of 1947.

ITEM II

The first of those two portions of said message is constituted of the first two sentences in the fifth paragraph from the opening of the message which paragraph reads as follows, namely:

"Section 2 of the act relates to existing claims. From my consideration of this section I understand it to be the intent of the Congress to meet the problem raised by portal-to-portal claims, but not to invalidate all other existing claims. The plain language of section 2 of the act preserves minimum wage and overtime compensation claims based upon activities which were compensable in any amount under contract, custom, or practice. Various provisions of the act such as sections 3, 9, and 12, would be rendered absurd or unnecessary under any other interpretation. Moreover a contrary interpretation would raise difficult and grave questions of constitutionality."

In order to recall what existing claims are comprehended within those from which is granted relief by section 2 of the Portal-to-Portal Act of 1947, there are below quoted subsections (a), (b), and (c) of said section 2, as follows, namely:

"(a) No employer shall be subject to any liability or punishment under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act (in any action or proceeding commenced prior to or on or after the date of the enactment of this act), on account of the failure of such employer to pay an employee minimum wages, or to pay an employee overtime compensation, for or on account of any activity of an employee engaged in prior to the date of the enactment of this act, except an activity which was compensable by either—

"(1) an express provision of a written or nonwritten contract in effect at the time of such activity between such employee, his agent, or collective-bargaining representative and his employer; or

"(2) a custom or practice in effect, at the time of such activity, at the establishment or other place where such employee was employed covering such activity not inconsistent with a written or nonwritten contract in effect at the time of such activity between such employee, his agent, or collective-bargaining representative and his employer.

"(b) For the purposes of subsection (a), an activity shall be considered as compensable under such contract provision or such custom or practice only when it was engaged in during the portion of the day with respect to which it was so made compensable.

"(c) In the application of the minimum-wage and overtime-compensation provisions of the Fair Labor Standards Act of 1938, as amended, of the Walsh-Healey Act, or of the Bacon-Davis Act, in determining the time for which an employer employed an employee, there shall be counted all that time, but only that time, during which the employee engaged in activities which were compensable within the meaning of subsections (a) and (b) of this section."

If, for illustration, walking engaged in prior to the date of the enactment of the Portal-to-Portal Act of 1947, done in the morning shortly prior to entry on his operation of a lathe by an employee, in going from the entrance of the plant in which he was employed to such lathe, was not compensable by either (1) an express provision of a written or nonwritten contract in effect, at the time of such walking, between such employee, his agent, or collective-bargaining representative and his employer; or (2) a custom or practice in effect, at the time of such walking, at the establishment or other place where such employee was employed, covering such walking, not inconsistent with a written or nonwritten contract, in effect at the time of such walking, between such employee, his agent, or collective-bargaining representative and his employer, there is no liability, and no punishment inflictable, under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act (in any action or proceeding commenced prior to or on or after the date of the enactment of the Portal-to-Portal Act of 1947) on the employer on account of his failure to pay said employee minimum wages, or to pay said employee overtime compensation, for or on account of said walking.

For further illustration, if a woman employed to sew upon garments in a production line did, prior to the date of the enactment of the Portal-to-Portal Act of 1947, for 2 hours per day for a week, after having engaged on each respective day in part of her day's sewing, wait in that production line for garments to reach her and neither (1) by an express provision of a written or nonwritten contract in effect, at the time of said waiting, between her, her agent, or collective-bargaining representative and her employer, nor (2) by a custom or practice in effect, at the time of said waiting, at the establishment or other place where she was employed, covering such waiting, not inconsistent with a written or nonwritten contract, in effect at the time of such waiting, between her, her agent, or collective-bargaining representative and her employer, was said waiting compensable, there is no liability, and no punishment inflictable, under the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act (in any action or proceeding commenced prior to or on or after the date of the enactment of the Portal-to-Portal Act of 1947), on her employer on account of his failure to pay her minimum wages, or to pay her overtime compensation, for or on account of said waiting.

Attention is called to the following quoted paragraph which is set forth in the course of the statement of the managers on the part of the House contained in House of Representatives Report No. 326, Eightieth Congress, first session, namely:

"The conference agreement (sec. 2 (b)) contains a provision not stated expressly in either bill, that an activity shall be considered as compensable under the above referred to contract provision or custom or practice only when it was engaged in during the portion of the day with respect to which it was so made compensable. Under this provision, for example, if under the contract provision or custom or practice an activity was compensable only when engaged in between 8 and 5 o'clock but was not compensable when engaged in before 8 or after 5 o'clock, it will not be considered as a compensable activity when engaged in before 8 or after 5 o'clock. So also, if under the contract provision or custom or practice an activity was compensable when engaged in before 8 but was not compensable when engaged in after 5 o'clock, it will not be compensable under the bill as agreed to in conference when engaged in after 5 o'clock. So also, if under the contract provision or custom or practice an activity was compensable during a certain portion of the regular workday but was not compensable when engaged in during other hours of the regular workday, it will not be compensable under the bill as agreed to in conference when engaged in during such other hours."

ITEM III

The second of those two portions, which are mentioned hereinabove in item I, of said message from the President of the United States reads as follows, namely:

"I wish also to refer to the so-called 'good faith' provisions of sections 9 and 10 of the act. It has been said that they make such employer his own judge of whether or not he has been guilty of a violation. It seems to me that this view fails to take into account the safeguards which are contained in these sections. The employer must meet an objective test of actual conformity with an administrative ruling or policy. If the employer avails himself of the defense under these sections, he must bear the burden of proof. He must show that there was affirmative action by an administrative agency and that he relied upon and conformed with such action. He must show further that he acted in good faith in relying upon that administrative action."

The above-quoted sentence which reads "He must show that there was affirmative action by an administrative agency and that he relied upon and conformed with such action" is not correct. The incorrectness of said sentence follows from the fact that an administrative practice or enforcement policy of an agency does not necessarily consist of affirmative action.

Such administrative practice or enforcement policy may consist solely of the absence of action, by an agency, provided such administrative practice or enforcement policy, consisting solely of such absence of action, is with respect to a class of employers and is such that an act or omission mentioned in section 9 or section 10 of the Portal-to-Portal Act of 1947 could be in good faith in conformity with and in reliance on such practice or policy. For illustration such administrative practice or enforcement policy may consist solely of the absence of action, by an agency, to treat a specific class of employers as subject to the Fair Labor Standards Act of 1938, as amended, the Walsh-Healey Act, or the Bacon-Davis Act, provided such administrative practice or enforcement policy, consisting solely of such absence of action, is such that an act or omission mentioned in section 9 or section 10 of the Portal-to-Portal Act of 1947 could be in good faith in conformity with and in reliance on such practice or policy. Attention is called to the following quoted paragraph which is set forth in the course of the above-mentioned statement of the managers on the part of the House, namely.

"It should be noted that under both sections 9 and 10 an employer will be relieved from liability, in an action by an employee, because of reliance in good faith on an administrative practice or enforcement policy, only: (1) where such practice or policy was based on the ground that an act or omission was not a violation of the act, or (2) where a practice or policy of not enforcing the act with respect to acts or omissions led the employer to believe in good faith that such acts or omissions were not violations of the act."

FLASH FLOOD ON MEDICINE CREEK, NEBR.

Mr. BUTLER. Mr. President, I regret the necessity of having to take a few minutes of the time of the Senate when I know that the Senate is anxious to give consideration to other measures, but death and flood have struck again in the State of Nebraska. This time it happens to be in my old home town of Cambridge. At least 13 are dead.

This disaster struck at the very same point where a little over 12 years ago in May 1935, 112 lives were lost in the Republican Valley from a similar flash flood. Ever since that time, all of our representatives here, including former Senator Norris, have worked themselves to the limit to get construction started on flood-control dams and other structures to prevent a similar occurrence.

I will say that that work has been authorized for several years. Naturally its getting under way was prevented during the war period.

A few weeks ago, construction was officially begun on the first unit of a general flood-control and irrigation program for the Republican Valley with the dam at Enders on one of the tributaries of the Republican. This particular flash flood, however, came from the Medicine Creek, another tributary which empties into the Republican right at Cambridge. The dam on Medicine Creek, 8 miles up stream from Cambridge, has been authorized for several years, and the survey and design work is completed. According to officials of the Department of the Interior, however, construction of the Medicine Creek Dam cannot be started for over a year unless additional funds—one or two million dollars—are made available promptly for the fiscal 1948 budget. It is my intention to attempt to secure these funds either through the conference report on the general Interior Department supply bill or from the next deficiency bill at this session. I hope to have the cooperation of all Members of the Senate in this attempt. I may say that my colleague the junior Senator from Nebraska [Mr. WHERRY] and the four Members of the House from my State are wholeheartedly with me on this question.

When one reads a list of 13 names of people dead from the old home town, it makes a very different impression than such a list from a town one never heard of. That has been my experience today.

Mr. President, we seem to have been able to find money to relieve distress abroad in all parts of the world. The

generosity of America has become a byword in every nation on the face of the earth. I hope we can find means to be at least as charitable in relieving distress and preventing recurrences of such disasters as we experienced yesterday at Cambridge, Nebr.

The plan that I hope to follow now, Mr. President, will be in connection with the report on the Interior Department appropriation bill, which is due within a few days, to include a clause somewhere in it, if it can be legally and properly done, providing that there be set aside from $1,000,000 to $2,000,000, earmarked for construction work on the Madison Creek Dam, which, as I say, has been authorized for several years. Work on that dam should have been planned for this year. From one to two million dollars is all they can use, probably, this year. The total construction cost will be four or five million dollars. Had the dam been constructed we would have 13 more people living in the town of Cambridge today than we now have. I hope I shall have the cooperation of Members of the Senate when the report on the Interior Department appropriation bill is presented.

I ask unanimous consent to insert in the RECORD at this point in my remarks a newspaper account of the disaster to which I have referred.

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

TOWN INUNDATED—RAIN, WIND, AND FLOOD CLAIM AT LEAST 13 LIVES IN NEBRASKA

CAMBRIDGE, NEBR., June 22.—A 24-hour siege of rain, wind, and flood claimed at least 13 lives in Nebraska today—11 of the victims drowning in a flash flood here.

A wall of water from Medicine Creek swept over this south-central Nebraska town without warning about sun-up, catching many residents in their beds.

Insurance man J. M. Hollingsworth said tonight six bodies had been recovered and that five more persons were known dead, including two unidentified infants living in a cabin camp housing project for veterans.

The number of missing dropped to four as rescue and relief operations continued. Hollingsworth said it was feared the death toll eventually would reach 15.

Water receded rapidly during the day, leaving what the insurance man described as a devastated scene. He estimated the damage at $500,000.

Boats and trucks were used to rescue 196 marooned persons, some of whom had taken refuge in trees and on housetops.

The city water system failed and water was hauled in from nearby towns.

Two motorists drowned 60 miles northeast of Cambridge when their car plunged into a creek after hitting a highway wash-out.

Tornadoes near Loomis and Gothenburg, Nebr., injured at least nine.

Heavy rains moving eastward were general throughout Nebraska. Soil already saturated by previous rains was unable to absorb the downpour and flood conditions were general. Omaha received 3⅓ inches of rain during the afternoon.

With a few exceptions rail travel was virtually paralyzed in eastern and central Nebraska and telephone service was disrupted in the flood-hit areas. Several highways and bridges were washed out.

Holes were chopped in roofs of inundated homes here to free flood survivors, most of whom were taken to the high school auditorium where food and clothing were waiting.

About three-fourths of this town of about 1,000 population was under water, in some places 8 to 10 feet deep, according to L. J. Bible, of McCook, who flew over the area.

Project Engineer H. E. Robinson, of the United States Reclamation Bureau, said damage would run into hundreds of thousands of dollars.

The Second Air Force in Omaha arranged to fly to Cambridge 1,500 units of tetanus injections, 1,300 units of typhoid injections, and 15 Lister bags asked by Red Cross workers

Medicine Creek is a tributary of the Republican River, on which a 1935 flood took more than 200 lives. The Republican was rising only slightly today, Robinson said.

The flash flood here followed several weeks of unusually wet Nebraska weather which already had caused floods leaving heavy damage to farm fields, delayed growth of crops, and numerous highway and railroad washouts.

Mr. WHERRY. Mr. President, the flash flood on Medicine Creek in the Republican River Valley of southwestern Nebraska, which took at least 11 lives and caused uncounted property damage early Sunday morning in the town of Cambridge, is a tragic and forceful example of the penalty we are asked to pay when flood-control and reclamation projects are unduly retarded.

It is small consolation to the families of the dead for me now to stand on the Senate floor and say that the flood could have been avoided. But we must face realities. For at least 10 years there has been a plan on the drafting boards of Army engineers and the Bureau of Reclamation for a modest multiple-purpose reservoir upstream on Medicine Creek which would have halted this flood and rendered it harmless. The reservoir would have done more than that. It would have captured the water which wreaked havoc on the little town of Cambridge and impounded it for use as a benefit to reclamation crops later in the dry seasons of July and August.

I am taking the floor today to supplement the remarks of my colleague, the senior Senator from Nebraska, whose own farm home was in the path of the flood.

I merely want to call attention of the Senate to the fact that under the Pick-Sloan plan which it approved in 1944, the hazard of flash floods on Medicine Creek was recognized. At that time it was agreed the responsibility for eventual construction of the Medicine Creek Reservoir would be assumed by the Bureau of Reclamation. Plans have proceeded to the point where engineering studies and field investigations have been completed. The engineering design is practically finished, and I am informed that it could be ready for contract lettings within a very few weeks.

I am advised today by Reclamation Bureau officials that their program now calls for actual construction funds to be requested for the first time in the fiscal year 1949. Total current cost estimates amount to $4,918,500, with an estimated requirement for the first year's construction of $1,095,000.

Were this the first time that tragedy had struck in the form of flash floods in the Republican Valley, it might be considered an exception in which a year's delay is not too important. But flash floods have struck and struck again against these prosperous communities.

I am asking the Senate's consideration for the advancement of the Medicine Reservoir so that it might be included in the 1948 construction program of the Bureau of Reclamation. I believe this can be accomplished in the conference on the Interior Department bill which I submitted on the Senate floor a week ago, and which the Senate was gracious enough to adopt unanimously in the form in which our Appropriations Committee recommended it.

The best possible solution would lie in the approval of Congress for an additional $1,095,000 for the current Interior Department appropriations. However, since under conference procedure, sums approved by the two Houses may not be exceeded by conferees, it will probably follow that out of unearmarked funds the Bureau will be obliged to find this necessary sum. It is our earnest hope that no other deserving project will be materially curtailed because of this emergency. But I am sure that people whose lives are not at stake would not begrudge us this emergency action if it becomes our only choice.

CONVENTIONS, RECOMMENDATIONS, AND RESOLUTIONS ADOPTED BY THE INTERNATIONAL LABOR CONFERENCE—REMOVAL OF INJUNCTION OF SECRECY

The PRESIDENT pro tempore. As in executive session, the Chair lays before the Senate Executive R, convention concerning food and catering for crews on board ship; Executive S, convention concerning the certification of ships' cooks; Executive T, convention concerning social security for seafarers; Executive U, recommendation concerning agreements relating to the social security of seafarers; Executive V, recommendation concerning medical care for seafarers' dependents; Executive W, convention concerning seafarers' pensions; Executive X, convention concerning vacation holidays with pay for seafarers; Executive Y, convention concerning the medical examination of seafarers; Executive Z, convention concerning the certification of able seamen; Executive AA, recommendation concerning the organization of training for sea service; Executive BB, convention concerning crew accommodation on board ship; Executive CC, recommendation concerning the provision to crews by shipowners of bedding, mess utensils and other articles; and Executive DD, convention concerning wages, hours of work on board ship and manning, all of the Eightieth Congress, first session. These conventions and recommendations were formulated at the twenty-eighth (maritime) session of the International Labor Conference, held at Seattle, Wash., June 6 to 29, 1946. Without objection, the message from the President will be printed in the RECORD; and, without objection, the injunction of secrecy will be removed from the conventions and recommendations, and they will be referred to the Committee on Foreign Relations together with the message from the President. The Chair hears no objection.

The message from the President was ordered to be printed in the RECORD, as follows:

To the Senate of the United States:

In accordance with the obligations of the Government of the United States of America as a member of the International Labor Organization, I transmit herewith authentic texts of nine conventions and four recommendations formulated at the twenty-eighth (maritime) session of the International Labor Conference, held at Seattle, Wash., June 6 to 29, 1946.

I transmit also the report of the Secretary of State regarding those conventions and recommendations, together with a copy of each of the communications with respect thereto addressed to the Department of State by the Secretary of Labor, the Acting Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Chairman of the United States Maritime Commission, the Federal Security Administrator, and the Assistant Secretary of Agriculture.

I ask that the Senate give its advice and consent, subject to appropriate definitions in certain cases as indicated in the enclosed communications, to ratification of the following conventions:

Convention (No. 68) concerning food and catering for crews on board ship;

Convention (No. 69) concerning the certification of ships' cooks;

Convention (No. 70) concerning social security for seafarers;

Convention (No. 73) concerning the medical examination of seafarers;

Convention (No. 74) concerning the certification of able seamen;

Convention (No. 75) concerning crew accommodation on board ship; and

Convention (No. 76) concerning wages, hours of work on board ship, and manning.

I request advice and consent to ratification of convention (No. 72) concerning vacation holidays with pay for seafarers only in the event that the conditions explained in the accompanying report of the Secretary of State have been met.

In view of certain objections thereto, as explained more fully in the enclosed report and communications, I do not request at this time advice and consent to ratification of convention (No. 71) concerning seafarers' pensions.

The constitution of the International Labor Organization under article 19, paragraph 5, requires that recommendations be brought "before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action." Accordingly, I request consideration of the following recommendations:

Recommendation (No. 75) concerning agreements relating to the social security of seafarers;

Recommendation (No. 76) concerning medical care for seafarers' dependents;

Recommendation (No. 77) concerning the organization of training for sea service; and

Recommendation (No. 78) concerning the provision to crews by shipowners of bedding, mess utensils, and other articles.

Many of the provisions of the enclosed conventions and recommendations fall short of standards already in effect in the American merchant marine. Some of the provisions are disappointing to those who had hoped through these instruments to raise substantially the level of standards in all member countries. It is believed, however, that general acceptance of the instruments by member countries will result in definite progress being made where that progress is most needed. Any such progress will benefit the competitive position of American seafarers and shipowners. At the same time, participation by the United States will necessitate relatively small change in the statutes or regulations of this Government.

Inasmuch as concurrent action by the Senate and House of Representatives would be necessary for the implementation of any of the enclosed conventions or recommendations, I am transmitting to the House of Representatives authentic copies of the conventions and recommendations, together with a copy of this message, a copy of the report by the Secretary of State, and a copy of each of the above-mentioned communications. I call attention particularly to the need for extending the provisions of any implementing legislation to the Territories and insular possessions in accordance with article 35 of the constitution of the International Labor Organization.

(Enclosures: (1) Authentic text of conventions and recommendations; (2) report of Secretary of State; (3) from Secretary of Labor; (4) from Acting Secretary of the Treasury; (5) from the Attorney General; (6) from Secretary of Commerce; (7) from Chairman of United States Maritime Commission; (8) from the Federal Security Administrator; (9) from Assistant Secretary of Agriculture; (10) memorandum from Shipping Division, Department of State.)

HARRY S. TRUMAN.

THE WHITE HOUSE, *June 23, 1947.*

MINE SAFETY CODE—HEARING BEFORE SUBCOMMITTEE

Mr. BUTLER. Mr. President, for the benefit of Senators who may be interested, the Subcommittee on Mines and Mining of the Committeee on Public Lands is in session today and will be in session again tonight. They are meeting now in the room of the Committee on the District of Columbia. At 7:30 tonight they will meet in room 224 in the Senate Office Building, which is the hearing room of the Committee on Public Lands. They are considering the proposal to adopt for a period of 1 year the mine safety code. I know that some Senators from mining States are interested, and they will be welcome to attend.

PRESIDENTIAL SUCCESSION

The Senate resumed the consideration of the bill (S. 564) to provide for the performance of the duties of the office of President, in case of the removal, resignation, or inability both of the President and Vice President.

SECOND URGENT DEFICIENCY APPROPRIATION BILL, 1947

Mr. BRIDGES. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside, and that the Senate proceed to consider House bill 3791, making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes.

There being no objection, the Senate proceeded to consider the bill (H. R. 3791) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1947, and for other purposes which had been reported from the Committee on Appropriations with amendments.

Mr. BRIDGES. Mr. President, I ask that the formal reading of the bill be dispensed with, that it be read for amendment, and that the amendments of the committee be first considered.

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

The clerk will state the first committee amendment.

The first amendment of the Committee on Appropriations was, under the heading "Independent Offices—Federal Security Agency—Office of Vocational Rehabilitation," on page 3, line 22, after the numerals "1948", to insert a colon and the following additional proviso: "*Provided further*, That the amount obligated and expended shall be based on an annual appropriation for the fiscal year 1948 of not to exceed $18,000,000."

The amendment was agreed to.

The next amendment was, under the heading "Department of Agriculture," on page 6, after line 3, to strike out:

SUGAR RATIONING ADMINISTRATION

Salaries and expenses: Not to exceed $215,000 of the $898,000 transferred to the Department of Agriculture pursuant to section 3 (c) of the Sugar Control Extension Act of 1947 for the payment of terminal leave, is hereby merged with and made available for the fiscal year 1947 for the same purposes as other funds transferred to the Department of Agriculture pursuant to the same authority, notwithstanding the provisions to the contrary under the head "Office of Temporary Controls" in the Urgent Deficiency Appropriation Act, 1947.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Animal Industry," on page 7, after line 4, to insert:

Control and eradication of foot-and-mouth disease and rinderpest: For an additional amount, fiscal year 1947, to enable the Secretary of Agriculture to control and eradicate foot-and-mouth disease and rinderpest as authorized by the act of February 28, 1947 (Public Law 8), and the act of May 29, 1884, as amended (7 U. S. C. 391; 21 U. S. C. 111–122), including expenses in accordance with section 2 of said Public Law 8, $1,500,000, to remain available until June 30, 1948.

Mr. BRIDGES. Mr. President, in connection with the appropriation of one and a half million dollars for the Bureau of Animal Industry for the control and eradication of foot-and-mouth disease, I should like to make a brief explanation of that item, for the reason that I stated on the floor, in connection

with a previous deficiency bill, that if we included $9,000,000, which we did, for the eradication of foot-and-mouth disease in Mexico, it would carry us until June 30. However, in the light of the widespread character of the disease in Mexico and the necessity for moving with as much speed as possible, we found that unless an additional $1,500,000 were appropriated for use between now and June 30, there would be a very definite lapse in the prosecution of the work. For that reason, contrary to what we stated before, we have inserted an item of $1,500,000 to carry the work through to July 1.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment on page 7, after line 4.

The amendment was agreed to.

The PRESIDENT pro tempore. The clerk will state the next amendment of the committee.

The next amendment was, under the heading "Post Office Department—(out of the Postal Revenues)—Field Service, Post Office Department—Office of the Second Assistant Postmaster General," on page 9, line 18, after the word "which", to strike out "$5,977,000" and insert "$6,097,000"; and in line 21, after the figure "$5,972,000", to insert "'Post-office inspectors, salaries', $10,000, 'Post-office inspectors, travel and miscellaneous expenses', $10,000, 'Transportation of equipment and supplies', $50,000, 'Operating force for public buildings', $50,000."

The amendment was agreed to.

The next amendment was, under the heading "War Department," on page 11, line 7, after the word "until", to strike out "June 30, 1948" and insert "expended."

The amendment was agreed to.

The next amendment was, on page 11, after line 8, to insert:

The funds provided in the preceding paragraph shall be available to an amount not exceeding $250,000 to take all action necessary to prevent erosion at Anaheim Bay, Surfside, Calif.

The amendment was agreed to.

The PRESIDENT pro tempore. That concludes the committee amendments.

The bill is open to further amendment. If there be no further amendments to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

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

The bill, H. R. 3791, was read the third time and passed.

Mr. BRIDGES. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BRIDGES, Mr. BROOKS, Mr. GURNEY, Mr. BALL, Mr. MCKELLAR, Mr. HAYDEN, and Mr. TYDINGS conferees on the part of the Senate.

PRESIDENTIAL SUCCESSION

The Senate resumed the consideration of the bill (S. 564) to provide for the performance of the duties of the office of President, in case of the removal, resignation, or inability both of the President and Vice President.

THE CALENDAR

Mr. WHITE. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Calendar No. 288.

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

Mr. RUSSELL. Mr. President, I do not desire to object, but I think we should have a quorum call to notify Senators that we are about to call the calendar.

The PRESIDENT pro tempore. The Senator from Georgia may have heard the Senator from Nebraska [Mr. WHERRY] notify the Senate that there would be a call of the calendar.

Mr. RUSSELL. I did not. If the notification was given at a time when there was a full attendance, I withdraw the suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nebraska gave such notification.

Mr. WHERRY. Mr. President, I notified Senators that after the deficiency bill was concluded we would immediately proceed with a call of the calendar.

Mr. RUSSELL. At what time was the notice given?

Mr. WHERRY. Just prior to the consideration of the deficiency bill. Of course, there was some confusion in the Chamber.

Mr. RUSSELL. There was a great deal of confusion in the Chamber. I was present, and I did not hear the announcement. I suggest the absence of a quorum.

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

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

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

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

The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Order No. 288. Is there objection? The Chair hears none, and the order is made.

The clerk will state the first measure on the calendar.

GAME REFUGE IN FRANCIS MARION NATIONAL FOREST, S. C.

The Senate proceeded to consider the bill (S. 616) to authorize the creation of a game refuge in the Francis Marion National Forest in the State of South Carolina, which had been reported from the Committee on Interstate and Foreign Commerce with an amendment, on page 1, line 5, after the word "birds" and the comma, to insert "and fish", so as to make the bill read:

Be it enacted, etc., That for the purpose of providing breeding places for game animals and birds and for the protection and administration of game animals and birds, and fish, the President of the United States is hereby authorized, upon the recommendation of the Secretary of Agriculture, to establish by public proclamation certain specified federally owned areas within the Francis Marion National Forest as game sanctuaries and refuges.

SEC. 2. The Secretary of Agriculture shall execute the provisions of this act, and he is hereby authorized to prescribe all general rules and regulations for the administration of such game sanctuaries and refuges, and violation of such rules and regulations shall be punished by fine of not more than $500 or imprisonment for not more than 6 months or both.

The amendment was agreed to.

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

INTERSTATE TRANSPORTATION OF BLACK BASS AND OTHER GAME FISH

The Senate proceeded to consider the bill (S. 682) to regulate the interstate transportation of black bass and other game fish, and for other purposes, which had been reported from the Committee on Interstate and Foreign Commerce with amendments, on page 1, line 9, after the word "carrier", to insert the words "and the term 'game fish' shall mean black bass and such other fish as are defined as game fish by the laws of the State, Territory, or the District of Columbia, in which the fish has been either caught, killed, taken, sold, purchased, or possessed, or from which it was transported"; on page 2, line 12, after the word "transported", to insert "or is contrary to other applicable law"; on page 2, line 18, after the word "transported", to insert "or contrary to other applicable law", so as to make the bill read:

Be it enacted, etc., That the act entitled "An act to regulate the interstate transportation of black bass, and for other purposes," approved May 20, 1926, as amended, is hereby further amended to read as follows:

"That when used in this act, the word 'person' includes company, partnership, corporation, association, and common carrier, and the term 'game fish' shall mean black bass and such other fish as are defined as game fish by the laws of the State, Territory, or the District of Columbia, in which the fish has been either caught, killed, taken, sold, purchased, or possessed, or from which it was transported.

"SEC. 2. It shall be unlawful for any person to deliver or knowingly receive for transportation, or knowingly to transport, by any means whatsoever, from any State, Territory, or the District of Columbia, to or through an other State, Territory, or the District of Columbia, or to or through any foreign country, any black bass or other game fish, if (1) such transportation is contrary to the law of the State, Territory, or the District of Columbia from which such black bass or other game fish is or is to be transported, or is contrary to other applicable law, or (2) such black bass or other game fish has been either caught, killed, taken, sold, purchased, possessed, or transported, at any time, contrary to the law of the State, Territory, or the District of Columbia in which it was caught, killed, taken, sold, purchased, or possessed, or from which it was transported or contrary to other applicable law; and no person shall knowingly purchase or receive any such black bas or otLer game fish which has been transported in violation of the provisions of this Act; nor shall any person receiving any shipment of black bass or other game fish transported in interstate commerce make any false record or render a false account of the contents of such shipment.

"SEC. 3. Any package or container containing such game fish transported or delivered for transportation in interstate commerce, except any shipment covered by section 9, shall be clearly and conspicuously marked on the outside thereof with the name 'Game Fish,' an accurate statement of the number of each species of such fish contained therein, and the names and addresses of the shipper and consignee.

"SEC 4. All such black bass or other game fish transported into any State, Territory, or the District of Columbia for use, consumption, sale, or storage therein shall upon arrival in such State, Territory, or the District of Columbia be subject to the operation and effect of the laws of such State, Territory, or the District of Columbia to the same extent and in the same manner as though such fish had been produced in such State, Territory, or the District of Columbia, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.

"SEC. 5. The Secretary of the Interior is authorized (1) to make such expenditures, including expenditures for personal services at the seat of government and elsewhere, and for cooperation with local, State, and Federal authorities, including the issuance of publications, and necessary investigations, as may be necessary to execute the functions imposed upon him by this act and as may be provided for by Congress from time to time; and (2) to make such regulations as he deems necessary to carry out the purposes of this act. Any person violating any such regulation shall be deemed guilty of a violation of this act.

"SEC. 6. (a) Any employee of the Department of the Interior authorized by the Secretary of the Interior to enforce the provisions of this act (1) shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this act or any regulation made in pursuance of this act, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction; (2) shall have power to execute any warrants or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this act or regulations made in pursuance thereof; and (3) shall have authority with a search warrant issued by an officer or court of competent jurisdiction, to make search in accordance with the terms of such warrant. Any judge of a court established under the laws of the United States, or any United States commissioner may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

"(b) All fish delivered for transportation or which have been transported, purchased, received, or which are being transported, in violation of this act, or any regulations made pursuant thereto, shall, when found by such employee or by any marshal or deputy marshal, be summarily seized by him and placed in the custody of such persons as the Secretary of the Interior shall by regulations prescribe, and shall, as a part of the penalty and in addition to any fine or imprisonment imposed under section 7 of this act, be forfeited by such court to the United States, upon conviction of the offender under this act, or upon judgment of the court that the same were transported, delivered, purchased, or received in violation of this act or regulations made pursuant thereto.

"SEC. 7. In addition to any forfeiture herein provided, any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not exceeding $200, or imprisonment for a term of not more than 3 months, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 8. Nothing in this act shall be construed to prevent the several States and Territories from making or enforcing laws or regulations not inconsistent with the provisions of this act, or from making or enforcing laws or regulations which shall give further protection to black bass and other game fish.

"SEC. 9. Nothing in this act shall be construed to prevent the shipment in interstate commerce of live fish and eggs for breeding or stocking purposes."

The amendments were agreed to.

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

PERMANENT EASEMENT TO MAYOR AND CITY COUNCIL OF BALTIMORE, MD.

The bill (H. R. 2654) to authorize the Secretary of the Treasury to grant to the Mayor and City Council of Baltimore, State of Maryland, a permanent easement for the purpose of installing, maintaining, and servicing a subterranean water main in, on, and across the land of the United States Coast Guard station, called "Lazaretto Depot," Baltimore, Md., was considered, ordered to a third reading, read the third time, and passed.

PRESERVATION OF HISTORIC GRAVEYARDS IN ABANDONED MILITARY POSTS

The bill (H. R. 577), to preserve historic graveyards in abandoned military posts, was considered, ordered to a third reading, read the third time, and passed.

PATENTING OF CERTAIN LANDS IN CLALLAM COUNTY, WASH., FOR HOSPITAL PURPOSES

The bill (H. R. 2411) to authorize patenting of certain lands to public hospital district No. 2, Clallam County, Wash., for hospital purposes, was considered, ordered to a third reading, read the third time, and passed.

EASEMENT ACROSS THE LAND OF FORT McHENRY NATIONAL MONUMENT

The bill (H. R. 2655) to authorize the Secretary of the Interior to grant to the Mayor and City Council of Baltimore, State of Maryland, a permanent easement for the purpose of installing, maintaining, and servicing two subterranean water mains in, on, and across the land of Fort McHenry National Monument and Historic Shrine, Md., was considered, ordered to a third reading, read the third time, and passed.

AGREEMENTS WITH RESPECT TO RIGHTS IN HELIUM-BEARING GAS LANDS IN THE NAVAJO INDIAN RESERVATION, N. MEX.

The bill (S. 1315) authorizing certain agreements with respect to rights in helium-bearing gas lands in the Navajo Indian Reservation, N. Mex., and for other purposes, was announced as the next in order.

Mr. LANGER. Mr. President, I should like to ask whoever is sponsoring the bill if the Indians' rights are protected and if they get their money before this is done. It involves an Indian reservation, and I want to know whether the Indians will receive their money.

Mr. HATCH. Mr. President, I might make a brief explanation. The question which the Senator has asked is one which has given all of us considerable difficulty, and we have not been able to determine exactly how to formulate a bill, or whether this bill safely protects the Indians in getting a reasonable value for the land. However, we have added an amendment which gives the Indians 3 years' time in which to assert whatever rights they may have and bring suit in the court of claims. We think we have protected the Indians in that way.

The PRESIDENT pro tempore. House bill 3372, the next order of business, is on the same subject covered by Senate bill 1315. Is there objection to the consideration of the House bill?

Mr. HATCH. Mr. President, do I understand that the House bill may be amended in accordance with the Senate committee amendment?

The PRESIDENT pro tempore. The Chair is informed the House bill contains the language of the Senate committee amendment.

Mr. HATCH. And the House bill will be taken up?

The PRESIDENT pro tempore. Without objection. Is there objection?

There being no objection, the bill (H. R. 3372) authorizing certain agreements with respect to rights in helium-bearing gas lands in the Navajo Indian Reservation, N. Mex., and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Senate bill 1315 is indefinitely postponed.

DETERMINATION OF FAIR MARKET VALUE OF THE FIDELITY BUILDING IN KANSAS CITY, MO.

The Senate proceeded to consider the bill (S. 1231) authorizing and directing the Commissioner of Public Buildings to determine the fair market value of the Fidelity Building in Kansas City, Mo., and to receive bids for the purchase thereof, and for other purposes, which had been reported by the Committee on Public Works, with amendments, on page 2, line 6, before the word "employ", to strike out "shall" and insert "may;" on page 2, line 11, after the word "city" and the period, to insert "Funds continued available under the provisions of section 1 (a) of Public Law 413, Seventy-ninth Congress, approved June 14, 1946,

are hereby made available for the purpose of paying the necessary costs relating to the employment of such appraisers", so as to make the bill read:

Be it enacted, etc., That the Commissioner of Public Buildings is authorized and directed to cause to be determined by appraisal the fair market value of certain real estate in Kansas City, Mo., recently acquired by the United States, which real estate consists of the building known as the Fidelity National Bank and Trust Building and the tract of land on which said building is situated, said real estate being located at the southeast corner of the intersection of Ninth and Walnut Streets in said city. Said fair market value shall be determined, and the amount thereof shall be made a matter of public information, on or before September 1, 1947. For the purpose of making such determination, the Commissioner may employ, without regard to the civil-service laws or the Classification Act of 1923, as amended, three disinterested persons resident in Kansas City, Mo., who have knowledge of the value of real estate in Kansas City and are qualified appraisers of real estate used for industrial or commercial purposes in said city. Funds continued available under the provisions of section 1 (a) of Public Law 413, Seventy-ninth Congress, approved June 14, 1946, are hereby made available for the purpose of paying the necessary costs relating to the employment of such appraisers.

SEC. 2. From and after the date upon which such fair market value is determined as herein provided, and until December 31, 1947, the Commissioner of Public Buildings shall solicit and receive sealed bids for the purchase of said real estate from the United States. Said bids shall not be opened prior to January 1, 1948. On or after January 1, 1948, but in no case later than January 10, 1948, said bids shall be opened and made a matter of public information.

SEC. 3. On or before February 1, 1948, the Commissioner of Public Buildings shall transmit to the Congress a report of the action taken pursuant to this act and the results thereof, attaching to, and making a part of, said report (1) a digest of said appraisal and a statement as to the amount of the fair market value of said real estate as determined thereby, and (2) an abstract of all bids received for the purchase of said real estate, showing as to each bid the name of the bidder or bidders and the amount and terms of the bid. Said report shall serve as the basis for further action by the Congress with respect to the sale of said real estate by the United States.

The amendments were agreed to.

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

BILL PASSED OVER

The bill (S. 829) to provide for control and regulation of bank holding companies and for other purposes was announced as next in order.

Mr. LANGER. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

RELIEF OF WILLIAM D. McCORMICK

The bill (S. 706) for the relief of William D. McCormick was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of the immigration and naturalization laws, and notwithstanding any provisions of section 12 of the Immigration Act of 1924, as amended (43 Stat. 153), William D. McCormick, of Windsor, Ontario, Canada, who is of Scotch ancestry and the husband of Mary Rita McCormick, who has been lawfully admitted to the United States for permanent residence, shall be deemed to have been born in Scotland rather than in India, where his parents were temporary residents at the time the said William D. McCormick was born.

RELIEF OF MRS. HILDA MARGARET McGREW

The bill (S. 305) for the relief of Mrs. Hilda Margaret McGrew was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Attorney General is authorized and directed to cancel forthwith the outstanding order and warrant of deportation issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (U. S. C., title 8, secs. 155 and 156), in the case of Mrs. Hilda Margaret McGrew, any provisions of existing law to the contrary notwithstanding. From and after the date of enactment of this act, Mrs. Hilda Margaret McGrew shall not again be subject to deportation by reason of the same facts upon which the outstanding proceedings rest.

QUALIFICATIONS OF PART-TIME REFEREES IN BANKRUPTCY

The Senate proceeded to consider the bill (H. R. 3769) to amend the Bankruptcy Act with respect to qualifications of part-time referees in bankruptcy, which had been reported from the Committee on the Judiciary, with amendments, on page 1, line 7, after the word "and", to insert the word "retired", and in line 7, after the word "enlisted", to strike out the word "men" and insert "personnel."

The amendments were agreed to.

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

The bill was read the third time and passed.

JAMES HARRY MARTIN

The bill (H. R. 617) for the relief of James Harry Martin was considered, ordered to a third reading, read the third time, and passed.

ALLEN T. FEAMSTER, JR.

The bill (H. R. 381) for the relief of Allen T. Feamster, Jr., was considered, ordered to a third reading, read the third time, and passed.

MRS. FREDERICK FABER WESCHE

The bill (H. R. 2915) for the relief of Mrs. Frederick Faber Wesche (formerly Ann Maureen Bell) was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 1070) to provide for the cancellation of the capital stock of the Federal Deposit Insurance Corporation and the refund of moneys received for such stock, and for other purposes, was announced as next in order.

Mr. SALTONSTALL. Mr. President, may we have an explanation?

The PRESIDENT pro tempore. The bill will be passed over, under objection.

Mr. REVERCOMB subsequently said: Mr. President, let me ask to what bill objection was just made, with the result that the bill was passed over?

The PRESIDENT pro tempore. It was Calendar No. 305, Senate bill 1070.

CLAUDE R. HALL AND FLORENCE V. HALL

The bill (H. R. 407) for the relief of Claude R. Hall and Florence V. Hall was considered, ordered to a third reading, read the third time, and passed.

MRS. FUKU KUROKAWA THURN

The bill (H. R. 1318) for the relief of Mrs. Fuku Kurokawa Thurn was considered, ordered to a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 229) to authorize the Secretary of the Navy to construct a postgraduate school at Monterey, Calif., was announced as next in order.

Mr. MAGNUSON. Let the bill be passed over.

The PRESIDENT pro tempore. Under objection, the bill will be passed over.

Mr. GURNEY. Mr. President, will Senator withhold his objection long enough to permit me to make an explanation?

Mr. MAGNUSON. I shall be glad to do so.

Mr. GURNEY. I should like to explain that the Navy presently has an option on land at Monterey, Calif., and the option expires by the 30th of June. Therefore, I hope the Senator from Washington will contact the Senator from Wyoming [Mr. ROBERTSON] prior to the conclusion of the call of the calendar, to see whether it will be possible to satisfy the Senator, so that he will withdraw his objection.

Mr. MAGNUSON. Mr. President, I should like to accommodate both the distinguished Senator from South Dakota and the distinguished Senator from Wyoming, but I have serious objection to this measure. No money is now available for the construction of the school. The purpose of the bill is simply to permit the exercise of an option relating to a summer resort in California. When the Navy is ready to construct a postgraduate school, either in Washington, Oregon, California, or any other place, that will be the time for it to come to Congress and make such a request. There is no emergency about the option. The price of the property will not be any greater next year.

Mr. GURNEY. Mr. President, it is obvious that we cannot handle this matter during the call of the calendar, but I give notice that I shall try to have the bill brought up for consideration at the earliest possible opportunity in the future.

ORDER FOR FINAL VOTE ON PRESIDENTIAL SUCCESSION BILL

Mr. WHERRY. Mr. President, I ask unanimous consent that the vote on the so-called Presidential succession bill be had at 2 p. m. on Friday.

Mr. BARKLEY. Mr. President, reserving the right to object, let me say that the reason I have chosen Friday as the date for the vote is that a very considerable delegation of Senators will leave here tomorrow to participate in the dedication at Warm Springs, and may not return until sometime Thursday.

The PRESIDENT pro tempore. A quorum call is necessary prior to the entering of such an order.

Mr. WHERRY. Mr. President, a quorum call has been had only in the last few minutes.

Mr. BARKLEY. Mr. President, I ask unanimous consent that the requirement for a quorum call be waived.

The PRESIDENT pro tempore. The Senator is entitled to submit such a request, if he wishes to do so.

The Senator from Kentucky asks unanimous consent that the rule requiring a quorum call before the Senate fixes by unanimous consent a time for the final vote, be waived. Is there objection?

Mr. JOHNSTON of South Carolina. I object.

Mr. DONNELL. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. WHERRY. Mr. President, I should like to say for the distinguished minority leader that several Senators on his side of the aisle are interested in leaving the Senate for a very short time on business that is almost official, I would say; and we are trying to cooperate with them so as to secure a final vote on the question of passage of the Presidential succession bill at the hour I have suggested.

I should like to call attention to the fact that we have just completed a quorum call, prior to the beginning of the call of the calendar; and if that quorum call could be regarded as sufficient in this connection, I should appreciate it, for I certainly feel that the Senate is on notice. Because of that fact, I would deeply appreciate it if the Senators who have objected will withdraw their objection, for the benefit of those who are interested in being here on Friday afternoon.

The PRESIDENT pro tempore. The Senator from Nebraska has requested unanimous consent that the rule requiring a quorum call be waived.

Mr. DONNELL. Mr. President, it appears to me that the rule is a very wholesome one, and I believe it desirable to follow it at this time, even though a quorum call has been had only recently. In deciding about the time of the final vote on the question of the passage of a measure, I think the rule is a wholesome one and should be followed. Therefore I object to the unanimous-consent request for the waiving of the rule.

The PRESIDENT pro tempore. Objection is heard.

Mr. WHERRY. Then, Mr. President, I suggest the absence of a quorum.

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

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

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

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

The Senator from Nebraska will repeat his unanimous-consent request.

Mr. WHERRY. Mr. President, I renew the unanimous-consent request which was proposed a short time ago, before the quorum call was had, that a vote be taken upon the pending business, the so-called succession bill, and all amendments and motions pertaining thereto, without further debate, at 2 o'clock Friday afternoon; that the time be divided, between the hour of the convening of the Senate at 12 o'clock and 2 o'clock p. m., between the proponents and opponents of the bill, the Senators to control the time to be announced later.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. RUSSELL. Mr. President, reserving the right to object—and, frankly, I shall not object—would the Senator from Nebraska or any other Senator be inconvenienced if the hour were made 3 o'clock? I do not like to object, but unless there is some reason to the contrary, I should like to have the hour of 3 o'clock fixed instead of 2. The Senate will be in session Friday afternoon in any event.

Mr. TAFT. So many Senators like to leave early Friday afternoon that it is very difficult to hold the Senate in session to any late hour on that day.

Mr. RUSSELL. Mr. President, I have an amendment I wish to offer, and I dislike to have amendments taken up and voted on along with the bill. Adequate consideration is never had under such circumstances. But rather than inconvenience any Senator——

Mr. TAFT. I suggest to the Senator that there will be 5 minutes on each side to explain any amendment.

Mr. RUSSELL. I do not know how many amendments will be offered. I know of at least one, the one that I shall propose.

Mr. WHERRY. Mr. President, I should like to comply with the requests of all Senators. It is very difficult to get a unanimous-consent agreement.

Mr. RUSSELL. The Senator from Nebraska has been more successful in extorting unanimous-consent agreements from the Senate than anyone who has been a Member of the Senate in many years.

Mr. WHERRY. I thank the Senator. I should be very much pleased if the Senator would not object, and I will say to the Senator, for whom I have the highest regard, that if there is some way we can work out the consideration of his amendment, or any other amendment, we will have 3 days in which to do it, and we will see if it cannot be accomplished.

Mr. RUSSELL. If the Senator will include the suggestion of the Senator from Ohio, that there shall be 5 minutes on each side to explain any amendment which may be offered I shall not object.

Mr. WHERRY. I do not object to that. In order to get the unanimous-consent agreement, I shall be glad to include that.

The PRESIDENT pro tempore. The Chair thinks the arrangement is generally understood, without repeating the formal request. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and the agreement will be reduced to writing for the information of the Senate.

The unanimous-consent agreement was reduced to writing, as follows:

Ordered, That on the calendar day of Friday, June 27, 1947, at the hour of 2 p. m., the Senate proceed to vote upon any amendment or motion that may be pending, or that may subsequently be proposed, to the bill (S. 564) to provide for the performance of the duties of the office of President in case of removal, resignation, or inability both of the President and Vice President, and upon the final passage of the bill itself: *Provided, however*, That no vote on any amendment or motion shall be had prior to the said hour of 2 p. m.

Ordered further, That the time intervening between the meeting of the Senate on said day of June 27 and the said hour of 2 o'clock be equally divided between the proponents and the opponents of the bill, to be controlled, respectively, by the Senator from Nebraska [Mr. WHERRY] and the Senator from Kentucky [Mr. BARKLEY], and that after the said hour of 2 p. m., debate on any amendment or motion shall be limited to 5 minutes on each side, to be controlled by the abovenamed Senators.

APPOINTMENTS FOR SUPPLY DUTY IN THE MARINE CORPS

The Senate proceeded to consider the bill (H. R. 1371) to authorize the Secretary of the Navy to appoint, for supply duty only, officers of the line of the Marine Corps, and for other purposes, which had been reported from the Committee on Armed Services with amendments, on page 1, line 4, after the word "permanent" to insert "or temporary", and on page 2, line 8, after the word "permanent", to insert "or temporary", so as to make the bill read:

Be it enacted, etc., That officers of the line of the Marine Corps of the permanent or temporary grades of captain, major, lieutenant colonel, and colonel may, upon application, and with the approval of the Secretary of the Navy, be assigned to supply duty only: *Provided*, That when so assigned they shall retain the lineal position and precedence which they hold at the time of assignment or may later attain and shall be promoted, retired, and discharged in like manner and with the same relative conditions in all respects as on the date of passage of this act, or as thereafter may be provided for other officers of the line of the Marine Corps, except as otherwise provided by law: *Provided further*, That the recommendation of selection boards in the cases of officers assigned to such duty shall be based upon their comparative fitness to perform the duties prescribed for them: *And provided further*, That officers of the permanent or temporary grades of captain, major, lieutenant colonel, and colonel assigned to supply duty only in accordance with this act shall, on assignment and on promotion up to and including the grade of brigadier general, be carried as additional numbers in grade.

SEC. 2. The number of officers so assigned in accordance with this act shall be in accordance with the requirements of the service as determined by the Secretary of the Navy: *Provided*, That all officers of the Marine Corps now assigned to assistant quartermaster duty only and assistant paymaster duty only are hereby assigned to supply duty only, without change in their lineal positions and precedence solely as a result of such change of assignment.

SEC. 3. The head of the Supply Department shall have the title of "Quartermaster General of the Marine Corps" and shall, while so serving, have the rank, pay, and allowances of a major general, and shall be in addition to the number of general officers otherwise provided by law. He shall be carried in the grade or rank from which appointed.

SEC. 4. When a vacancy shall exist in the office of Quartermaster General of the Marine Corps, the President may appoint to such office, by and with the advice and consent of the Senate, an officer of the Marine Corps on the active list assigned to supply duty only of the rank of brigadier general, who shall hold office as such quartermaster general for a period of 4 years, unless sooner relieved.

SEC. 5. In such numbers as may be required to meet the needs of the service officers of the line may be detailed for duty in the Supply Department for a period of 4 years unless sooner relieved.

SEC. 6. The following laws and parts of laws are hereby repealed:

(a) Act of August 29, 1916 (39 Stat. 609; 34 U. S. C. 625). Act of August 29, 1916 (39 Stat 610; 34 U. S. C. 633).

(b) Sections 3, 11, and 14 of the act of May 29, 1934 (48 Stat. 811; 34 U. S. C. 625a, 667c, 667f).

(c) Act of July 28, 1937 (50 Stat. 537; 34 U. S. C. 632a).

(d) Act of March 24, 1944 (58 Stat. 121; 34 U. S. C. 625b).

SEC. 7. All other laws or parts of laws inconsistent with the provisions of this act are hereby amended accordingly.

The amendment was agreed to.

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

The bill was read the third time and passed.

COMPENSATION TO CERTAIN PERSONS UNDER THE SELECTIVE TRAINING AND SERVICE ACT OF 1940

The joint resolution (H. J. Res. 167), to recognize uncompensated services rendered the Nation under the Selective Training and Service Act of 1940, as amended, and for other purposes, was considered, ordered to a third reading, was read the third time, and passed.

TRANSPORTATION OF DEPENDENTS AND HOUSEHOLD EFFECTS OF CERTAIN SERVICE PERSONNEL

The Senate proceeded to consider the bill (H. R. 1376) to amend the acts of October 14, 1942 (56 Stat. 786), as amended, and November 28, 1943 (57 Stat. 593), as amended, so as to authorize transportation of dependents and household effects of personnel of the Navy, Marine Corps, and Coast Guard to overseas bases.

Mr. LANGER. Mr. President, may we have an explanation of the bill from the distinguished Senator from South Dakota?

Mr. GURNEY. Mr. President, this bill was reported by the Senator from Maryland [Mr. TYDINGS], who is absent from the Chamber at the moment.

Section 12 of the Pay Readjustment Act of 1942 (56 Stat. 359, 365), authorizes payment by the United States of transportation for the dependents of officers, warrant officers, and enlisted men of the first three grades of the armed services when any such officer, warrant officer, or enlisted man is ordered to make a permanent change of station.

Subsequent to the outbreak of war, conditions arose where it was impossible or inadvisable, for security reasons, to permit the dependents of naval and Coast Guard personnel to accompany such personnel to their new stations. These conditions existed in all cases where the personnel in question were ordered overseas or to sea duty. There were also certain stations within the United States where, because of a shortage of quarters, or, occasionally, because of security reasons, dependents were not permitted.

The situation described in the foregoing paragraph was recognized by the Congress in the acts of October 14, 1942 (56 Stat. 786), and November 28, 1943 (57 Stat. 593). These laws provided that in those cases where the dependents in question were not permitted to accompany the personnel concerned, such dependents would be permitted to select any point in the United States, and the United States Government would pay the cost of transportation of such dependents and their household effects, including packing, crating, and unpacking thereof, from the duty station of such military personnel to such point.

Following the termination of hostilities, the Navy Department recognized it as desirable to permit dependents of military personnel stationed at overseas bases to join such personnel overseas. Requests for transportation were issued by the Navy Department and many of the dependents concerned have since been transported to various overseas bases. However, the Comptroller General, after consideration of the language of the acts of October 14, 1942, and November 28, 1943, held that dependents were entitled to transportation from the old duty stations in the United States to the overseas station concerned, less the cost of transportation already furnished from the old duty station to points of selection in the United States.

It is, therefore, now necessary for the Congress to recognize the entire travel performed, or it will be necessary for the Navy Department to collect from the personnel concerned the excess cost of transportation involved. The excess costs arise from the difference in the distance traveled by dependents between the last duty station to the point of embarkation via the point of selection as compared with the lesser cost of travel from the last duty station to the point of embarkation via the most direct route.

The transportation of such dependents to overseas bases is desirable and is an important factor affecting the morale of our occupation forces.

I believe this statement explains the bill.

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

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

UNITED STATES NAVAL POSTGRADUATE SCHOOL

The bill (H. R. 1379) to establish the United States Naval Postgraduate School, and for other purposes, was announced as next in order.

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

Mr. MAGNUSON. Mr. President, reserving the right to object, I ask that the bill to authorize the Secretary of the Navy to construct a postgraduate school at a certain point be passed over. I do not quite understand the legislative reason for both bills being on the calendar, but probably the distinguished Senator from Wyoming could explain. As I understand H. R. 1379, it is merely an authorization to establish the United States Naval Postgraduate School, without reference to where or why or the time.

Mr. ROBERTSON of Wyoming. The Senator is absolutely correct.

Mr. MAGNUSON. With that clear understanding of the purpose of the bill, I have no objection.

The PRESIDENT pro tempore. Is there objection?

Mr. McGRATH. Mr. President, reserving the right to object, I should like to inquire just what the Navy's program is with respect to these postgraduate schools and to what extent they are to replace the existing educational system of the Navy. I have particular reference to the War College at Newport and to the institution at Annapolis.

Mr. ROBERTSON of Wyoming. My understanding is that the bill will not affect the War College at Newport. It will place elsewhere the postgraduate academy located at Annapolis. The committee has already viewed sites on the Pacific coast, and the bill to designate the site at Monterey has been asked to be passed over already by the Senator from Washington.

Mr. McGRATH. Does it entirely replace the institution at Annapolis?

Mr. ROBERTSON of Wyoming. It will eventually entirely replace, not the Naval Academy, but merely the postgraduate college.

Mr. McGRATH. Has the Senator from Maryland been consulted in this matter? I think that in the absence of the Senator from Maryland I shall ask that the bill go over.

Mr. GURNEY. Mr. President, if the Senator will withhold his objection, I should like to say a word on this bill. The senior Senator from Maryland studied the bill and had no objection to it in committee. Furthermore, I may say the bill gives legislative authority for the postgraduate school at Annapolis, or wherever it may be moved. It also establishes professorships, and it establishes also the right to give degrees. The only bill that would transfer the postgradu-

ate school from Annapolis is on the calendar, No. 308, Senate bill 229. I do not believe that House bill 1379 would affect the postgraduate school now at Annapolis. Of course, the testimony before the committee was that the facilities at Annapolis are so crowded by the 4-year-term midshipmen that the Navy feels it almost impossible to keep the postgraduate school going at Annapolis, in view of the expansion the Academy itself has had. Therefore, Calendar 312, House bill 1379, was reported unanimously from the Armed Services Committee.

The PRESIDENT pro tempore. Is there objection to the consideration of the bill?

Mr. MAGNUSON. Mr. President, just one moment. I want it clearly understood that my objection to Senate bill 229, Calendar 308, is not only on the ground that a school is to be established at a certain point, but also because a part of the bill carries authorization to the Secretary of the Navy to exercise an option on what I call a fine summer resort in California.

The PRESIDENT pro tempore. Is there objection to the consideration of H. R. 1379?

Mr. MAGNUSON. I do not object to Calendar 312, House bill 1379.

Mr. McGRATH. Mr. President, until I have an opportunity to find out the full effect of the bill, I shall ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. FULBRIGHT subsequently said. Mr. President, I endeavored to obtain recognition on the previous bill. I merely wanted to ask one question of the chairman of the Committee on Armed Services. The question is whether the committee had given consideration to eliminating the undergraduate work, and making the Academy at Annapolis a postgraduate college. I had heard that such consideration was to be given, and I wondered if the committee had studied the matter.

Mr. GURNEY. I did not quite get the first part of the question. As I understand it, House bill 1379 proposes only to set up a postgraduate school as a sort of college inside the Navy. It does not affect the Academy at Annapolis at all.

Mr. FULBRIGHT. My question was, Has the Committee on Armed Services given study to the suggestion I have made? I have seen it set forth in print, and I have heard it discussed, that the undergraduate work in the Academy at Annapolis be restricted; that is, to let the ordinary universities do some of the ordinary college work that is given there. I wondered if the committee had studied that question.

Mr. GURNEY. No; the committee has not put any time on the recommendations of the Board of Visitors, or the subcommittee that considered naval instruction in its entirety last year, with the exception of the bill for the establishment of a postgraduate school elsewhere. That is the only problem in this connection that has been taken up by our committee this year.

Mr. FULBRIGHT. Did the Board of Visitors recommend to the committee that the undergraduate work be restricted, in order to give more time and space to the postgraduate work at Annapolis?

Mr. GURNEY. I cannot answer the question. I am not completely informed on what the Board proposed, but it is possible the Senator from Massachusetts can answer the Senator's question.

The PRESIDENT pro tempore. The bill has gone over. Does the Senator wish to speak?

Mr. FULBRIGHT. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state the inquiry.

Mr. FULBRIGHT. I asked for recognition when we were discussing the bill.

The PRESIDENT pro tempore. The Senator is entitled to 5 minutes upon any bill at any time.

Mr. FULBRIGHT. I merely wanted to obtain information on this matter.

The PRESIDENT pro tempore. The Senator is entitled to 5 minutes. He has 1 minute left.

Mr. FULBRIGHT. I may obtain the information I want in 1 minute, from the Senator from Massachusetts [Mr. SALTONSTALL].

Mr. SALTONSTALL. I think I am correct in saying that at the Naval Academy about half of the future officers of the Navy will be educated. The other half will be educated at various universities of the country, under the so-called Holloway plan. There is the school proposed in California, which, if it is established, will be a school to which all graduates may ultimately go. At the present time there is a postgraduate school at Annapolis. I think I am correct in that, but I am not certain I am correct in saying that the postgraduate school at Annapolis has never been recognized as a separate entity. The purpose of the bill is to allow the school to give degrees and to have recognition as a separate entity. I am not certain of that, but I believe that is so.

Mr. MAGNUSON. Mr. President, may I have 5 minutes on this bill?

The PRESIDENT pro tempore. The Senator is recognized. I think he has spoken twice on the bill.

Mr. MAGNUSON. I merely wanted to clarify the matter by asking a question of the Senator from Massachusetts.

The PRESIDENT pro tempore. The Senator from Washington is recognized for two clarifying moments.

Mr. MAGNUSON. The question is whether the bill we have been considering, which has been passed over, would merely establish the identity of a postgraduate school. If it stayed at Annapolis, it would still have the identity, and, if I recall correctly, it has never been fully recognized that a postgraduate school exists anywhere, whether it be at Annapolis or at any other place. I might say to the Chair that this is not only a clarifying question, but it is clarifying legislation.

The PRESIDENT pro tempore. The Senator's time has expired.

PROMOTION TO COMMISSIONED WARRANT OFFICERS IN UNITED STATES NAVY

The bill (H. R. 1362) to permit certain naval personnel to count all active service rendered under temporary appointment as warrant or commissioned officers in the United States Navy and the United States Naval Reserve, or in the United States Marine Corps and the United States Marine Corps Reserve, for purposes of promotion to commissioned warrant officer in the United States Navy or the United States Marine Corps, respectively, was considered, ordered to a third reading, read the third time, and passed.

DISTINGUISHED FLYING CROSS TO REAR ADM. CHARLES E. ROSENDAHL, UNITED STATES NAVY

The joint resolution (H. J. Res. 92) authorizing the presentation of the Distinguished Flying Cross to Rear Adm. Charles E. Rosendahl, United States Navy, was considered, ordered to a third reading, read the third time, and passed.

ISSUANCE POSTHUMOUSLY OF COMMISSION AS GENERAL, UNITED STATES MARINE CORPS, TO THE LATE LT. GEN. ROY STANLEY GEIGER

The joint resolution (H. J. Res. 96) authorizing the President to issue posthumously to the late Roy Stanley Geiger, lieutenant general, United States Marine Corps, a commission as general, United States Marine Corps, and for other purposes, was announced as next in order.

Mr. ROBERTSON of Wyoming. Mr. President, may we temporarily set aside this bill? The Senator from Florida wishes to say a word on it. He has been called from the floor to answer a long-distance call.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. ROBERTSON of Wyoming subsequently said: Mr. President, the Senator from Florida [Mr. HOLLAND] has returned to the Chamber. I ask unanimous consent for the present consideration of House Joint Resolution 96, order No. 315, which a moment ago was temporarily passed over until the Senator from Florida could return to the Senate Chamber.

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

There being no objection, the Senate proceeded to the consideration of House Joint Resolution 96, authorizing the President to issue posthumously to the late Roy Stanley Geiger, lieutenant general, United States Marine Corps, a commission as general, United States Marine Corps, and for other purposes.

Mr. HOLLAND. May I ask the distinguished Senator from Wyoming for a brief explanation of the measure?

Mr. ROBERTSON of Wyoming. Mr. President, the purpose of the joint resolution is to promote posthumously the late Lieutenant General Geiger, United States Marine Corps, to the rank of general in the United States Marine Corps.

General Geiger would have been retired on February 1, 1947, but died on January 23, 1947. On his retirement he would have been advanced to the rank of general under section 12 of the act of June 23, 1938, as amended. His 39 years of service have been sufficiently outstanding as to distinguish him among his contemporaries. This resolution will place his name on the records in the rank to which he would have been advanced had he lived a few days longer. There will be no additional cost to the Government by the enactment of this resolution.

The Navy Department strongly recommends passage of this resolution, and its recommendation has been cleared by the Bureau of the Budget.

Mr. HOLLAND. Mr. President, I sincerely appreciate the fact that the distinguished Senator from Wyoming has seen fit to introduce and sponsor this legislation. If I may be allowed to take just a minute of the Senate's time, I want to say that General Geiger is one of the most distinguished military figures ever produced by the State of Florida, and that we are exceedingly proud of him.

Mr. President, in order that there may appear in the RECORD the verdict of his own service, the Navy, of which he was a part—of course, he was a Marine, and a Marine flier—I beg leave at this time to read from the official communication from Rear Adm. O. S. Colclough, of the United States Navy, Judge Advocate General of the Navy, in reply to a request from the chairman of the Committee on Armed Services with reference to this particular joint resolution. The report from Admiral Colclough reads in part, as follows:

General Geiger had an outstanding military record of over 39 years' service and was a qualified naval aviator of over 30 years' experience. During World War I he was awarded the Navy Cross for distinguished service while in command of a Marine Aircraft Squadron in France. In the present war he commanded with outstanding ability the First Marine Aircraft Wing, Fleet Marine Force, until April 1943, and was awarded a gold star in lieu of a second Navy Cross for extraordinary heroism and distinguished service in operations against enemy Japanese forces on Guadalcanal from September to November 1942. From May until October 1943 General Geiger served as Director of Marine Corps Aviation and was then returned to the Pacific to command the First Amphibious Corps, later the Third Amphibious Corps, Fleet Marine Force. For exceptionally meritorious service during operations on Bougainville in November and December 1943, he was awarded the Distinguished Service Medal. For similar services in the Marianas and the capture of Guam in July 1944, he received a gold star in lieu of a second Distinguished Service Medal. General Geiger led his corps into battle in the Okinawa operation beginning in April 1945 as a part of the Tenth Army; and, upon the death in action of Lt. Gen. Simon Bolivar Buckner, assumed command of that army and led it to the successful conclusion of the final land campaign of World War II. In recognition of his outstanding services in this operation, General Geiger was awarded the Army Distinguished Service Medal. From July 1945 to November 1946 he commanded the Fleet Marine Force, Pacific.

At the time of his death on January 23, 1947, General Geiger was awaiting retirement, which would have occurred on February 1, 1947, in accordance with section 9 of the act of February 21, 1946 (60 Stat. 28; 34 U. S. C. 410 (d)), which provides for retirement of any commissioned officer of the Regular Navy or Marine Corps, serving in a rank below that of fleet admiral, who has attained the age of 62 years. Upon retirement he would have been advanced to the rank of general in accordance with section 12 of the act of June 23, 1938, as amended (52 Stat. 949; 54 U. S. C. 404 (1)), which provides in part that "all line officers of the Navy who have been specially commended for their performance of duty in actual combat by the head of the executive department under whose jurisdiction such duty was performed, when retired * * * shall * * * be placed upon the retired list with the rank of the next higher grade and with three-fourths of the active-duty pay of the grade in which serving at the time of retirement."

In view of the foregoing, the Navy Department strongly recommended enactment of the joint resolution, Senate Joint Resolution 59.

Mr. President, my State is peculiarly proud of the attainments and the fine record of Gen. Roy Geiger. We are only sorry that he could not have survived a little longer to have received this grateful recognition of his service as tendered by the Navy to which he had rendered service for almost 40 years, which would also be an expression of the gratitude of all the people of the Nation wherever they may live.

I appreciate very greatly the fact that the distinguished Senator from Wyoming has permitted me to make this brief statement.

Mr. ROBERTSON of Wyoming. I am glad to have been of that small service to the Senator from Florida.

Mr. PEPPER. Mr. President, I am exceedingly glad that my distinguished colleague has put into the body of the RECORD the magnificent testimonial to General Geiger from the naval branch, which is attested by the letter of Rear Admiral Colclough.

We of Florida are proud of the record of General Geiger, proud of the distinguished service which he rendered in combat and in leadership in the recent war.

Having known General Geiger, known his record as a citizen, the beautiful life which he enjoyed in Florida, the distinguished and devoted family which he leaves behind, I too, for myself and the admiring citizenry of my State, which feels so attached to him and his memory, want to express appreciation to the Senator from Wyoming, and to the Senate, for making it possible for him to achieve the rank of general, from which he was cut short by death 8 days before he would have reached that rank, in the regular course.

Mr. WILEY. Mr. President, while I am very happy to join with the two distinguished Senators from Florida and other Members of the Senate in honoring the memory of General Geiger, a great general, I wish to say that for 5 years I have sought to obtain the rank of major general for Billy Mitchell, posthumously, which would not cost the Government a penny. Billy Mitchell was not only a great soldier, being the first man to fly over the enemy lines in an airplane in the First World War, but he was a prophet who dared to challenge the "brass hats," which means the closed minds of his generation. Apparently it is for that reason that recognition is still not forthcoming.

I trust that the distinguished Senators from Florida, who have so gloriously recognized the valor of a son of their State, will join me in seeking recognition of a prophet and a great soldier, so that eventually, in the years ahead, recognition will be forthcoming to gallant, farseeing, fighting Billy Mitchell, of Wisconsin.

The PRESIDING OFFICER (Mr. IVES in the chair). The question is on the third reading and passage of the joint resolution.

The joint resolution (H. J. Res. 96) was ordered to a third reading, read the third time, and passed.

EASEMENT TO COUNTY OF PITTSBURG, OKLA.

The bill (H. R. 1807) to authorize the Secretary of the Navy to grant to the county of Pittsburg, Okla., a perpetual easement for the construction, maintenance, and operation of a public highway over a portion of the United States naval ammunition depot, McAlester, Okla., was considered, ordered to a third reading, read the third time, and passed.

ARMY MAIL CLERKS

The bill (H. R. 2339) to amend the act entitled "An act authorizing the designation of Army mail clerks and assistant Army mail clerks," approved August 21, 1941 (55 Stat. 656), and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

SAMUEL W. DAVIS, JR.; MRS. SAMUEL W. DAVIS, JR.; AND BETTY JANE DAVIS

The bill (H. R. 1144) for the relief of Samuel W. Davis, Jr.; Mrs. Samuel W. Davis, Jr.; and Betty Jane Davis was considered, ordered to a third reading, read the third time, and passed.

S. C. SPRADLING AND R. T. MORRIS

The bill (H. R. 1067) for the relief of S. C. Spradling and R. T. Morris was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF CLASSIFICATION ACT OF 1923

The bill (S. 490) to provide for the extension and application of the provisions of the Classification Act of 1923, as amended, to certain officers and employees of the Immigration and Naturalization Service in the Department of Justice was announced as next in order.

Mr. SALTONSTALL. Mr. President, may we have an explanation of the bill S. 490?

The PRESIDENT pro tempore. The Senator from Massachusetts requests an explanation of Calendar No. 320, being Senate bill 490. The Chair will recognize the author of the bill, the Senator from Wisconsin [Mr. WILEY].

Mr. WILEY. Mr. President, the bill provides for the extension and application of the provisions of the Classification Act of 1923 to certain officers and employees of the Immigration and Naturalization Service in the Department of Justice. For example, it says:

Immigrant inspectors shall be divided into five classes, as follows: Grade 1, salary $2,100; grade 2, salary $2,300; grade 3, sal-

ary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and, hereafter inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following 1 year's satisfactory service.

The bill was studied by the subcommittee of which the Senator from West Virginia [Mr. REVERCOMB] is chairman. I am sure he would say that the whole purpose is, briefly, as I stated, to create classification and provide compensation.

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

There being no objection, the bill (S. 490) to provide for the extension and application of the provisions of the Classification Act of 1923, as amended, to certain officers and employees of the Immigration and Naturalization Service in the Department of Justice was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

Be it enacted, etc., That the portion of the second paragraph of section 24 of the act of February 5, 1917 (39 Stat. 893; 45 Stat. 954; 8 U. S. C. 109), as amended, reading as follows:

"Immigrant inspectors shall be divided into five classes, as follows: Grade 1, salary $2,100; grade 2, salary $2,300; grade 3, salary $2,500; grade 4, salary $2,700; grade 5, salary $3,000; and, hereafter inspectors shall be promoted successively to grades 2 and 3 at the beginning of the next quarter following 1 year's satisfactory service (determined by a standard of efficiency which is to be defined by the Commissioner of Immigration and Naturalization, with the approval of the Attorney General) in the next lower grade and to grades 4 and 5 for meritorious service after no less than 1 year's service in grades 3 and 4, respectively: *Provided further*, That"—

is hereby repealed.

SEC. 2. (a) That clause (ix) in subsection 3 (d) of title II of the act of November 26, 1940 (54 Stat. 1214; 5 U. S. C. 681 (d) (ix)), is hereby repealed.

(b) That upon approval of this act, the Attorney General shall adjust the compensation of, and allocate to the services and grades of the Classification Act of 1923 (42 Stat. 1488; 5 U. S. C. 661 and the following), as amended, the positions of inspectors in the Immigration and Naturalization Service heretofore established by that portion of the second paragraph of section 24 of the act of February 5, 1917 (39 Stat. 893; 45 Stat. 954; 8 U. S. C. 109), as amended, which is repealed by the first section of this act. Such adjustment and allocation shall be effected in the same manner as other positions in the field service of the Immigration and Naturalization Service are adjusted and allocated under section 2 of the act of July 3, 1930 (46 Stat. 1003; 5 U. S. C. 678a), as amended.

(c) That nothing in this act shall be construed so as to decrease the existing compensation of any employee of the Immigration and Naturalization Service, but when his position shall become vacant it shall be filled in accordance with the regular compensation schedule applicable to such position.

SAMUEL AUGENBLICK

The bill (S. 292) for the relief of Samuel Augenblick was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Samuel Augenblick, age 19 years, who arrived at the port of the city of New York, N. Y., on July 9, 1946, on the steamship *Hobart Victory*, and who is in possession of a transit visa granted him by the American consul in Rome, Italy, to remain in the United States for a period of 2 months and then to depart for Cuba, be permitted to remain in the United States permanently.

BILL PASSED OVER

The bill (S. 18) to establish uniform qualifications of jurors in Federal courts, and for other purposes, was announced as next in order.

Mr. SALTONSTALL. Mr. President, I should like an explanation of the bill. I call this point to the attention of the chairman of the Committee on the Judiciary: The bill, as I understand it, would allow women to serve on Federal juries in a State where they are not allowed to serve on the juries of State courts. If I am correct in that understanding, it does not seem to me it is a good bill.

Mr. WILEY. The bill was introduced by the Senator from Nevada [Mr. McCARRAN], reported favorably by the subcommittee to the full committee, and reported by the full committee to the Senate. The purpose of the bill is substantially as outlined by the distinguished Senator from Massachusetts. The bill provides that—

Any citizen of the United States of the age of 21 years and over, who, under the provisions of this act, is not disqualified for jury service, may be called to serve as a grand or petit juror in the district court of the United States for the district in which he or she resides.

It is my understanding that the purpose of the bill is to provide that the female sex shall have the same right to serve as jurors as the male sex.

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

Mr. SALTONSTALL. Under those circumstances I respectfully request that the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

QUARTERS FOR THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF GEORGIA

The bill (S. 175) to provide for the furnishing of quarters at Brunswick, Ga., for the United States District Court for the Southern District of Georgia was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That subsection (g) of section 77 of the Judicial Code, as amended, is hereby amended by striking out the proviso thereof which reads as follows: "*Provided*, That no cost shall be incurred by the Government in furnishing quarters for holding court at Brunswick."

MARY LOMAS

The Senate proceeded to consider the bill (H. R. 1742) for the relief of Mary Lomas, which had been reported from the Committee on the Judiciary, with an amendment on page 1, line 5, after the numerals "890", to strike out "54" and insert in lieu thereof "56."

The amendment was agreed to.

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

The bill was read the third time and passed.

TROY CHARLES DAVIS, JR.

The bill (S. 258) for the relief of Troy Charles Davis, Jr., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Troy Charles Davis, Jr., of Denver, Colo., a merchant seaman entitled to medical treatment and hospitalization at Government expense, the sum of $211.32, in full satisfaction of all claims against the United States for reimbursement of medical and hospital expenses incurred by him in connection with an emergency operation which it became necessary for him to have performed in a private hospital in Denver, Colo., because of the lack of a marine hospital in that city: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

FRANKIE STALNAKER

The Senate proceeded to consider the bill (S. 1100) for the relief of Frankie Stalnaker, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the words "the sum of", to strike out "$4,000" and insert in lieu thereof "$2,000", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Frankie Stalnaker, of Baltimore, Md., the sum of $2,000, in full satisfaction of her claim against the United States for reimbursement of medical and hospital expenses incurred by her, and for compensation for personal injuries sustained by her on December 7, 1944, in Baltimore, Md., as a result of being struck by a United States Government mail truck.

The amendment was agreed to.

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

TEMPORARY EXTENSION OF SUCCESSION AND POWERS OF RECONSTRUCTION FINANCE CORPORATION

The joint resolution (S. J. Res. 135) to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That (a) the first sentence of section 4 of the Reconstruction Finance Corporation Act, as amended, is hereby further amended by striking out "June 30, 1947" and inserting in lieu thereof "June 30, 1948"; and the first sentence of section 14 of the Reconstruction Finance Corporation Act, as amended, is hereby further amended by striking out "July 1, 1947" and inserting in lieu thereof "July 1, 1948"; and (b) section 5d of the Reconstruction Finance Corporation Act, as amended; the act approved January 26, 1937 (50 Stat., ch. 6, p. 5), as amended; and the act approved February 11, 1937 (50 Stat., ch. 10, p. 19), as amended,

are hereby further amended by striking out "June 30, 1947" wherever appearing and in each instance inserting in lieu thereof "June 30, 1948."

CONCURRENT RESOLUTION PASSED OVER

The concurrent resolution (H. Con. Res. 49) against adoption of Reorganization Plan No. 2 of May 1, 1947, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The concurrent resolution will be passed over.

PARTICIPATION OF ARMY AND NAVY PERSONNEL IN OLYMPIC GAMES

The bill (H. R. 2276) to authorize the Secretary of War to pay certain expenses incident to training, attendance, and participation of personnel of the Army of the United States in the seventh winter sports Olympic games and the fourteenth Olympic games and for future Olympic games was announced as next in order.

Mr. LANGER. Mr. President, I should like to know how much this bill will cost the Government.

Mr. GURNEY. There is an authorization of $125,000 for the two services.

Mr. LANGER. I object to consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be passed over.

Mr. LANGER subsequently said: Mr. President, after conferring with the Senator from South Dakota [Mr. GURNEY], I wish to withdraw my objection to House bill 2276, Calendar No. 330.

Mr. GURNEY. Mr. President, I have conferred with the Senator from North Dakota [Mr. LANGER], who has now very kindly withdrawn his objection. I hope, therefore, that it may be passed.

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

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

That the Secretary of War and the Secretary of the Navy are hereby authorized to direct the training and attendance of personnel of the Army of the United States and of the naval service, respectively, as participants in the seventh winter sports Olympic games and the fourteenth Olympic games and future Olympic games: *Provided*, That the Secretary of War is further authorized to direct the training and attendance of animals of the Army of the United States for such games: *Provided further*, That the expenses in amounts not to exceed $75,000 for the Army and $50,000 for the Navy, incident to the training, attendance, and participation in the seventh winter sports Olympic games and the fourteenth Olympic games, including the use of such supplies, material, and equipment as in the opinion of the Secretary of War and the Secretary of the Navy, respectively, may be necessary, may be charged to the appropriations for the support of the Army and appropriations for the Navy Department and the naval service, respectively, for the fiscal year 1948 and 1949: *And provided further*, That applicable allowances which are or may be fixed by law or regulations for participation in other military activities shall not be exceeded.

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to authorize the Secretary of War and the Secretary of the Navy to pay certain expenses incident to training, attendance, and participation of personnel of the Army of the United States and of the naval service, respectively, in the seventh winter sports Olympic games and the fourteenth Olympic games and for future Olympic games."

MANAGEMENT AND OPERATION OF NAVAL PLANTATIONS OUTSIDE THE UNITED STATES

The Senate proceeded to consider the bill (H. R. 1358) to amend the act entitled "An act to provide for the management and operation of naval plantations, outside the continental United States," approved June 28, 1944, which had been reported from the Committee on Armed Services with amendments.

The first amendment of the Committee on Armed Services was, in section 1, on page 1, line 3, after the word "That", to strike out "section 2 of."

The amendment was agreed to.

The next amendment was, on page 1, after line 6, to insert:

SECTION 1. Hereafter the appropriations for the subsistence of Army and Navy personnel, respectively, shall be available for any and all expenditures necessary in the management, operation, maintenance, and improvement of any plantation or farm, on land subject to Army or Navy jurisdiction outside of the continental United States, for the purpose of furnishing fresh fruits and vegetables to the armed forces of the United States: *Provided*, That equipment, material, and supplies required therein may be purchased without regard to section 3709 of the Revised Statutes, and other laws applicable to purchases by governmental agencies: *Provided further*, That only American nationals, employees of the United States, shall be entitled to benefits under the civil-service laws and other laws of the United States relating to the employment, work, compensation, rights, benefits, or obligations of civilian employees of the United States: *Provided further*, That surplus production over the amount furnished, or sold to the armed forces of the United States and to civilians serving with the armed forces may only be sold outside the continental limits of the United States: *And provided further*, That no land shall be acquired under this authorization.

The amendment was agreed to.

The next amendments were, in section 2, on page 2, line 25, after the word "end", to insert "the Secretary of War, with respect to Army affairs, and"; on page 3, line 1, after the word "Navy", to insert "with respect to Navy affairs"; at the beginning of line 7, to strike out "naval or" and insert "Army, Navy, or"; in line 8, after the words "determination of", to insert "the Secretary of War, in regard to Army matters, and"; and in line 10, after "Navy", to insert "in regard to Navy matters."

The amendments were agreed to.

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

The bill was read the third time and passed.

MILITARY LEAVE OF CERTAIN EMPLOYEES OF THE UNITED STATES OR OF THE DISTRICT OF COLUMBIA

The bill (H. R. 1845) to amend existing laws relating to military leave of certain employees of the United States or of the District of Columbia so as to equalize rights to leave of absence and reemployment for such employees who are members of the Enlisted or Officers' Reserve Corps, the National Guard or the Naval Reserve, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

CLOTHING ALLOWANCE OF CERTAIN ENLISTED MEN OF THE MARINE CORPS

The Senate proceeded to consider the bill (H. R. 1375) to further amend section 10 of the Pay Readjustment Act of 1942, so as to provide for the clothing allowance of enlisted men of the Marine Corps and Marine Corps Reserve, which had been reported from the Committee on Armed Services with an amendment, on page 1, line 8, after the words "men of the" to insert "Army."

The amendment was agreed to.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to further amend section 10 of the Pay Readjustment Act of 1942, so as to provide for the clothing allowance of enlisted men of the Army, Marine Corps, and Marine Corps Reserve."

TRANSFER OF CERTAIN PROPERTY TO THE PANAMA CANAL

The bill (H. R. 3629) to authorize the transfer to the Panama Canal of property which is surplus to the needs of the War Department or Navy Department was considered, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LAND TO LOUISIANA POWER & LIGHT CO.

The bill (H. R. 2248) to authorize the Secretary of War to grant an easement and to convey to the Louisiana Power & Light Co. a tract of land comprising a portion of Camp Livingston in the State of Louisiana was considered, ordered to a third reading, read the third time, and passed.

ATTENDANCE OF MARINE BAND AT NATIONAL ENCAMPMENT OF GRAND ARMY OF THE REPUBLIC

The bill (H. R. 3124) to authorize the attendance of the Marine Band at the Eighty-first National Encampment of the Grand Army of the Republic to be held in Cleveland, Ohio, August 10 to 14, 1947, was considered, ordered to a third reading, read the third time, and passed.

MAJ. RALPH M. ROWLEY AND FIRST LT. IRVING E. SHEFFEL

The bill (S. 179) for the relief of Maj. Ralph M. Rowley and First Lt. Irving E. Sheffel was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Ralph M. Rowley, major, Signal Corps, United States Army, and Irving E. Sheffel, first lieutenant, Finance

Department, United States Army, are hereby relieved of liability for all charges now entered or which may be entered against them, or either of them, as a result of the theft of 429,257 lire ($4,292.57) of Army funds by a person unknown, near Ruvo, Italy, on November 3, 1943, while the said Ralph M. Rowley was acting as class A agent officer for the said Irving E. Sheffel.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Ralph M. Rowley, an amount equal to the total amount deducted from his pay in partial settlement of any such charges: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

REV. JOHN C. YOUNG

The bill (S. 880) for the relief of Rev. John C. Young was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Reverend John C. Young, of Montgomery, W. Va., the sum of $3,500, in full satisfaction of his claim against the United States for compensation for personal injuries and loss of earnings sustained by him as a result of having been shot by a member of the military police force of the Army of the United States, in Montgomery, W. Va., on August 11, 1945: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

COL. WILLIAM J. KENNARD

The bill (S. 957) for the relief of Col. William J. Kennard was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Col. William J. Kennard, of Washington, D. C., the sum of $950, in full satisfaction of his claim against the United States for the difference between (1) the amount he was actually allowed as compensation for the value of the personal property which he lost as a result of the invasion of the Philippine Islands by the Japanese in December 1941, and (2) the amount which should have been paid to the said Col. William J. Kennard as compensation for the value of such property: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

PATENT IN FEE TO JAMES BLACK DOG

The Senate proceeded to consider the bill (S. 402) to authorize and direct the Secretary of the Interior to issue to James Black Dog a patent in fee to certain land, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 3, after the word "That," to insert "upon application in writing", so as to make the bill read:

Be it enacted, etc., That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to James Black Dog, a Fort Peck Indian allottee, a patent in fee to the northeast quarter of section 34, township 30 north, of range 53 east, Montana principal meridian, containing 160 acres.

The amendment was agreed to.

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

PATENT IN FEE TO GROWING FOUR TIMES

The Senate proceeded to consider the bill (S. 608) authorizing and directing the Secretary of the Interior to issue a patent in fee to Growing Four Times, which had been reported from the Committee on Public Lands with an amendment, on page 1, line 3, after the word "That," to insert "upon application in writing", so as to make the bill read:

Be it enacted, etc., That, upon application in writing, the Secretary of the Interior is authorized and directed to issue to Growing Four Times, of Frazier, Mont., a patent in fee to the following-described allotted lands situated in the State of Montana: The northeast quarter of the southeast quarter, and the southeast quarter of the southeast quarter, of section 5, township 26 north, range 45 east, Montana principal meridian.

The amendment was agreed to.

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

CAPITAL GRANTS FOR CERTAIN LOW-RENT HOUSING AND SLUM-CLEARANCE PROJECTS

The bill (S. 1361) to amend the United States Housing Act of 1937 so as to permit capital grants for low-rent housing and slum-clearance projects where construction costs exceed present cost limitations upon condition that local housing agencies pay the difference between cost limitations and the actual construction costs was announced as next in order.

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

Mr. McCARTHY. Mr. President, this is a bill to which the Committee on Banking and Currency unanimously agreed. Roughly, this is the situation:

There have been 100 housing projects approved by the FHA. The money has been earmarked and is available. Money has already been spent on most of them. I think a typical example is a project in Milwaukee, Wis., to provide 242 housing units. The FHA has already spent $375,000 in condemnation proceedings in acquiring the property. However, there is a limitation in the present housing act, to the effect that if the unit costs more than $5,000 the Federal Government cannot grant any loans.

This bill merely provides that if the local municipality wants to put up the difference between $5,000 and the current cost of the housing it may do so and get the Federal money. In other words, this will in no way cost the Federal Government anything. It will merely allow the local municipality to proceed with the project if and when it decides to put up the money.

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

There being no objection, the Senate proceeded to consider the bill, which has been reported from the Committee on Banking and Currency with amendments, on page 2, line 1, after the word "grants", to insert "loans, or annual contributions"; and at the beginning of line 11, to insert "loans, or annual contributions", so as to make the bill read:

Be it enacted etc., That section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new subsection:

"(6) Notwithstanding the provisions of subsection (5) of this section, or of any other section of this act, the Authority is authorized to make capital grants, loans, or annual contributions for low-rent-housing or slum-clearance projects, in the full amount of any sums previously allocated pursuant to this act, to any public housing agency, at the request of such agency, upon condition that such agency will pay, or cause to be paid by the State or political subdivision, the difference between the cost limitations prescribed in subsection (5) of this section and the actual cost of construction per family dwelling unit or per room during the period of building construction. The receipt of capital grants, loans, or annual contributions by any public-housing agency pursuant to this subsection shall in no way prejudice or impair the rights or privileges of such agency to participate fully in other low-rent housing or slum-clearance projects under this act or any other law. Nothing in this subsection shall prejudice the right of those public housing agencies which can, by reason of lesser need, or would prefer to delay the starting of their proposed building operations until labor and material costs stabilize at levels consistent with the cost limitations prescribed in subsection (5) of this section."

The amendments were agreed to.

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

The title was amended so as to read: "A bill to amend the United States Housing Act of 1937 so as to permit loans, capital grants, or annual contributions for low-rent-housing and slum-clearance projects where construction costs exceed present cost limitations upon condition that local housing agencies pay the difference between cost limitations and the actual construction costs."

INCREASE IN EQUIPMENT MAINTENANCE OF RURAL CARRIERS

The Senate proceeded to consider the bill (S. 203) to increase the equipment maintenance of rural carriers 2 cents per mile per day traveled by each rural carrier for a period of 2 years, and for other purposes, which had been reported from the Committee on Civil Service with an amendment, on page 1, line 4, to strike

out "2 cents" and insert in lieu thereof "1 cent," so as to make the bill read:

Be it enacted, etc., That each carrier in the rural mail delivery service shall be paid for equipment maintenance a sum equal to 1 cent per mile per day for each mile or major fraction of a mile scheduled in addition to the 6 cents per mile per day for each mile or major fraction of a mile scheduled as now provided by law. Payments for the additional equipment maintenance as provided herein shall be at the same periods and in the same manner as payments for regular compensation to rural carriers.

SEC. 2. There are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions of this act.

SEC. 3. This act shall take effect on the first of the month following the date of its enactment and shall terminate 36 months from the beginning date or such earlier date as the Congress may by concurrent resolution prescribe.

The amendment was agreed to.

Mr. BALL. Mr. President, may we have a brief explanation of the bill?

Mr. BALDWIN. Mr. President, the bill, as originally introduced, calls for an increase of 2 cents a mile for rural mail carriers. They have had but one increase since 1934. In 1943 there was a 1-cent increase, which brought the mileage up to 6 cents a mile. This bill would increase the mileage to 7 cents a mile and would cost approximately $2,200,000.

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

Mr. BALDWIN. I yield.

Mr. BALL. Is this for the use of the car, or is it total compensation?

Mr. BALDWIN. It is only for the maintenance of the automobile. There are approximately 32,000 rural mail carriers in the United States and their average pay is approximately $2,900 a year. They have been receiving far less than is required to maintain their automobiles. In fact, we had testimony before the committee that it cost on an average about 12 cents a mile for a rural mail carrier to maintain his automobile. The bill would give him 7 cents a mile, which is a little more than half of that estimate.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

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

The title was amended so as to read: "A bill to increase the equipment maintenance of rural carriers 1 cent per mile per day traveled by each rural carrier for a period of 3 years, and for other purposes."

The PRESIDING OFFICER. That completes the calendar.

RELIEF OF CERTAIN ARMY DISBURSING OFFICERS

Mr. WILEY. Mr. President, I ask unanimous consent for the present consideration of House bill 1514, Calendar No. 254.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 1514) for the relief of certain disbursing officers of the Army of the United States, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill.

Mr. WILEY. Mr. President, I shall make a brief explanation of the bill. As stated, it is for the relief of certain disbursing officers of the Army of the United States. While in the service they have been charged with certain funds which have been lost. The funds have been carefully checked. They are small amounts, ranging from $37 and $43 up to one item of $500. The action is recommended by the Department as necessary to get these matters cleared up in order that the books of the Government may be straightened out sometime, somehow.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

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

RELIEF OF CERTAIN OFFICERS EMPLOYED IN THE FOREIGN SERVICE OF THE UNITED STATES

Mr. WILEY. Mr. President, I ask unanimous consent for the present consideration of Senate bill 1032, Calendar No. 224, for the relief of certain officers and employeees of the Foreign Service of the United States.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1032), for the relief of certain officers and employees of the Foreign Service of the United States.

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

Mr. WILEY. Mr. President, certain officers in the Foreign Service lost their money, property, and so forth, and this bill provides compensation for the losses which have been sustained. The matter has been thoroughly checked by Government authorities.

Mr. WHITE. Mr. President, this bill was objected to by some Senator on the last call of the calendar. Has the Senator from Wisconsin discussed the situation with the objecting Senator, so that the objection has been removed?

Mr. WILEY. I do not know who objected, but I was informed that because I was not present there was some objection made because the bill itself did not indicate its nature. Since I have explained the bill it would seem that there could be no material objection, because it was reported unanimously.

Mr. JOHNSTON of South Carolina. Mr. President, I shall object to further consideration of any bill which has been objected to unless the Senator who objected at the call of the calendar is present.

The PRESIDING OFFICER. Objection is heard.

LEGISLATION AFFECTING TIDELANDS

Mr. KNOWLAND. Mr. President, last year the Congress of the United States passed some tidelands legislation relative to the quitclaiming of tidelands to the coastal States. Today the Supreme Court of the United States handed down its decision, which, as I read it, is adverse to the State of California. I wish to call the matter to the attention of the Senate and to have printed in the body of the RECORD, following my remarks, the Supreme Court's decision in the matter, together with the dissenting opinions of Mr. Justice Reed and Mr. Justice Frankfurter. I invite the attention of each and every Member of the Senate to the fact that this decision is not only adverse to possession by the State of California, but, as I read it, Mr. President, it adversely affects title to the tidelands of every other coastal State in the Union, including the Thirteen Original States.

I believe that Members of the Senate who were here at the time the quitclaim legislation was under consideration remember that some of us who were in favor of the legislation at that time raised the point that if there was a decision adverse to California, in our opinion it would adversely affect the interests of every other coastal State in the Union.

Because of the great importance of this issue and because of the widespread interest which I believe there will be in all the States in the Union, I ask that the decisions be printed at this point as a part of my remarks.

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

SUPREME COURT OF THE UNITED STATES—NO. 12, ORIGINAL—OCTOBER TERM, 1946—UNITED STATES OF AMERICA, PLAINTIFF, V. STATE OF CALIFORNIA—JUNE 23, 1947

Mr. Justice Black delivered the opinion of the Court.

The United States by its Attorney General and Solicitor General brought this suit against the State of California invoking our original jurisdiction under article III, section 2, of the Constitution, which provides that "In all cases * * * in which a State shall be a party, the Supreme Court shall have original jurisdiction." The complaint alleges that the United States "is the owner in fee simple of, or possessed of paramount rights in and powers over, the lands, minerals, and other things of value underlying the Pacific Ocean, lying seaward of the ordinary low-water mark on the coast of California and outside of the inland waters of the State, extending seaward three nautical miles and bounded on the north and south, respectively, by the northern and southern boundaries of the State of California." It is further alleged that California, acting pursuant to State statutes, but without authority from the United States, has negotiated and executed numerous leases with persons and corporations purporting to authorize them to enter upon the described ocean area to take petroleum, gas, and other mineral deposits, and that the lessees have done so, paying to California large sums of money in rents and royalties for the petroleum products taken. The prayer is for a decree declaring the rights of the United States in the area as against California and enjoining California and all persons claiming under it from continuing to trespass upon the area in violation of the rights of the United States.

California has filed an answer to the complaint. It admits that persons holding leases from California, or those claiming under it, have been extracting petroleum products from the land under the 3-mile ocean belt

immediately adjacent to California. The basis of California's asserted ownership is that a belt extending three English miles from low-water mark lies within the original boundaries of the State, California Constitution, article XII (1849);[1] that the Original Thirteen States acquired from the Crown of England title to all lands within their boundaries under navigable waters, including a 3-mile belt in adjacent seas; and that since California was admitted as a State on an equal footing with the original States, California at that time became vested with title to all such lands. The answer further sets up several affirmative defenses. Among these are that California should be adjudged to have title under a doctrine of prescription; because of an alleged long existing congressional policy of acquiesence in California's asserted ownership; because of estoppel or laches; and, finally, by application of the rule of res judicata.[2]

After California's answer was filed, the United States moved for judgment as prayed for in the complaint on the ground that the purported defenses were not sufficient in law. The legal issues thus raised have been exhaustively presented by counsel for the parties, both by brief and oral argument. Neither has suggested any necessity for the introduction of evidence, and we perceive no such necessity at this stage of the case. It is now ripe for determination of the basic legal issues presented by the motion. But before reaching the merits of these issues, we must first consider questions raised in California's brief and oral argument concerning the Government's right to an adjudication of its claim in this proceeding.

First. It is contended that the pleadings present no case or controversy under Article III, section 2, of the Constitution. The contention rests in the first place on an argument that there is no case or controversy in a legal sense, but only a difference of opinion between Federal and State officials. It is true that there is a difference of opinion between Federal and State officers. But there is far more than that. The point of difference is as to who owns, or has paramount rights in and power over, several thousand square miles of land under the ocean off the coast of California. The difference involves the conflicting claims of Federal and State officials as to which government, State or Federal, has a superior right to take or authorize the taking of the vast quantities of oil and gas underneath that land, much of which has already been, and more of which is about to be, taken by or under authority of the State. Such concrete conflicts as these constitute a controversy in the classic legal sense, and are the very kind of differences which can only be settled by agreement, arbitration, force, or judicial action. The case principally relied upon by California, *United States* v. *West Virginia* (295 U. S. 463), does not support its contention. For here there is a claim by the United States, admitted by California, that California has invaded the title or paramount right asserted by the United States to a large area of land and that California has converted to its own use oil which was extracted from that land (cf. *United States* v. *West Virginia*, supra, 471). This alone would sufficiently establish the kind of concrete, actual conflict of which we have jurisdiction under article III. The justiciability of this controversy rests therefore on conflicting claims of alleged invasions of interests in property and on conflicting claims of governmental powers to authorize its use (*United States* v. *Texas* (143 U. S. 621, 646, 648); *United States* v. *Minnesota* (270 U. S. 181, 194); *Nebraska v. Wyoming* (325 U. S. 589, 608)).

Nor can we sustain that phase of the State's contention as to the absence of a case or controversy resting on the argument that it is impossible to identify the subject matter of the suit so as to render a proper decree. The land claimed by the Government, it is said, has not been sufficiently described in the complaint since the only shoreward boundary of some segments of the marginal belt is the line between that belt and the State's inland waters. And the Government includes in the term "inland waters" ports, harbors, bays, rivers, and lakes. Pointing out the numerous difficulties in fixing the point where these inland waters end and the marginal sea begins, the State argues that the pleadings are therefore wholly devoid of a basis for a definite decree, the kind of decree essential to disposition of a case like this. Therefore, California concludes, all that is prayed for is an abstract declaration of rights concerning an unidentified 3-mile belt, which could only be used as a basis for subsequent actions in which specific relief could be granted as to particular localities.

We may assume that location of the exact coastal line will involve many complexities and difficulties. But that does not make this any the less a justiciable controversy. Certainly demarcation of the boundary is not an impossibility. Despite difficulties this Court has previously adjudicated controversies concerning submerged land boundaries. (See *New Jersey* v. *Delaware* (291 U. S. 361, 295 U. S. 694); *Borax Ltd. v. Los Angeles* (296 U. S. 10, 21-27); *Oklahoma* v. *Texas* (256 U. S. 70, 602).) And there is no reason why, after determining in general who owns the 3-mile belt here involved, the Court might not later, if necessary, have more detailed hearings in order to determine with greater definiteness particular segments of the boundary. (*Oklahoma* v. *Texas* (258 U. S. 574, 582).) Such practice is commonplace in actions similar to this which are in the nature of equitable proceedings. (See *e. g. Oklahoma* v. *Texas* (256 U. S. 608-609; 260 U. S. 606, 625, 261 U. S. 340).) California's contention concerning the indefiniteness of the claim presents no insuperable obstacle to the exercise of the highly important jurisdiction conferred on us by article III of the Constitution.

Second. It is contended that we should dismiss this action on the ground that the Attorney General has not been granted power either to file or to maintain it. It is not denied that Congress has given a very broad authority to the Attorney General to institute and conduct litigation in order to establish and safeguard Government rights and properties.[3] The argument is that Congress has for a long period of years acted in such a way as to manifest a clear policy to the effect that the States, not the Federal Government, have legal title to the land under the 3-mile belt. Although Congress has not expressly declared such a policy, we are asked to imply it from certain conduct of Congress and other governmental agencies charged with responsibilities concerning the national domain. And, in effect, we are urged to infer that Congress has by implication amended its long-existing statutes which grant the Attorney General broad powers to institute and maintain court proceedings in order to safeguard national interests.

An act passed by Congress and signed by the President could, of course, limit the power previously granted the Attorney General to prosecute claims for the Government. For article IV, section 3, clause 2 of the Constitution vests in Congress "Power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States." We have said that the constitutional power of Congress in this respect is without limitation. *United States* v. *San Francisco* (310 U. S. 16, 29-30). Thus neither the courts nor the executive agencies could proceed contrary to an act of Congress in this congressional area of national power.

But no act of Congress has amended the statutes which impose on the Attorney General the authority and the duty to protect the Government's interests through the courts. See *In re Cooper* (143 U. S. 472, 502-503). That Congress twice failed to grant the Attorney General specific authority to file suit against California,[4] is not a sufficient basis upon which to rest a restriction of the Attorney General's statutory authority. And no more can we reach such a conclusion because both Houses of Congress passed a joint resolution quitclaiming to the adjacent States a 3-mile belt of all land situated under the ocean beyond the low-water mark, except those which the Government had previously acquired by purchase, condemnation, or donation.[5] This joint resolution was vetoed by the President.[6] His veto was sustained.[7] Plainly, the resolution does not represent an exercise of the constitutional power of Congress to dispose of public property under article IV, section 3, clause 2.

Neither the matter to which we have specifically referred, nor any others relied on by California, afford support for a holding that Congress has either explicitly or by implication stripped the Attorney General of his statutorily granted power to invoke our jurisdiction in this Federal-State controversy. This brings us to the merits of the case.

Third. The crucial question on the merits is not merely who owns the bare legal title

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[1] The Government complaint claims an area extending 3 nautical miles from shore; the California boundary purports to extend 3 English miles. One nautical mile equals 1.15 English miles, so that there is a difference of .45 of an English mile between the boundary of the area claimed by the Government, and the boundary of California. See California Constitution article XXI, sec. 1 (1879).

[2] The claim of res judicata rests on the following contention: The United States sued in ejectment for certain lands situated in San Francisco Bay. The defendant held the lands under a grant from California. This court decided that the State grant was valid because the land under the bay had passed to the State upon its admission to the Union. *United States* v. *Mission Rock Co.* (189 U. S. 391). There may be other reasons why the judgment in that case does not bar this litigation; but it is a sufficient reason that this case involves land under the open sea, and not land under the inland waters of San Francisco Bay.

[3] 5 U. S. C., secs. 291, 309; *United States* v. *San Jacinto Tin Co.* (125 U. S. 273, 279, 284); *Kern River Co.* v. *United States* (257 U. S. 147, 154-55); *Sanitary District* v. *United States* (266 U. S. 405, 425-426); see also *In re Debs* (158 U. S. 564, 584); *United States* v. *Oregon* (295 U. S. 1, 24); *United States* v. *Wyoming* (323 U. S. 669, 331 U. S. —).

[4] S. J. Res. 208, 75th Cong., 1st sess. (1938); S. J. Res. 83 and 92, 76th Cong., 1st sess. (1939). S. J. Res. 208 passed the Senate, 81 CONGRESSIONAL RECORD, 9326 (1938), was favorably reported by the House Judiciary Committee, H. Rept. 2378, 75th Cong., 3d sess. (1938), but was never acted on in the House. Hearings were held on S. J. Res. 83 and 92 before the Senate Committee on Public Lands and Surveys, but no further action was taken. Hearings before the Senate Committee on Public Lands and Surveys on S. J. Res. 83 and 92, 76th Cong., 1st sess. (1939). In both hearings objections to the resolutions were repeatedly made on the ground that passage of the resolutions was unnecessary since the Attorney General already had statutory authority to institute the proceedings. See Hearings Before the House Committee on the Judiciary on S. Res. 208, 75th Cong., 3d sess., 42-45, 59-61 (1938); Hearings on S. J. Res. 83 and 92, supra, 27-30.

[5] H. J. Res. 225, 79th Cong., 2d sess. (1946); 92 CONGRESSIONAL RECORD 9452, 19316 (1946).

[6] 92 CONGRESSIONAL RECORD 10660 (1946).

[7] 92 CONGRESSIONAL RECORD 10745 (1946).

to the lands under the marginal sea. The United States here asserts rights in two capacities transcending those of a mere property owner. In one capacity it asserts the right and responsibility to exercise whatever power and dominion are necessary to protect this country against dangers to the security and tranquillity of its people incident to the fact that the United States is located immediately adjacent to the ocean. The Government also appears in its capacity as a member of the family of nations. In that capacity it is responsible for conducting United States relations with other nations. It asserts that proper exercise of these constitutional responsibilities requires that it have power, unencumbered by State commitments, always to determine what agreements will be made concerning the control and use of the marginal sea and the land under it. (See *McCulloch* v. *Maryland* (4 Wheat. 316, 403–408); *United States* v. *Minnesota* (270 U. S. 181, 194).) In the light of the foregoing, our question is whether the State or the Federal Government has the paramount right and power to determine in the first instance when, how, and by what agencies, foreign or domestic, the oil and other resources of the soil of the marginal sea, known or hereafter discovered, may be exploited.

California claims that it owns the resources of the soil under the 3-mile marginal belt as an incident to those elements of sovereignty which it exercises in that water area. The State points out that its original constitution, adopted in 1849 before that State was admitted to the Union, included within the State's boundary the water area extending three English miles from the shore (California Constitution (1849) art. XII, sec. 1); that the enabling act which admitted California to the Union ratified the territorial boundary thus defined; and that California was admitted "on an equal footing with the original States in all respects whatever" (9 Stat. 452). With these premises admitted, California contends that its ownership follows from the rule originally announced in *Pollard's Lessee* v. *Hagan* (3 How. 212); see also *Martin* v. *Waddell* (16 Pet. 367, 410). In the Pollard case it was held, in effect, that the original States owned in trust for their people the navigable tidewaters between high and low water mark within each State's boundaries, and the soil under them, as an inseparable attribute of State sovereignty. Consequently, it was decided that Alabama, because admitted into the Union on an equal footing with the other States, had thereby become the owner of the tidelands within its boundaries. Thus the title of Alabama's tidelands grantee was sustained as valid against that of a claimant holding under a United States grant made subsequent to Alabama's admission as a State.

The Government does not deny that under the Pollard rule, as explained in later cases,[8] California has a qualified ownership[9] of lands under inland navigable water such as rivers, harbors, and even tidelands down to the low-water mark. It does question the validity of the rationale in the Pollard case that ownership of such water areas, any more than ownership of uplands, is a necessary incident of the State sovereignty contemplated by the "equal footing" clause. (Cf. *United States* v. *Oregon* (295 U. S. 1, 14).) For this reason, among others, it argues that the Pollard rule should not be extended so as to apply to lands under the ocean. It stresses that the Thirteen Original Colonies did not own the marginal belt; that the Federal Government did not seriously assert its increasingly greater rights in this area until after the formation of the Union; that it has not bestowed any of these rights upon the States, but has retained them as appurtenances of national sovereignty; and the Government insists that no previous case in this Court has involved or decided conflicting claims of a State and the Federal Government to the 3-mile belt in a way which requires our extension of the Pollard inland-water rule to the ocean area.

It would unduly prolong our opinion to discuss in detail the multitude of references to which the able briefs of the parties have cited us with reference to the evolution of powers over marginal seas exercised by adjacent countries. From all the wealth of material supplied, however, we cannot say that the Thirteen Original Colonies separately acquired ownership to the 3-mile belt or the soil under it,[10] even if they did acquire elements of the sovereignty of the English Crown by their revolution against it (cf. *United States* v. *Curtiss-Wright Export Corp.* (299 U. S. 304, 316)).

At the time this country won its independence from England there was no settled international custom or understanding among nations that each nation owned a 3-mile water belt along its borders. Some countries, notably England, Spain, and Portugal, had, from time to time, made sweeping claims to a right of dominion over wide expanses of ocean. And controversies had arisen among nations about rights to fish in prescribed areas.[11] But when this Nation was formed, the idea of a 3-mile belt over which a littoral nation could exercise rights of ownership was but a nebulous suggestion.[12]

Neither the English charters granted to this Nation's settlers,[13] nor the treaty of peace with England,[14] nor any other document to which we have been referred, showed a purpose to set apart a 3-mile ocean belt for colonial or State ownership.[15] Those who settled this country were interested in lands upon which to live, and waters upon which to fish and sail. There is no substantial support in history for the idea that they wanted or claimed a right to block off the ocean's bottom for private ownership and use in the extraction of its wealth.

It did happen that shortly after we became a Nation, our statesmen became interested in establishing national dominion over a definite marginal zone to protect our neutrality.[16] Largely as a result of their efforts, the idea of a definite 3-mile belt in which an adjacent nation can, if it chooses, exercise broad, if not complete, dominion has apparently at last been generally accepted throughout the world,[17] although as late as 1876 there was still considerable doubt in England about its scope and even its existence. (See *The Queen* v. *Keyn* (L. R. 2, Exch. Div. 63).) That the political agencies of this Nation both claim and exercise broad dominion and control over our 3-mile marginal belt is now a settled fact (*Cunard Steamship Co.* v. *Mellon* (262 U. S. 100, 122–124)).[18] And

[8] See e. g., *Manchester* v. *Massachusetts* (139 U. S. 240); *Louisiana* v. *Mississippi* (202 U. S. 1); *The Abby Dodge* (223 U. S. 166). See also *United States* v. *Mission Rock Co.* (198 U. S. 391); *Borax, Ltd.* v. *Los Angeles* (296 U. S. 10). Although the Pollard case has thus been generally approved many times, the case of *Shively* v. *Bowlby* (152 U. S. 1, 47–48, 58) held, contrary to implications of the Pollard opinion, that the United States could lawfully dispose of tidelands while holding a future State's land "in trust" as a territory.

[9] See *United States* v. *Commodore Park* (324 U. S. 386, 390, 391); *Scranton* v. *Wheeler* (179 U. S. 141, 159, 160, 163); *Stockton* v. *Baltimore & N. Y. R. Co.* (32 F. 9, 20); see also *United States* v. *Chandler-Dunbar Co.* (229 U. S. 53).

[10] A representative collection of official documents and scholarship on the subject is Crocker, The Extent of the Marginal Sea (1919). See also I Azuni, Maritime Law of Europe (published 1806) ch. II; Fulton, Sovereignty of the Sea (1911); Masterson, Jurisdiction in Marginal Seas (1929); Jessup, The Law of Territorial Waters and Maritime Jurisdiction (1927); Fraser, The Extent and Delimitation of Territorial Waters, 11 Corn. L. Q. 455 (1926); Ireland, Marginal Seas Around the States, 2 La. L. Rev. 252, 436 (1940); Comment, Conflicting State and Federal Claims of Title in Submerged Lands of the Continental Shelf, 56 Yale L. J. 356 (1947).

[11] See, e. g., Fulton, op. cit. supra, 3–19, 144–145; Jessup, op. cit. supra, 4.

[12] Fulton, op. cit. supra, 21, says in fact that "mainly through the action and practice of the United States of America and Great Britain since the end of the eighteenth century, the distance of three miles from shore was more or less formally adopted by most maritime states as * * * more definitely fixing the limits of their jurisdiction and rights for various purposes, and, in particular, for exclusive fishery."

[13] Collected in Thorpe, American Charters, Constitutions, and Organic Laws (1919).

[14] Treaty of 1783, 8 Stat. 80.

[15] The Continental Congress did, for example, authorize capture of neutral and even American ships carrying British goods, "if found within 3 leagues (about 9 miles) of the coasts." (Journ. of Cong. 185, 186, 187 (1781).) Cf. Declaration of Panama of 1939, 1 Dept. of State Bull. 321 (1939), claiming the right of the American Republics to be free from a hostile act in a zone 300 miles from the American coasts.

[16] Secretary of State Jefferson in a note to the British Minister in 1793 pointed to the nebulous character of a nation's assertions of territorial rights in the marginal belt, and put forward the first official American claim for a 3-mile zone which has since won general international acceptance. Reprinted in H. Ex. Doc. No. 324, 42d Cong., 2d sess. (1872), 553–554. See also Secretary Jefferson's note to the French Minister, Genet, reprinted American State Papers, I Foreign Relations (1833), 183, 384; act of June 5, 1794, 1 Stat. 381; 1 Kent, Commentaries, 14th ed., 33–40.

[17] See Jessup, op. cit. supra, 66; Research in International Law, 23 A. J. I. L. 249, 250 (Spec. Supp. 1929).

[18] See also *Church* v. *Hubbard* (2 Cranch 187, 234). Congressional assertion of a territorial zone in the sea appears in statutes regulating seals, fishing, pollution of waters, etc. 36 Stat. 325, 328; 43 Stat. 604, 605; 37 Stat. 499, 501. Under the National Prohibition Act territory including "a marginal belt of the sea extending from low-water mark outward a marine league, or three geographical miles" constituting "the territorial waters of the United States" was regulated. 41 Stat. 305. Reprinted in Research in International Law, supra, 250. Anti-smuggling treaties in which foreign nations agreed to permit the United States to pursue smugglers beyond the 3-mile limit contained express stipulations that generally the 3-mile limit constitutes "the proper limits of territorial waters." See e. g., 43 Stat. 1761 (pt. 2). There are innumerable executive declarations to the world of our national claims to the 3-mile belt, and more recently to the whole continental shelf. For references to diplomatic correspondence making these assertions. (See 1 Moore, International Law Digest (1906), 705, 706, 707; 1 Wharton, Digest of International Law (1886), 100. See also Hughes, Recent Questions and Negotiations, 18 A. J. I. L. 229 (1924)). The latest and broadest claim is President Truman's recent proclamation that the United States "regards the natural resources of the subsoil and sea bed of the continental shelf beneath the high seas but contiguous to the coasts of the United States as appertaining to the United States, subject to its jurisdiction and control." (Exec. Proc. 2667, September 28, 1945, 10 F. R. 12303.)

this assertion of national dominion over the 3-mile belt is binding upon this Court. (See *Jones* v. *United States* (137 U. S. 202, 212–21'); *In re Cooper* (143 U. S. 472, 502–503).)

Not only has acquisition, as it were, of the 3-mile belt, been accomplished by the National Government, but protection and control of it has been and is a function of national external sovereignty. (See *Jones* v. *United States* (137 U. S. 202); *In re Cooper* (143 U. S. 472, 502).) The belief that local interests are so predominant as constitutionally to require state dominion over lands under its land-locked navigable waters finds some argument for its support. But such can hardly be said in favor of state control over any part of the ocean or the ocean's bottom. This country, throughout its existence, has stood for freedom of the seas, a principle whose breach has precipitated wars among nations. The country's adoption of the 3-mile belt is by no means incompatible with its traditional insistence upon freedom of the sea, at least so long as the National Government's power to exercise control consistently with whatever international undertakings or commitments it may see fit to assume in the national interest is unencumbered. (See *Hines* v. *Davidowitz* (312 U. S. 52, 62–64); *McCulloch* v. *Maryland*, supra.) The 3-mile rule is but a recognition of the necessity that a government next to the sea must be able to protect itself from dangers incident to its location. It must have powers of dominion and regulation in the interests of its revenues, its health, and the security of its people from wars waged on or too near its coasts. And insofar as the nation asserts its rights under international law, whatever of value may be discovered in the seas next to its shores and within its protective belt will most naturally be appropriated for its use. But whatever any nation does in the open sea which detracts from its common usefulness to nations, or which another nation may charge detracts from it,[19] is a question for consideration among nations as such, and not their separate governmental units. What this Government does, or even what the States do, anywhere in the ocean is a subject upon which the Nation may enter into and assume treaty or similar international obligations. (See *United States* v. *Belmont* (301 U. S. 324, 331–332).) The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement.

The ocean, even its 3-mile belt, is thus of vital consequence to the Nation in its desire to engage in commerce and to live in peace with the world; it also becomes of crucial importance should it ever again become impossible to preserve that peace. And as peace and world commerce are the paramount responsibilities of the Nation, rather than an individual State, so, if wars come, they must be fought by the Nation. (See *Chy Lung* v. *Freeman* (92 U. S. 275, 279).) The State is not equipped in our constitutional system with the powers or the facilities for exercising the responsibilities which would be concomitant with the dominion it seeks. Conceding that the State has been authorized to exercise local police power functions in the part of the marginal belt within its declared boundaries,[20] these do not detract from the Federal Government's paramount rights in and power over this area. Consequently, we are not persuaded to transplant the Pollard rule of ownership as an incident of State sovereignty in relation to inland waters out into the soil beneath the ocean, so much more a matter of national concern. If this rationale of the Pollard case is a valid basis for a conclusion that paramount rights run to the States in inland waters to the shoreward of the low water mark, the same rationale leads to the conclusion that national interests responsibilities, and therefore national rights are paramount in waters lying to the seaward in the 3-mile belt. (*Cf. United States* v. *Curtiss-Wright Corp.* (299 U. S. 304, 316); *United States* v. *Causby* (328 U. S. 256).)

As previously stated this Court has followed and reasserted the basic doctrine of the Pollard case many times. And in doing so it has used language strong enough to indicate that the Court then believed that States not only owned tidelands and soil under navigable inland waters, but also owned soils under all navigable waters within their territorial jurisdiction, whether inland or not. All of these statements were, however, merely paraphrases or offshoots of the Pollard inland water rule, and were used, not as enunciation of a new ocean rule, but in explanation of the old inland water principle. Notwithstanding the fact that none of these cases either involved or decided the State-Federal conflict presented here, we are urged to say that the language used and repeated in those cases forecloses the Government from the right to have this Court decide that question now that it is squarely presented for the first time.

There are three such cases whose language probably lend more weight to California's argument than any others. The first is *Manchester* v. *Massachusetts* (139 U. S. 240). That case involved only the power of Massachusetts to regulate fishing. Moreover, the illegal fishing charged was in Buzzards Bay, found to be within Massachusetts territory, and no question whatever was raised or decided as to title or paramount rights in the open sea. And the Court specifically laid to one side any question as to the rights of the Federal Government to regulate fishing there. The second case, *Louisiana* v. *Mississippi* (202 U. S. 1, 52), uses language about "the sway of the riparian states" over "maritime belts." That was a case involving the boundary between Louisiana and Mississippi. It did not involve any dispute between the Federal and State governments. And the Court there specifically laid aside questions concerning "the breadth of the maritime belt or the extent of the sway of the riparian states" (id. at 52). The third case is *The Abby Dodge* (223 U. S. 166). That was an action against a ship landing sponges at a Florida port in violation of an act of Congress (34 Stat. 313), which made it unlawful to "land" sponges taken under certain conditions from the waters of the Gulf of Mexico. This Court construed the statute's prohibition as applying only to sponges outside the State's "territorial limits" in the Gulf. It thus narrowed the scope of the statute because of a belief that the United States was without power to regulate the Florida traffic in sponges obtained from within Florida's territorial limits, presumably the 3-mile belt. But the opinion in that case was concerned with the State's power to regulate and conserve within its territorial waters, not with its exercise of the right to use and deplete resources which might be of national and international importance. And there was no argument there, nor did this Court decide whether the Federal Government owned or had paramount rights in the soil under the Gulf waters. That this question remained undecided is evidenced by *Skiriotes* v. *Florida* (313 U. S. 69, 75), where we had occasion to speak of Florida's power over sponge fishing in its territorial waters. Through Mr. Chief Justice Hughes, we said: "It is also clear that Florida has an interest in the proper maintenance of the sponge fishery and that the [State] statute so far as applied to conduct within the territorial waters of Florida, in the absence of conflicting Federal legislation, is within the police power of the State."

None of the foregoing cases, nor others which we have decided, are sufficient to require us to extend the Pollard inland water rule so as to declare that California owns or has paramount rights in or power over the 3-mile belt under the ocean. The question of who owned the bed of the sea only became of great potential importance at the beginning of this century when oil was discovered there.[21] As a consequence of this discovery, California passed an act in 1921 authorizing the granting of permits to California residents to prospect for oil and gas on blocks of land off its coast under the ocean (Cal. Stats. 1921, c. 303). This State statute, and others which followed it, together with the leasing practices under them, have precipitated this extremely important controversy, and pointedly raised this State-Federal conflict for the first time. Now that the question is here, we decide for the reasons we have stated that California is not the owner of the 3-mile marginal belt along its coast, and that the Federal Government rather than the State has paramount rights in and power over that belt, an incident to which is full dominion over the resources of the soil under that water area, including oil.

Fourth. Nor can we agree with California that the Federal Government's paramount rights have been lost by reason of the conduct of its agents. The State sets up such a defense, arguing that by this conduct the Government is barred from enforcing its rights by reason of principles similar to laches, estoppel, adverse possession. It would serve no useful purpose to recite the incidents in detail upon which the State relies for these defenses. Some of them are undoubtedly consistent with a belief on the part of some Government agents at the time that California owned all or at least a part of the 3-mile belt. This belief was indicated in the substantial number of instances in which the Government acquired title from the States to lands located in the belt; some decisions of the Department of the Interior have denied applications for Federal oil and gas leases in the California coastal belt on the ground that California owned the lands. Outside of court decisions following the Pollard rule, the foregoing are the types of conduct most nearly indicative of waiver upon which the State relies to show that the Government has lost its paramount rights in the belt. Assuming that Government agents could by conduct, short of a congressional surrender of title or interest, preclude the Government from asserting its legal rights, we cannot say it has done so here.

As a matter of fact, the record plainly demonstrates that until the California oil issue began to be pressed in the thirties, neither the States nor the Government had reason to focus attention on the question of which of them owned or had paramount rights in or power over the 3-mile belt. And even assuming that Government agencies have been negligent in failing to recognize or assert the claims of the Government at an earlier date, the great interests of the Government in this ocean area are not to be forfeited as a result. The Government, which holds its interests here as elsewhere in trust for all the people, is not to be deprived of those interests by the ordinary court rules designed particularly for private disputes over individually owned pieces of property; and officers who have no authority at all to dispose of Government property cannot by their conduct cause the Government to lose its valuable rights by

[19] See *Lord* v. *Steamship Co.* (102 U. S. 541, 544).

[20] See *Utah Power & Light Co.* v. *United States* (243 U. S. 389, 404); *cf. The Abbey Dodge* (223 U. S. 166) with *Skiriotes* v. *Florida* (313 U. S. 69, 74–75).

[21] Bull, No. 321, Dept. of the Interior, Geological Survey.

their acquiescence, laches, or failure to act.[22]

We have not overlooked California's argument, buttressed by earnest briefs on behalf of other States, that improvements have been made along and near the shores at great expense to public and private agencies. And we note the Government's suggestion that the aggregate value of all these improvements are small in comparison with the tremendous value of the entire 3-mile belt here in controversy. But however this may be, we are faced with the issue as to whether State or Nation has paramount rights in and power over this ocean belt, and that great national question is not dependent upon what expenses may have been incurred upon mistaken assumptions. Furthermore, we cannot know how many of these improvements are within and how many without the boundary of the marginal sea which can later be accurately defined. But beyond all this we cannot and do not assume that Congress, which has constitutional control over Government property, will execute its powers in such way as to bring about injustices to States, their subdivisions, or persons acting pursuant to their permission. See *United States* v. *Texas* (162 U. S. 1, 89, 90); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32).

We hold that the United States is entitled to the relief prayed for. The parties, or either of them, may, before September 15, 1947, submit the form of decree to carry this opinion into effect, failing which the Court will prepare and enter an appropriate decree at the next term of Court.

It is so ordered.

Mr. Justice Jackson took no part in the consideration or decision of this case.

DISSENT OF MR. JUSTICE REED

In my view the controversy brought before this Court by the complaint of the United States against California seeks a judgment between State and Nation as to the ownership of the land underlying the Pacific Ocean, seaward of the ordinary low-water mark, on the coast of California and within the 3-mile limit. The ownership of that land carries with it, it seems to me, the ownership of any minerals or other valuables in the soil, as well as the right to extract them.

The determination as to the ownership of the land in controversy turns for me on the fact as to ownership in the Original Thirteen States of similar lands prior to the formation of the Union. If the original States owned the bed of the sea, adjacent to their coasts, to the 3-mile limit, then I think California has the same title or ownership to the lands adjacent to her coast. The original States were sovereignties in their own right, possessed of so much of the land underneath the adjacent seas as was generally recognized to be under their jurisdiction. The scope of their jurisdiction and the boundaries of their lands were coterminous. Any part of that territory which had not passed from their ownership by existing valid grants were and remained public lands of the respective States. California, as is customary, was admitted into the Union "on an equal footing with the original States in all respects whatever" (9 Stat. 452). By section 3 of the Act of Admission, the public lands within its borders were reserved for disposition by the United State. "Public lands" was there used in its usual sense of lands subject to sale under general laws. As was the rule, title to lands under navigable waters vested in California as it had done in all other States (*Pollard* v. *Hagan* (3 How. 212); *Barney* v. *Keokuk* (94 U. S. 324, 338); *Shively* v. *Bowlby* (152 U. S. 1, 49); *Mann* v. *Tacoma Land Co.* (153 U. S. 273, 284); *Borax Consolidated, Ltd.* v. *Los Angeles* (296 U. S. 10, 17)).

The authorities cited in the Court's opinion lead me to the conclusion that the original States owned the lands under the seas to the 3-mile limit. There, of course, as is shown by the citations, variations in the claims of sovereignty, jurisdiction, or ownership among the nations of the world. As early as 1793, Jefferson, as Secretary of State, in a communication to the British Minister said that the territorial protection of the United States would be extended "three geographical miles" and added:

"This distance can admit of no opposition, as it is recognized by treaties between some of the powers with whom we are connected in commerce and navigation, and is as little, or less, than is claimed by any of them on their own coasts." (H. Ex. Doc. No. 324, 42d Cong., 2d sess., pp. 553-554.)

If the original States did claim, as I think they did, sovereignty and ownership to the 3-mile limit, California has the same rights in the lands bordering its littoral.

This ownership in California would not interfere in any way with the needs or rights of the United States in war or peace. The power of the United States is plenary over these undersea lands precisely as it is over every river, farm, mine, and factory of the Nation. While no square ruling of this Court has determined the ownership of those marginal lands, to me the tone of the decisions dealing with similar problems indicates that, without discussion, State ownership has been assumed (*Pollard* v. *Hagan, supra; Louisiana* v. *Mississippi* (202 U. S. 1, 52); *The Abby Dodge* (223 U. S. 166); *New Jersey* v. *Delaware* (291 U. S. 361; 295 U. S. 694)).

DISSENT OF MR. JUSTICE FRANKFURTER

By this original bill, the United States prayed for a decree enjoining all persons, including those asserting a claim derived from the State of California from trespassing upon the disputed area. An injunction against trespassers normally presupposes property rights. The Court, however, grants the prayer but does not do so by finding that the United States has proprietary interests in the area. To be sure it denies such proprietary rights in California. But even if we assume an absence of ownership or possessory interest on the part of California, that does not establish a proprietary interest in the United States. It is significant that the Court does not adopt the Government's elaborate argument, based on dubious and tenuous writings of publicists, that this part of the open sea belongs, in a proprietary sense, to the United States. (See Schwarzenberger, Inductive Approach to International Law, 60 Harv. L. Rev. 539, 559.) Instead, the Court finds trespass against the United States on the basis of what it calls the national dominion by the United States over this area.

To speak of dominion carries precisely those overtones in the law which relate to property and not to political authority. Dominion, from the Roman concept dominium, was concerned with property and ownership, as against imperium, which related to political sovereignty. One may choose to say, for example, that the United States has national dominion over navigable streams. But the power to regulate commerce over these streams, and its continued exercise, do not change the imperium of the United States into dominium over the land below the waters. Of course, the United States has paramount rights in the sea belt of California—the rights that are implied by the power to regulate interstate and foreign commerce, the power of condemnation, the treaty-making power, the war power. We have not now before us the validity of the exercise of any of these paramount rights. Rights of ownership are here asserted—and rights of ownership are something else. Ownership implies acquisition in the various ways in which land is acquired—by conquest, by discovery and claim, by cession, by prescription, by purchase, by condemnation. When and how did the United States acquire this land?

The fact that these oil deposits in the open sea may be vital to the national security, and important elements in the conduct of our foreign affairs, is no more relevant than is the existence of uranium deposits, wherever they may be, in determining questions of trespass to the land of which they form a part. This is not a situation where an exercise of national power is actively and presently interfered with. In such a case the inherent power of a Federal court of equity may be invoked to prevent or remove the obstruction. (*In re Debs* (158 U. S. 564); *Sanitary District* v. *United States* (266 U. S. 405).) Neither the bill nor the opinion sustaining it suggests that there is interference by California or the alleged trespassers with any authority which the Government presently seeks to exercise. It is beside the point to say that "if wars come, they must be fought by the Nation." Nor is it relevant that "The very oil about which the State and Nation here contend might well become the subject of international dispute and settlement." It is common knowledge that uranium has become "the subject of international dispute" with a view to settlement. Compare *Missouri* v. *Holland* (252 U. S. 416).

To declare that the Government has "national dominion" is merely a way of saying that vis-a-vis all other nations the government is the sovereign. If that is what the court's decree means, it needs no pronouncement by this Court to confer or declare such sovereignty. If it means more than that, it implies that the Government has some proprietary interest. That has not been remotely established except by sliding from absence of ownership by California to ownership by the United States.

Let us assume for the present that ownership by California cannot be proven. On a fair analysis of all the evidence bearing on ownership, then this area is, I believe, to be deemed unclaimed land, and the determination to claim it on the part of the United States is a political decision not for this Court. The Constitution places vast authority for the conduct of foreign relations in the independent hands of the President. (See *United States* v. *Curtiss-Wright Corp.* (299 U. S. 304).) It is noteworthy that the Court does not treat the President's proclamation in regard to the disputed area as an assertion of ownership. If California is found to have no title, and this area is regarded as unclaimed land, I have no doubt that the President and the Congress between them could make it part of the national domain and thereby bring it under article IV, section 3, of the Constitution. The disposition of the area, the rights to be created in it, the rights heretofore claimed in it through usage that might be respected though it fall short of prescription, all raise appropriate questions of policy, questions of accommodation, for the determination of which Congress and not this Court is the appropriate agency.

Today this Court has decided that a new application even in the old field of torts should not be made by adjudication, where Congress has refrained from acting. (*United States* v. *Standard Oil Co.* (330 U. S. —).) Considerations of judicial self-restraint would seem to me far more compelling where there are obviously at stake claims that involve so many far reaching, complicated, historic interests, the proper adjustments of which are not readily resolved by the materials and methods to which this Court is confined.

This is a summary statement of views which it would serve no purpose to elaborate. I think that the bill should be dismissed without prejudice.

[22] *United States* v. *San Francisco* (310 U. S. 16, 31-32); *Utah* v. *United States* (284 U. S. 534, 545, 546); *Lee Wilson & Co.* v. *United States* (245 U. S. 24, 32); *Utah Power & Light Co.* v. *United States* (243 U. S. 389, 409). See also *Sec'y of State for India* v. *Chelikani Rama Rao, L. R.* (43 Indian App, 192, 204 (1916)).

CONTROL OF POSSESSION, ETC., OF PISTOLS AND OTHER DANGEROUS WEAPONS IN THE DISTRICT OF COLUMBIA

Mr. COOPER. Mr. President, I ask unanimous consent for the immediate consideration of House bill 493, which is not on the call today. Upon two previous occasions when the calendar was called I objected to the consideration of the bill, which applies solely to the District of Columbia, and provides generally that police officers shall have the right to search and arrest a person suspected of carrying a concealed weapon as if for a felony. I propose to offer an amendment if the bill is considered.

I wish to say that I have explained to the two Senators concerned—the Senator from Missouri [Mr. KEM] and the Senator from Delaware [Mr. BUCK]—and there is no objection.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 493) to amend section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D. C. Code, 1940 edition).

Mr. COOPER. Mr. President, I now offer an amendment in the nature of a substitute, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

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

That section 4 of the act entitled "An act to control the possession, sale, transfer, and use of pistols and other dangerous weapons in the District of Columbia," approved July 8, 1932 (sec. 22, 3204 D. C. Code, 1940 ed.), is amended by adding at the end of such section a new sentence as follows: "Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than $750 and not more than $2,000 or by imprisonment for not less than 1 year and not more than 3 years, or by both such fine and imprisonment."

The amendment was agreed to.

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

The bill was read the third time and passed.

ADDITIONAL ASSISTANT SECRETARY OF COMMERCE

Mr. WHITE. Mr. President, at the last call of the calendar, objection was voiced by the Senator from California [Mr. KNOWLAND] to the consideration at that time of Senate bill 1421, which is number 281 on today's calendar. The Senator from California has advised me that he acted in the name and on behalf of the Senator from Minnesota [Mr. BALL]. Both Senators have advised me that they have no objection to the bill. Therefore, I ask unanimous consent that we recur to Senate bill 1421, Calendar No. 281; and I request its immediate consideration.

The PRESIDING OFFICER. The bill will be read by title.

The CHIEF CLERK. A bill (S. 1421) to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes.

Mr. BALL. Mr President, I objected to the consideration of this bill at the first call of the calendar because I was under the impression that there already were two assistant secretaries in the Department of Commerce. Upon inquiry, I find there is only one Assistant Secretary, who devotes his full time to the Civil Aeronautics Administration work, and that the Department needs an additional Assistant Secretary to supervise the Bureau of Foreign and Domestic Commerce and its various field offices. I have been assured by Mr. Foster, the Under Secretary, that the enactment of the bill will not result in any increase in appropriations. Therefore, I have no objection to the bill.

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

There being no objection, the bill (S. 1421) to provide for the appointment of one additional Assistant Secretary of Commerce, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That there shall be in the Department of Commerce one additional Assistant Secretary of Commerce, who shall be appointed by the President, by and with the advice and consent of the Senate. The Secretary of Commerce may assign to his Assistant Secretaries such duties, including the direction of the Bureau of Foreign and Domestic Commerce, as he shall prescribe, or may be required by law. The Assistant Secretaries of Commerce shall be without numerical distinction of rank and shall have salaries of $10,000 per annum.

NINETEEN HUNDRED AND FORTY-SEVEN SESSION OF PENNSYLVANIA STATE LEGISLATURE

Mr. MARTIN. Mr. President, reference has been made on this floor to the General Assembly of the Commonwealth of Pennsylvania in a manner which reflects a desire to cast discredit upon the Republican majority in that body and to belittle the legislation enacted in the session which has just come to a close.

I have before me an article appearing in the June 18 edition of the Pittsburgh Press, giving a round-up of the 1947 legislative session. This summary sets forth the accomplishments of the general assembly and also lists those proposals which its members failed to enact into law.

Mr. President, I invite the attention of my colleagues to this article, so that they may be in a position to judge whether the session of the Pennsylvania Legislature just closed contributed to the well-being and progress of my State of Pennsylvania and its 10,000,000 citizens. I therefore ask unanimous consent to have this article from the Pittsburgh Press printed in the RECORD and made a part of my remarks.

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

MANY NEW LAWS ON STATE BOOKS AS ASSEMBLY ENDS LONG SESSION—QUITE A FEW OTHERS REJECTED BY LEGISLATORS; 80 PERCENT OF PITTSBURGH PACKAGE PASSED

HARRISBURG, June 18.—When Pennsylvania's lawmakers adjourned their 22-week session here last night they had put a lot of new laws on the State books.

They had turned down many others.

They took their time about it, chalking up most of their progress in the adjournment rush of the final week.

Legislation designed to benefit Pittsburgh, though it faced many obstacles, fared well. Eight of the 10 points of the Pittsburgh package bill became law.

WHAT LEGISLATURE DID IN SESSION

This is what the 1947 legislature did:

PITTSBURGH PACKAGE

Enacted a country-wide smoke control law.

Created the Pittsburgh parking authority.

Authorized the county commissioners to build and operate garbage disposal plants.

Set up a separate city department of parks and recreation.

Created a county transit commission to study and regulate traffic and parking.

Relieved the city from payment of incidental damages in connection with the construction of through highways, such as the Penn-Lincoln Parkway.

Authorized the county planning commission to pass on public improvement projects in townships within the county.

Authorized the city to tax anything not now taxed by the State.

NEW TAXES

Increased tax on beer from one-half cent to 1 cent a bottle.

Put a tax of 1 cent a bottle on soft drinks; one-half cent an ounce on flavoring syrups.

Increased the cigarette tax from 2 cents to 4 cents a pack.

Wiped out most corporations' privilege of writing off trade losses in the form of reduced taxes.

Postponed until 1949 the manufacturers' exemption from payment of the 5-mill capital stock tax.

EDUCATION

Subsidies to local districts increased $48,000,000 to an all-time high of nearly 200 millions in the current 2-year period.

Minimum teachers' salaries in Pittsburgh increased to $2,175, with a range upward to $4,000. Elsewhere in the State the range is $1,950 to $3,400.

Pittsburgh School Board authorized to levy a per capita tax of from $1 to $5 on those over 21, a personal property tax of from 1 to 4 mills and a mercantile tax of one-half mill on wholesalers and 1 mill on retailers.

A State authority voted to erect school buildings and rent them to local districts.

A tax equalization board authorized to adjust real estate tax rates.

Freshman college centers continued for students unable to get into crowded colleges and universities.

LABOR

Strikes banned by employees of State and local governments, including school teachers, and by workers in essential public utilities.

Unemployment compensation to strikers eliminated.

Jobless pay period for jobless workers increased from 20 to 24 weeks.

Picketing made illegal except by employees of a struck plant.

Maximum work week for women and minors extended from 44 to 48 hours and from 5 to 6 days.

Women permitted to work night shifts and guaranteed equal pay for the same work done by men.

Labor unions required to file financial reports.

Jurisdictional strikes and secondary boycotts outlawed.

LOCAL GOVERNMENT

Judges given pay increases ranging from 17 to 20 percent. Most county employees increased 10 percent across the board.

Municipalities permitted to tax anything not taxed by the State.

Municipalities authorized to operate and regulate parking lots.

Cities authorized to ban smoking in stores.

School set up for training officials in good government.

Councils, boards, and other governmental agencies barred from adopting ordinances or transacting business at closed sessions.

HIGHWAYS

Two-hundred-and-fifty-million-dollar road construction and repair program set up.

Three-million-dollar increase to 20 millions in State subsidies to municipalities for roads authorized.

Set up $225,000 for roadside rests.

Highway department authorized to set speed limits below 50 miles per hour on dangerous stretches.

HOUSING

Insurance companies given the right to buy, build, and rent homes, apartments, commercial and industrial buildings.

Cities under 30,000 population, boroughs, and first-class townships permitted to establish housing authorities. (Larger municipalities already have this right.)

State housing board given virtual veto power over Federal subsidies to local districts.

VETERANS

Took first step for payment of a bonus in 1950 with ceiling of $500, based on $15 a month for overseas service and $10 for domestic duty.

INCIDENTAL

Free fishing licenses provided for those totally blind and those who have lost one limb.

Extended to January 1, 1949, the deadline by which State and local personal property taxes must be paid.

CONSUMER PROTECTION

Tightened laws against short-weight sales of coal, vegetables, and fruit.

Enacted a law with teeth to ban "gyp" auto financing.

Barber shops placed under immediate supervision of licensed barbers at all times.

Heavy penalties provided for ticket scalpers.

Misrepresentation of policies by insurance companies outlawed.

Fees for selling margarine reduced to $2 a year.

PUBLIC HEALTH

Set up $89,000,000 for building mental hospitals and other welfare institutions.

Increased 40 percent to $12,262,000 subsidies to general hospitals and provided another million for training nurses.

Provide! $7,000,000 for treatment of diseases among children examined under the school health program.

CONSERVATION

Provided $10,000,000 for long-range flood control, building of dams, reforestation, and recreation.

Provided $1,090,000 to seal abandoned mines to prevent drainage of acids into streams used as water sources by municipalities.

JUVENILE DELINQUENCY

Youths required to give proof of age before they can buy liquor or beer in bars.

COMMERCE AND BUSINESS

Advertising campaign expanded to sell Pennsylvania as a desirable place to establish business, to live, and in which to spend vacations.

Made permanent taxes for employers whose labor turn-over is low.

ELECTIONS

Moved Republican Party from second to first place on the ballot.

Ratified proposed amendment to the United States Constitution to limit future Presidents to two terms.

Changed the date of the primary from June to September.

EXPENSE ACCOUNTS

The legislators voted themselves expense accounts and clerical-hire allowances of $2,400 for their 2-year terms.

WHAT LEGISLATURE REFUSED TO DO

Here are some of the things the legislature failed to do:

Refused to remove restrictions on margarine, prohibited presale coloring, required monthly reports from grocers of purchases, and compelled restaurants which serve it to say so on their menus.

Refused to require bakers to fortify bread with vitamins.

Refused to pass fair-employment-practices legislation in spite of pleas from Governor Duff.

Refused to make the State responsible for the upkeep of bridges on State highways in cities.

REFUSED APPEAL

Refused to authorize municipalities to complain to the public utilities commission in cases involving mass transportation.

Refused to pass the boxcar-truck bill to increase the weight of semitrailers from 45,000 to 62,000 pounds.

Refused to authorize municipalities to decide whether they want to permit playing of hockey between 2 and 6 p. m. on Sundays.

Refused to put controls on under-the-counter sales of new and used cars at inflated prices.

NO CLOSED-SHOP BAN

Refused to ban the closed shop or to enact a series of bills which labor leaders declared were "punitive and restrictive."

Refused to appropriate $10,000,000 to consolidate schools and thus remove the little red school house from the Pennsylvania scene.

Refused to approve the "Allegheny County Package" to transfer millions of dollars in local taxes to the State.

Refused to recodify the State's liquor laws to permit appeals to the superior court by either the licensee or the State. This would have ended the differences among counties as to whether clubs are or are not included in the quota law limiting permits to 1 for each 1,000 population in any community.

REAPPORTIONING OUT

Refused to reapportion the members of the legislature, although such a move is long overdue.

Refused to outlaw the Ku Klux Klan on the ground that present laws have that effect.

Refused to require lobbyists to register with the legislature.

Refused to require members of the assembly to disclose the sources of their incomes.

Refused to permit parimutuel horse-race betting.

Refused to create a separate State department of mental health.

Refused to pass a bill to control rents on the ground that Congress is doing that.

Refused to increase the salary of the Governor and his cabinet and the five members of the public utility commission. (Governor Duff probably would have vetoed such a bill anyway.)

SUSPENSION OF ANNUAL ASSESSMENT WORK ON MINING CLAIMS IN TERRITORY OF ALASKA

The PRESIDING OFFICER (Mr. IVES in the chair) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H. R. 2369) providing for the suspension of annual assessment work on mining claims held by location in the Territory of Alaska, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BUTLER. Mr. President, I move that the Senate insist upon its amendment, agree to the request of the House for a conference, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BUTLER, Mr. CORDON, and Mr. HATCH conferees on the part of the Senate.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The PRESIDING OFFICER (Mr. IVES in the chair) laid before the Senate a message from the President of the United States withdrawing the nomination of Eugene S. Hunton, to be postmaster at Hartford, Ark., which was ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session,

The following favorable reports of nominations were submitted:

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

Francisco Corneiro, of the Virgin Islands, to be district attorney for the District Court of the Virgin Islands, vice James A. Bough, resigned.

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

Earl O. Heaton and Lawrence W. Swanson, to be commander and lieutenant commander, respectively, in the Coast and Geodetic Survey.

CONFIRMATION OF CERTAIN NOMINATIONS

Mr. WILEY. Mr. President, I ask unanimous consent that, as in executive session, the Senate proceed to consider, on the Executive Calendar, the nomination of Hon. Jed Johnson, of Oklahoma, to be judge of the United States Customs Court, and the nomination of Otto Schoen, of Missouri, to be United States marshal. The other nominations on the calendar are objected to.

The PRESIDING OFFICER. Is there objection? Without objection, the nominations will be stated.

UNITED STATES CUSTOMS COURT

The legislative clerk read the nomination of Hon. Jed Johnson, of Oklahoma, to be judge of the United States Customs Court.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

UNITED STATES MARSHAL

The legislative clerk read the nomination of Otto Schoen, of Missouri, to be United States marshal for the eastern district of Missouri.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. WILEY. Mr. President, I ask unanimous consent that the President be notified forthwith of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

PRESIDENTIAL SUCCESSION

The Senate resumed the consideration of the bill (S. 564) to provide for the performance of the duties of the office of President, in case of the removal, resignation, or inability both of the President and Vice President.

RECESS

Mr. WHITE. Mr. President, so far as I know, that concludes the business which is to come before the Senate today. Therefore I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, June 24, 1947, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 23 (legislative day of April 21), 1947:

UNITED STATES CUSTOMS COURT

Hon. Jed Johnson to be judge of the United States Customs Court.

UNITED STATES MARSHAL

Otto Schoen to be United States marshal for the eastern district of Missouri.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 23 (legislative day of April 21), 1947:

POSTMASTER

Eugene S. Hunton to be postmaster at Hartford, in the State of Arkansas.

HOUSE OF REPRESENTATIVES

MONDAY, JUNE 23, 1947

The House met at 12 o'clock noon.

Rev. Donald C. Beatty, D. D., chaplain, Veterans' Administration, Washington, D. C., offered the following prayer:

Almighty God, we pause in this hour to acknowledge Thy claim on our loyalty and our service. Beyond all lesser claims, we know that Thou dost call us to serve Thee. We therefore pray "Thy Kingdom come" both in our hearts and minds and in this our beloved country.

Grant that, in carrying out the responsibilities of our daily lives, we may have the consciousness that we are, in our place and time, advancing Thy will for us and for mankind.

Grant to us such a measure of Thy spirit of good that it will enliven our imaginations, animate our purposes, and sanctify all our doings.

Not only for ourselves, our Father, do we pray: For every child of Thine—the afflicted in body or in spirit, the distressed, the homesick, and the homeless—we would remember them and serve them as for Thee.

Free us, we pray, from needless anxiety and groundless fears; strengthen our purposes of good; and, ever and always, give us Thy peace. Amen.

The Journal of the proceedings of Friday, June 20, 1947, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On June 20, 1947:

H. R. 620. An act for the relief of Blanche E. Broad.

On June 21, 1947:

H. R. 765. An act for the relief of Elwood L. Keeler;

H. R. 925. An act for the relief of Therese R. Cohen;

H. R. 1412. An act to grant to the Arthur Alexander Post, No. 68, the American Legion, of Belzoni, Miss., all of the reversionary interest reserved to the United States in lands conveyed to said post pursuant to act of Congress approved June 29, 1938;

H. R 1874. An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes; and

H. R. 1482. An act for the relief of the legal guardian of Gilda Cowan, a minor.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3737. An act to provide revenue for the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAIN, Mr. FLANDERS, and Mr. McGRATH to be the conferees on the part of the Senate.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 3611. An act to fix and regulate the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill; requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CAIN, Mr. FLANDERS, and Mr. McGRATH to be the conferees on the part of the Senate.

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

1. Department of Justice.
2. Department of the Navy.
3. National Archives (General Schedule No. 6).
4. Office of Temporary Controls.

ILLINOIS AND MICHIGAN CANAL

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1628) relinquishing to the State of Illinois certain right, title, or interest of the United States of America, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 2, line 2, after "Grundy", insert "Du Page."

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

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

FLOOD CONTROL, REPUBLICAN VALLEY, NEBR.

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

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

There was no objection.

Mr. CURTIS. Mr. Speaker, tragedy has once more struck in the Republican Valley in southwest Nebraska. It was 12 years ago this summer that a flood took the lives of 112 of our citizens. At that time there was high water on the main stem on Medicine Creek and on all the tributaries.

Yesterday at 5:30 in the morning a wall of water came down Medicine Creek, flooding the city of Cambridge. The water and debris reached the second-story windows of many of the houses. All communications are cut off. The main line of the Burlington Railroad is out again. The first reports indicate that 50 or more people were missing. The latest information shows that there are 10 known dead and 4 yet unaccounted for.

A program of flood control and water utilization has been authorized for this territory. Construction was not reached before the war. The work of the Army engineers and the Bureau of Reclamation in the Republican Valley is just now getting started.

I wish to urge, with all the force at my command, that the Congress, the President, the Army engineers, the Bureau of Reclamation, and the Bureau of the Budget recognize that an emergency exists, that temporary help be extended, and that steps be taken to speed up all of the work that has been planned. What has happened at the stricken and sorrowing city of Cambridge can happen at a number of points on the Republican River. I repeat what I have said before, that from the standpoint of river development the Republican River Basin is the most neglected spot in America.

EXTENSION OF REMARKS

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