ects which flood lands of that State; to the Committee on Public Works.

By Mr. CLEMENTE:

H. R. 5063. A bill to authorize and direct the Secretary of the Army to accept the Croix de Guerre from the Government of France on behalf of the Seventh Armored Division; to the Committee on Armed Services.

By Mr. MASON:

H. R. 5064. A bill to impose income taxes on the business income of certain exempt corporations, and for other purposes; to the Committee on Ways and Means.

By Mr. PATTEN:

H. R. 5065. A bill to repeal the act entitled "An act to suspend certain import taxes on copper," approved March 31, 1949 (Public Law 33, 81st Cong.); to the Committee on Ways and Means.

By Mr. ALLEN of California (by request):

H. R. 5066. A bill to amend the act of March 3, 1901, so as to provide for a divorce from the bond of marriage for permanent and incurable unsoundness of mind; to the Committee on the District of Columbia.

By Mr. KING:

H. R. 5067. A bill to give effect to the convention between the United States of America and the Republic of Costa Rica for the establishment of an Inter-American Tropical Tuna Commission, signed at Washington, May 31, 1949; to the Committee on Foreign Affairs.

By Mr. FELLOWS:

H. R. 5068. A bill to authorize the conveyance, for school purposes, of certain land in Acadia National Park to the town of Tremont, Maine, and for other purposes; to the Committee on Public Lands.

By Mr. MORRISON:

H. R. 5069. A bill to provide greater security to certain disabled veterans who are permanent classified civil-service employees of the United States; to the Committee on Post Office and Civil Service.

By Mr. MURDOCK:

H. R. 5070. A bill to repeal the act entitled "An act to suspend certain import taxes on copper," approved March 31, 1949 (Public Law 33, 81st Cong.); to the Committee on Ways and Means.

By Mr. RIVERS:

H. R. 5071. A bill to transfer control of federally owned golf courses under the jurisdiction of the Department of the Interior in the District of Columbia to the District of Columbia Recreation Board; to the Committee on Public Lands.

By Mr. SIMPSON of Pennsylvania:

H. R. 5072. A bill to amend section 131 (c) of the Internal Revenue Code; to the Committee on Ways and Means.

By Mr. TALLE:

H. R. 5073. A bill to amend the Public Health Service Act to provide for research and investigation with respect to the cause, prevention, and treatment of multiple sclerosis and related neurological diseases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. VINSON:

H. R. 5074. A bill to promote the national defense by authorizing specifically certain functions of the National Advisory Committee for Aeronautics necessary to the effective prosecution of aeronautical research, and for other purposes; to the Committee on Armed Services.

By Mr. CARROLL:

H. R. 5075. A bill directing the Secretary of Agriculture to continue to operate and maintain an experiment station at or near Akron, Colo.; to the Committee on Agriculture.

By Mr. ZABLOCKI:

H. Con. Res. 90. Concurrent resolution to seek development of the United Nations into a world federation; to the Committee on Foreign Affairs.

By Mr. VINSON:

H. Res. 242. Resolution to provide funds for the expenses of investigations and studies authorized by House Resolution 234; 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. BARTLETT:

H. R. 5076. A bill for the relief of Mrs. Ester Aspegren Bloom; to the Committee on the Judiciary.

By Mr. BOGGS of Delaware:

H. R. 5077. A bill for the relief of Mrs. Anna E. McSorley; to the Committee on the Judiciary.

By Mr. BUCKLEY of New York:

H. R. 5078. A bill for the relief of Jakob Clue, also known as Jacob Klueh; to the Committee on the Judiciary.

By Mr. CAMP:

H. R. 5079. A bill for the relief of the Collier Manufacturing Co., of Barnesville, Ga.; to the Committee on the Judiciary.

By Mrs. DOUGLAS:

H. R. 5080. A bill for the relief of Arthur de C. Sowerby; to the Committee on the Judiciary.

By Mr. FUGATE:

H. R. 5081. A bill for the relief of Preston Lodge, No. 47, Ancient Free and Accepted Masons, of Jonesville, Va.; to the Committee on the Judiciary.

By Mr. JONES of North Carolina:

H. R. 5082. A bill for the relief of Mrs. Elizabeth McDowell Goekler (now Miss Elizabeth McDowell); to the Committee on the Judiciary.

By Mr. RIBICOFF:

H. R. 5083. A bill for the relief of Sister Maria Emelia (Anna Bohn); to the Committee on the Judiciary.

By Mr. WILSON of Texas:

H. R. 5084. A bill for the relief of Mrs. Alene Niemann; 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:

1047. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, memorializing the Secretary of State of the United States to increase the status of the representative to the Irish Republic to that of an ambassador; to the Committee on Foreign Affairs.

1048. By Mrs. ST. GEORGE: Petition protesting the transportation of alcoholic-beverage advertising in interstate commerce and the advertising of alcoholic beverages over the radio; to the Committee on Interstate and Foreign Commerce.

1049. By the SPEAKER: Petition of the Board of Chosen Freeholders of the County of Passaic, Paterson, N. J., relative to their endorsement and support of the bills H. R. 1356 and S. 362; to the Committee on Public Lands.

1050. Also, petition of Mrs. Marie A. Wood and others, Hialeah, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1051. Also, petition of John E. Brooks and others, Miami, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

1052. Also, petition of Mrs. W. S. Sherman and others, Safety Harbor, Fla., requesting passage of H. R. 2135 and 2136, known as the Townsend plan; to the Committee on Ways and Means.

SENATE

THURSDAY, JUNE 9, 1949

(Legislative day of Thursday, June 2, 1949)

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

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

Let us pray: Almighty God, the God and Father of our Lord, Jesus Christ, and in Him, our Father also, we beseech Thee to teach us to pray. Knowing that perishing things of clay are at the last but vanity and vexation of spirit, help us to love Thee with all our heart and soul and mind and strength. Wilt Thou enter into our lives this very day and make them Thine—redeem them from fear and frustration, equip them, and empower them by Thy heavenly grace that they may be adequate for all the demanding duties and responsibilities confronting us as servants of the commonwealth and of the needy world. For Thine is the kingdom, the power, and the glory. Amen.

THE JOURNAL

On request of Mr. LUCAS, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, June 8, 1949, was dispensed with.

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 on June 8, 1949, the President had approved and signed the joint resolution (S. J. Res. 12) authorizing the President to proclaim the week in which June 6, 1949, occurs as Patrick Henry Week in commemoration of the sesquicentennial anniversary of the death of Patrick Henry.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, informed the Senate that Hon. JOHN W. MCCORMACK, a Representative from the State of Massachusetts, had been elected Speaker pro tempore during the absence of the Speaker.

The message announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to each of the following bills:

H. R. 1754. An act extending the time for the completion of annual assessment work on mining claims held by location in the United States for the year ending at 12 o'clock meridian July 1, 1949; and

H. R. 3754. An act providing for the temporary deferment in certain unavoidable contingencies of annual assessment work on mining claims held by location in the United States.

The message also announced that the House had passed the following bill and

joint resolution, in which it requested the concurrence of the Senate:

H. R. 4754. An act to simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes; and

H. J. Res. 272. Joint resolution making temporary appropriations for the fiscal year 1949, and for other purposes.

The message further announced that the House had agreed to the concurrent resolution (S. Con. Res. 46) authorizing certain changes to be made in the enrollment of S. 714, the Public Buildings Act of 1949.

CALL OF THE ROLL

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

The VICE PRESIDENT. The Secretary will call the roll.

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

Anderson	Hoey	Neely
Baldwin	Holland	O'Conor
Brewster	Humphrey	O'Mahoney
Butler	Hunt	Pepper
Chapman	Ives	Reed
Connally	Jenner	Robertson
Cordon	Johnson, Colo.	Russell
Donnell	Johnston, S. C.	Saltonstall
Douglas	Kefauver	Schoeppel
Downey	Kem	Smith, Maine
Eastland	Kerr	Sparkman
Ecton	Langer	Taft
Ellender	Lodge	Taylor
Ferguson	Lucas	Thomas, Okla.
Flanders	McClellan	Thomas, Utah
Fulbright	McFarland	Thye
George	McGrath	Tobey
Gillette	McKellar	Tydings
Graham	Martin	Wherry
Green	Maybank	Wiley
Gurney	Morse	Williams
Hayden	Mundt	Withers
Hendrickson	Murray	

Mr. LUCAS. I announce that the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Delaware [Mr. FREAR], the Senator from Alabama [Mr. HILL], the Senator from Texas [Mr. JOHNSON], the Senator from West Virginia [Mr. KILGORE], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], and the Senator from Nevada [Mr. MCCARRAN] are detained on official business in meetings of committees of the Senate.

The Senator from Connecticut [Mr. MCMAHON] is absent on official business, presiding at a meeting of the Joint Committee on Atomic Energy in connection with an investigation of the affairs of the Atomic Energy Commission.

The Senator from Idaho [Mr. MILLER], the Senator from Mississippi [Mr. STENNIS], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The Senator from Pennsylvania [Mr. MYERS] is absent on public business.

Mr. SALTONSTALL. I announce that the Senator from Ohio [Mr. BRICKER] and the Senator from Wisconsin [Mr. MCCARTHY] are absent on official business.

The Senator from Washington [Mr. CAIN] and the Senator from Utah [Mr. WATKINS] are absent by leave of the Senate.

The Senator from New Jersey [Mr. SMITH] is absent because of illness.

The Senator from Vermont [Mr. AIKEN] and the Senator from Indiana [Mr. CAPEHART] are detained on official business.

The Senator from Iowa [Mr. HICKENLOOPER], the Senator from California [Mr. KNOWLAND], the Senator from Colorado [Mr. MILLIKIN], and the Senator from Michigan [Mr. VANDENBERG] are in attendance at a meeting of the Joint Committee on Atomic Energy.

The Senator from New Hampshire [Mr. BRIDGES] and the Senator from North Dakota [Mr. YOUNG] are detained because of their attendance at a meeting of the Committee on Appropriations.

The Senator from Nevada [Mr. MALONE] is necessarily absent.

By order of the Senate, the following announcement is made:

The members of the Joint Committee on Atomic Energy are in attendance at a meeting of the said committee in connection with an investigation of the affairs of the Atomic Energy Commission.

The VICE PRESIDENT. A quorum is present.

TRANSACTION OF ROUTINE BUSINESS

Mr. LUCAS. Mr. President, I ask unanimous consent that Senators may be permitted to introduce bills and joint resolutions and present routine matters for printing in the RECORD, without debate.

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

DISPOSITION OF EXECUTIVE PAPERS

The VICE PRESIDENT laid before the Senate a letter from the Archivist of the United States, transmitting, pursuant to law, a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition, which, with the accompanying papers, was referred to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. LANGER members of the committee on the part of the Senate.

NATIONAL COMPULSORY HEALTH INSURANCE PROGRAM—RESOLUTION OF STATE COUNCIL OF SONS AND DAUGHTERS OF LIBERTY

Mr. JOHNSTON of South Carolina. Mr. President, I am in receipt of a letter from Mrs. Mabel Hall, chairman of the legislative committee, State Council of the Sons and Daughters of Liberty, Washington, D. C., together with a resolution adopted by the council, protesting against compulsory health insurance. I present them for appropriate reference and ask unanimous consent that they be printed in the RECORD.

There being no objection, the letter and resolution were referred to the Committee on Labor and Public Welfare and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *June 9, 1949.*

The Honorable Senator OLIN JOHNSTON,
United States Senate,
Washington, D. C.

DEAR SENATOR JOHNSTON: You will find, enclosed with this letter, a copy of the resolution passed by the State Council of the Sons and Daughters of Liberty, who assembled and went on record as opposing the compulsory health insurance.

This organization has a membership of over 45,000 members throughout the United States and, as chairman of the legislative committee, I oppose this bill in behalf of the National Council of the Sons and Daughters of Liberty.

Very truly yours,

MRS. MABEL HALL.

Whereas the American family has received the finest quality of medical care available in any country in the world, developed under our system of free enterprise; and

Whereas compulsory health insurance, wherever tried, has caused a decline in national health and deterioration of medical standards, and facilities, to the detriment of family welfare; and

Whereas compulsory health insurance, wherever tried, has taken away the family's right to choose its own family physician; and

Whereas invasion of family privacy and violation of the sancity of the patient-physician relationship have proved to be one of the most objectionable features of compulsory health insurance, wherever tried; and

Whereas compulsory health insurance would result immediately in a tax of 3 percent on the income of the American working man, rising within a few years to 6 percent, and higher, creating a new tax burden which would reduce household budgets and bring down family standards of living; and

Whereas Government control of medical services, by gradually undermining free enterprise and establishing heavy new tax burdens and unprecedented national deficits, would threaten national bankruptcy and encourage the spread of socialism, which would endanger the rights of our children to the individual freedoms which have been the American heritage: Now, therefore, be it

Resolved, That the Sons and Daughters of Liberty does hereby go on record against any form of compulsory health insurance or any system of political medicine designed for national bureaucratic control;

That a copy of this resolution be forwarded to the President of the United States and to each Senator and Representative, and that said Senators and Representatives be and are hereby respectfully requested to use every effort at their command to prevent the enactment of such legislation.

SONS AND DAUGHTERS OF LIBERTY.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TYDINGS, from the Committee on Armed Services:

S. 1742. A bill removing certain restrictions imposed by the act of March 8, 1888, on certain lands authorized by such act to be conveyed to the trustees of Porter Academy; without amendment (Rept. No. 478).

By Mr. SALTONSTALL, from the Committee on Armed Services:

S. 1688. A bill to provide for certain adjustments on the promotion list of the Medical Service Corps of the Regular Army; with an amendment (Rept. No. 481).

By Mr. GEORGE, from the Committee on Finance:

S. 2010. A bill to extend for 2 years the authority of the Administrator of Veterans' Affairs respecting leases and leased property; without amendment (Rept. No. 480).

By Mr. NEELY, from the Committee on Post Office and Civil Service:

S. 771. A bill to provide for renewal of and adjustment of compensation under contracts for carrying mail on water routes; without amendment (Rept. No. 479).

By Mr. JOHNSON of Colorado, from the Committee on Interstate and Foreign Commerce:

S. 12. An act to amend the Civil Aeronautics Act of 1938, as amended; without amendment (Rept. No. 482).

By Mr. MAGNUSON, from the Committee on Interstate and Foreign Commerce:

H. J. Res. 235. Joint resolution to continue the authority of the Maritime Commission to sell, charter, and operate vessels, and for other purposes; with amendments (Rept. No. 483).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 9, 1949, he presented to the President of the United States the following enrolled bills:

S. 42. An act for the relief of Ellen Hudson, as administratrix of the estate of Walter R. Hudson;

S. 146. An act conferring jurisdiction upon the United States District Court for the District of Oregon to hear, determine, and render judgment upon the claims of J. N. Jones, and others;

S. 147. An act for the relief of H. Lawrence Hull;

S. 165. An act for the relief of William F. Thomas;

S. 189. An act conferring jurisdiction upon the United States District Court for the District of Nebraska to hear, determine, and render judgment upon the claim of Mrs. Florence Benolken;

S. 408. An act for the relief of the estate of William E. O'Brien;

S. 782. An act for the relief of William S. Meany;

S. 835. An act authorizing the issuance of a patent in fee to James Madison Burton;

S. 836. An act authorizing the Secretary of the Interior to issue a patent in fee to Clarence M. Scott;

S. 837. An act authorizing the Secretary of the Interior to issue a patent in fee to Irene Scott Bassett;

S. 948. An act for the relief of Mickey Baine;

S. 1036. An act authorizing the issuance of a patent in fee to Lavantia Pearson;

S. 1037. An act authorizing the issuance of a patent in fee to Virginia Pearson;

S. 1038. An act authorizing the issuance of a patent in fee to Ethel M. Pearson George;

S. 1040. An act authorizing the issuance of a patent in fee to Leah L. Pearson Louk;

S. 1057. An act authorizing the Secretary of the Interior to issue a patent in fee to Kathleen Doyle Harris;

S. 1058. An act authorizing the Secretary of the Interior to issue a patent in fee to June Scott Skoog;

S. 1142. An act authorizing the Secretary of the Interior to issue a patent in fee to Mrs. Pearl Scott Loukes; and

S. 1270. An act to repeal that part of section 3 of the act of June 24, 1929 (44 Stat. 767), as amended, and that part of section 13a of the act of June 3, 1916 (39 Stat. 166), as amended, relating to the percentage, in time of peace, of enlisted personnel employed in aviation tactical units of the Navy, Marine Corps, and Air Corps, and for other purposes.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. TYDINGS:

S. 2026. A bill to provide for the preservation of the frigate *Constellation;* to the Committee on Armed Services.

By Mr. TAYLOR:

S. 2027. A bill to provide for the appointment of postmasters at post offices of the first, second, and third classes by promotions within the service; to the Committee on Post Office and Civil Service.

(Mr. MUNDT introduced Senate bill 2028, to permit the Board of Education of the District of Columbia to participate in the foreign-teacher exchange program in cooperation with the United States Office of Education, which was referred to the Committee on the District of Columbia, and appears under a separate heading.)

By Mr. GREEN:

S. 2029. A bill to authorize the admission into the United States of certain aliens possessing special skills, namely, Teodor Egle, Karlis Fogelis, Vasily Kils, and Aleksanders Zelmenis; to the Committee on the Judiciary.

By Mr. JOHNSTON of South Carolina:

S. 2030. A bill to clarify the laws relating to the compensation of postmasters at fourth-class post offices which have been advanced because of unusual conditions; to the Committee on Post Office and Civil Service.

By Mr. WILEY:

S. 2031. A bill for the relief of the Willow River Power Co.; to the Committee on the Judiciary.

By Mr. HUMPHREY:

S. J. Res. 105. Joint resolution to provide unrestricted entry privileges for Sister Elizabeth Kenny; to the Committee on the Judiciary.

PARTICIPATION IN FOREIGN TEACHER EXCHANGE PROGRAM BY DISTRICT OF COLUMBIA TEACHERS

Mr. MUNDT. Mr. President, I introduce for appropriate reference a bill to make teachers of the District of Columbia eligible for the foreign teacher exchange program under the terms of the so-called Smith-Mundt bill.

The bill (S. 2028) to permit the Board of Education of the District of Columbia to participate in the foreign teacher exchange program in cooperation with the United States Office of Education, was received, read twice by its title, and referred to the Committee on the District of Columbia.

INCREASE IN LIMIT OF EXPENDITURES FOR INVESTIGATIONS BY COMMITTEE ON APPROPRIATIONS

Mr. McKELLAR, from the Committee on Appropriations, reported an original resolution (S. Res. 126), which, under the rule, was referred to the Committee on Rules and Administration, as follows:

Resolved, That the Committee on Appropriations hereby is authorized to expend from the contingent fund of the Senate, during the Eighty-first Congress, $10,000 in addition to the amount, and for other purposes, specified in section 134 (a) of the Legislative Reorganization Act approved August 2, 1946.

SALE OF CERTAIN GOVERNMENT REAL PROPERTY TO FORMER OWNERS—AMENDMENT

Mr. DOWNEY submitted an amendment intended to be proposed by him to the bill (S. 1600) to give former owners of certain Government real property a right to purchase such property if and when it is offered for sale, which was referred to the Committee on Public Works, and ordered to be printed.

DEPORTATION OF CERTAIN ALIENS—INDEFINITE POSTPONEMENT OF BILL

Mr. LUCAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of the bill (S. 1985), to facilitate the deportation of aliens from the United States, to provide for the supervision and detention pending eventual deportation of aliens whose deportation cannot be readily effectuated because of reasons beyond the control of the United States, and for other purposes, and that it be indefinitely postponed, in order that I may give it further study and consideration.

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

HOUSE BILL AND JOINT RESOLUTION PLACED ON CALENDAR OR REFERRED

The following bill and joint resolution of the House of Representatives were each read twice by their titles and ordered to be placed on the calendar, or referred, as indicated:

H. R. 4754. An act to simplify the procurement, utilization, and disposal of Government property, to reorganize certain agencies of the Government, and for other purposes; ordered to be placed on the calendar.

H. J. Res. 272. Joint resolution making temporary appropriations for the fiscal year 1949, and for other purposes; to the Committee on Appropriations.

NOTICE OF HEARING ON S. 1681, TO PROHIBIT THE PICKETING OF COURTS

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, June 15, 1949, at 10:30 a. m., in room 424, Senate Office Building, on S. 1681, to prohibit the picketing of courts. The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, the Senator from North Carolina [Mr. GRAHAM], and the Senator from Indiana [Mr. JENNER].

NOTICE OF HEARINGS ON S. 873 AND H. R. 3436, TO AMEND SECTION 3 OF THE LUCAS ACT WITH RESPECT TO REDEFINITION OF REQUEST FOR RELIEF

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled to be resumed on Monday, June 13, 1949, at 2 p. m., in room 424, Senate Office Building, on S. 873 and H. R. 3436, to amend section 3 of the Lucas Act with respect to redefinition of request for relief. The subcommittee consists of the Senator from Mississippi [Mr. EASTLAND], chairman, the Senator from Maryland [Mr. O'CONOR], and the Senator from Michigan [Mr. FERGUSON].

LEAVES OF ABSENCE

Mr. MARTIN asked and obtained consent to be absent from the Senate beginning at 2 o'clock this afternoon, and including Tuesday next.

Mr. FLANDERS asked and obtained consent to be absent from the Senate tomorrow.

Mr. BALDWIN asked and obtained consent to be absent from the Senate tomorrow.

Mr. McCLELLAN asked and obtained consent to be absent from the Senate tomorrow and Saturday.

Mr. ROBERTSON asked and obtained consent to be absent from the Senate tomorrow and Saturday.

Mr. FULBRIGHT asked and obtained consent to be absent from the Senate tomorrow and Saturday.

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. GILLETTE the subcommittee of the Senate Committee on Agriculture and Forestry considering the question of the utilization of farm products was authorized to meet this afternoon during the session of the Senate.

CONSTRUCTION OF SCHOOL FACILITIES—STATEMENT BY SENATOR MAGNUSON BEFORE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD a statement relative to the construction of school facilities, made by him before a subcommittee of the Senate Committee on Labor and Public Welfare, which appears in the Appendix.]

DEATH OF THEOPHOLIS BOND—EDITORIAL AND RESOLUTION

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an editorial published in the Memphis Press-Scimitar of April 29, 1949, and a resolution adopted by the Memphis Negro Chamber of Commerce, concerning the death of Theopholis Bond, which appear in the Appendix.]

MR. GIANNINI'S FORMULA—EDITORIAL FROM PHILADELPHIA INQUIRER

[Mr. MARTIN asked and obtained leave to have printed in the RECORD an editorial entitled "Mr. Giannini's Formula," published in the Philadelphia Inquirer of June 7, 1949, which appears in the Appendix.]

OPERATIONS OF GENERAL COUNSEL'S OFFICE OF NATIONAL LABOR RELATIONS BOARD—ARTICLE BY PAUL KLEIN

[Mr. NEELY asked and obtained leave to have printed in the RECORD an article entitled "Mr. Denham Plays God," written by Paul Klein and published in the Nation for December 13, 1947, which appears in the Appendix.]

PHILIP B. PERLMAN, SOLICITOR GENERAL OF THE UNITED STATES—ARTICLE BY FRANK R. KENT, JR.

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an article entitled "Philip Perlman's Score 'Perfect' for Term of Supreme Court," written by Frank R. Kent, Jr., and published in the Baltimore Evening Sun, of June 8, 1949, which appears in the Appendix.]

PREAMBLE OF THE NORTH ATLANTIC PACT—STATEMENT BY SENATOR WILEY

Mr. WILEY. Mr. President, I send to the desk a statement which I have prepared regarding Senate Resolution 121 cosponsored by 14 Senators and myself regarding a spiritual interpretation of America's heritage in connection with the preamble of the North Atlantic Pact. I ask unanimous consent that the text of this statement be printed at this point in the CONGRESSIONAL RECORD.

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

COMMENTS BY SENATOR WILEY ON SENATE RESOLUTION 121

Mr. President, on May 27 it was my pleasure to offer on behalf of the senior Senator of New Jersey, our able colleague [Mr. SMITH] and on behalf of 13 other Senators, Senate Resolution 121. The purpose of this resolution was to indicate the interpretation of the United States Senate of the preamble to the North Atlantic Treaty as including "this Nation's most precious heritage—our continuing faith in our dependence upon Almighty God and His guidance in affairs of men and nations."

May I respectfully refer the attention of my colleagues to page 6944 in the RECORD in which I submitted my own statement, along with excellent commentary which the Senator from New Jersey had prepared but which he was unable to deliver personally at the time.

The reason for my comment now is that I am glad to report that the Senate Foreign Relations Committee has wisely decided to place in Executive Report No. 8 on the North Atlantic Pact the following last paragraph:

"In tendering this unanimous report on the North Atlantic Treaty, we do so in furtherance of our Nation's most precious heritage—shared in common with the other signatories—continuing faith in our dependence upon Almighty God and His guidance in the affairs of men and nations."

Mr. President, some cynics may scoff to the effect that this is a minor or insignificant commentary in the report. Some folks who are exclusively concerned with material force and material meaning may not see the dynamic spiritual import of that single paragraph. As I stated, however, on May 27, the single idea expressed in Senate Resolution 121 and now in Executive Report No. 8 is the sort of idea that we need in this troubled world which is hungering for "light."

Here, we hold aloft the torch of man's spiritual heritage, although our totalitarian enemies extinguish the flame of spiritual splendor in so many areas of the globe.

Every American churchgoer rejoices in the unanimous action of the Senate Foreign Relations Committee. Every man of good will, every man and woman and child of God throughout the civilized globe takes heart in this single, humble, simple paragraph of the Foreign Relations Report. We hope that the flame of that thought will be fanned so that it may glow ever brighter in this darkening world.

ENDORSEMENTS OF RESOLUTION

Within the short time since Senate Resolution 121 was introduced I have been happy to hear from many folks in my State and elsewhere endorsing the idea of Senate Resolution 121. No single objection has come. There has been only praise of Senator SMITH, my colleagues, and this humble servant on behalf of our action. We take pride in this effort which the men of materialism may sneer at. We take pride because the action of the Foreign Relations Committee is in complete harmony with the actions of the founding fathers of our Nation and of Americans throughout our history in reaffirming our spiritual heritage.

Mr. President, as an indication of grassroots endorsement of our action, I ask unanimous consent that there be printed at this point in the RECORD three sample quotations from two clergymen and one layman in my own State of Wisconsin. I have omitted their names out of respect of the private confidence in which they wrote. Suffice it to say that these three communications represent the thinking of different religious faiths. Here men of different denominations have joined in a common objective just as Senators of different religions joined in backing Senate Resolution 121 and in writing the Foreign Relations report.

We hope our action and the sentiments of grass-roots America will be a symbol which will be seen throughout the world.

QUOTATIONS FROM THE GRASS ROOTS OF AMERICA

From a clergyman in Milwaukee:

"JUNE 6, 1949.

"A few days ago I received a copy of your statement made in the United States Senate on Friday, May 27, 1949, in which you gave a spiritual interpretation of the North Atlantic Pact. I want you to know of my personal appreciation to you for your interest in the spiritual aspect of our American liberty. Many of us have been aware, and that with a note of sadness, of the United Nations' omissions of that which pertains to faith in Almighty God. It is regretful that no session of the UN has ever been opened with prayer. I am convinced, Senator, that as a Nation we can go no further than we are willing to go upon our knees. I am often reminded of the words found in II Chronicles 7: 14, with which I am sure you are familiar.

"I trust, Mr. WILEY, that the resolution which you offered on behalf of Senator SMITH of New Jersey, 14 other Senators, and yourself will be favorably received and acted upon by the Committee on Foreign Relations.

"With kindest personal regards and every good wish, I am,

"Yours in Christ."

From a church group in Manitowoc County:

"JUNE 6, 1949.

"We have read with much interest your statement in the United States Senate relating to the spiritual interpretation of the North Atlantic Pact.

"In a meeting of our County Churchmen's Society, held on June 4, the secretary was authorized to write you to thank you for the statement, and also that we endorse your resolution (S. Res. 121), which was referred to the Foreign Relations Committee for their consideration.

"We are writing the Foreign Relations Committee telling them that we have endorsed the resolution."

From another Milwaukee clergyman:

"MAY 31, 1949.

"I am pleased with the valuable services you rendered when you introduced the resolution giving a spiritual interpretation to an important clause of the North Atlantic Pact.

"Your remarks introducing the interpretation by plainly stating 'our continuing faith in our dependence upon Almighty God and His guidance in the affairs of men and nations' are an encouraging sign that thinking men want to give God the recognition due Him. For those courageous words I thank you even more.

"May Wisconsin continue to be blessed by your valuable services for years to come."

PROMOTIONS IN THE MARINE CORPS

Mr. TYDINGS. Mr. President, as in executive session, I send to the desk a list of routine promotions in the Marine Corps, which are reported unanimously from the Committee on the Armed Services, and to which no objections have been filed by any person.

The VICE PRESIDENT. The report will be received.

Mr. TYDINGS. Mr. President, I now ask unanimous consent for immediate consideration of the promotions in the Marine Corps, that the nominations may be confirmed, and the President notified.

The VICE PRESIDENT. Is there objection? The Chair hears none and, without objection, the nominations in the Marine Corps are confirmed, and the President will be notified.

TREASURER OF THE UNITED STATES

Mr. GEORGE. Mr. President, as in executive session, I ask unanimous consent to file a favorable report from the Committee on Finance on the nomination of Mrs. Georgia Neese Clark, of Kansas, to be Treasurer of the United States.

The VICE PRESIDENT. Without objection, the report will be received.

Mr. GEORGE. Mr. President, as in executive session, I now ask unanimous consent that the Senate consider and confirm the nomination, and that the President be notified.

Mr. SALTONSTALL. Mr. President, reserving the right to object, I wish to say that I understand from the Senator from Georgia that the reason for his request is that the Office of Treasurer of the United States is not filled at this time, so there is no one who can sign the currency; and that the report from the Committee on Finance on the nomination is unanimous.

Mr. GEORGE. The report from the Committee on Finance is unanimous. As Senators all know, Mr. Julian, the Treasurer of the United States, lost his life in an automobile accident a few days ago.

Mr. President, the nominee comes from the State of Kansas. She not only has the unanimous approval of the Senate Finance Committee, but she is approved by both the senior and junior Senators from the State of Kansas.

Mr. REED. Mr. President, I rise to support the statement just made by the Senator from Georgia, the chairman of the Finance Committee. Speaking for myself and the junior Senator from Kansas, I wish to say that we have no objection to this nomination, in fact, we desire very much that it be confirmed.

Mr. SCHOEPPEL. Mr. President, I desire to concur in the statement of the senior Senator from Kansas, and to join in the request made by the distinguished Senator from Georgia for immediate confirmation of the nomination.

Mr. GEORGE. Mr. President, I wish to thank the Senators from Kansas.

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia for the immediate consideration of the nomination? The Chair hears none and, without objection, the nomination is confirmed. Without objection, the President will be notified.

DISMANTLING OF GERMAN PLANTS

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the body of the RECORD a telegram which I have received from Frankfort, Germany, relative to the dismantling of the Fischer-Tropsch plant. The telegram is signed by the management director and the chairman of the workers.

Also a telegram from the same place, signed by Director Combles, for the Workers Council.

Also a radiogram received in connection with the same plant, from the Workers Council, signed by Dr. Kampf Moellmann.

Also another radiogram signed by E. Tombers, chairman of the Workers Delegation.

Also a telegram dealing with the dismantling of another plant over there, signed by the Workers Council, H. D. Weber, chairman.

Later in the day I expect to speak on this subject.

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

FRANKFURT AM MAIN, *June 9, 1949.*

Hon. WILLIAM LANGER,
United States Senator from North Dakota, Senate Office Building, Washington, D. C.:

As we are informed about your interest in helping campaign against destruction and in economical and political revival in Europe, we kindly ask you to consider following facts: Destruction has been ordered for the Fischer-Tropsch plant of hard coal mine Rheinpreussen; plant never served armament purpose; our products are destined for peacetime consumption; our synthesis plant works with coal-mine and coke-oven plants technical teamwork; 50 percent of factory inmates are invalids and disabled workers; we consider procedure of dismantling nonsensical since Fischer-Tropsch plants or eastern zone Germany continue and enlarge working capacity, while general dismantling stop was ordered in Japan under MacArthur; impending destruction of our peaceful industry causes tremendous unrest amongst population; in view coming western German elections danger of radicalization is no propaganda farce; we are willing to put our whole plant under allied control; we intend contribution to establishment of unified Europe as teamwork unit devoid of both narrow nationalism and radicalism.

STEINKOHLENBERGWERK, RHEINPREUSSEN, HOMBERG, NIEDERRHEIN, DEUTSCHLAND,
DR. GRIMME,
For the Management.
G. WIELAND,
Chairman, for the Workers Council.

FRANKFURT AM MAIN, *June 9, 1949.*

Hon. WILLIAM LANGER,
United States Senator from North Dakota, Senate Office Building, Washington, D. C.:

Since we are informed that you concentrate your interest recovery of western Europe by ERP, we want you to know that we received order by British Government by June 4, 1949 announcing dismantling of our Fischer-Tropsch plant in Wanneeickel. Start of dismantling has been fixed on June 8, 1949, to be accomplished not later than by the end of this year. Consternation amongst workmen and employees is tremendous since nobody comprehends order for further dismantling in this town already extremely ravaged. The plant was restored in 1946 immediately by order of British military government. Unemployment in this town already twice the average of north Rhine Westfalia. In case of closing down this plant number of unemployed in this region would increase dangerously, 50 percent of employees are pit-invalids, disabled men and women. No other jobs available, political radicalism amongst population; for this purpose 12,000,000 marks were invested. Mr. Heimueller, trade-union representative, Wanne-Eickel, declared: "Why should building materials and iron be wasted by dismantling?" Considering that these materials could instead have been used to build and to repair houses. Inevitable democratic teamwork idea being periled immensely. On posters workmen proclaimed following slogan: "Bevin, why don't you stop dismantling? Don't forget: War is won, peace not yet," and "Is Vishinsky right? 10,000 more proletarians." Production of plant is serving the peace market as everybody can give evidence of. Therefore nobody grasps idea of enlisting plant in war industries category. We produce raw materials for chemical industries of peacetime character, which in dismantling case must be imported via foreign exchange expenditures; this would imply increase of exports at any price. Allied control of plant would be accepted readily; your assistance badly needed. Help us. Stop dismantling.

FISCHER-TROPSCH ANLAGE, TRIEBSTOFF-WERK WANNE-EICKEL, RUHGEBIET,
COMBELS, *Chairman.*
For the Management, Chairman of the Workers.

FRANKFURT AM MAIN, *June 9, 1949.*

Hon. WILLIAM LANGER,
United States Senator from North Dakota, Senate Office Building, Washington, D. C.:

Knowing about your interest in quick realization ERP. We kindly appeal for your cooperation in concerted effort to save German Fischer-Tropsch production of which Gewerkschaft Victor is vital part. Many international authoritative statements against "dismantling nonsense" available. New order is particularly decisive for our plant, since Fischer-Tropsch factory works with coke oven plant and nitrogen plant in unison. Four hundred workers would have to be fired. Though big percentage workers consists of out-bombed, war crippled, and bodily disabled persons. Psychological situation tense amongst workers though discipline extraordinary so far. Anxiety about future of 35,000 workers plus dependents during period of increasing unemployment seriously affects morale whole Ruhr population. Tremendous unrest breeding amongst employees and population. Our workers do not grasp this prevention of peaceful production calling the measure a crazy result of Morgenthauism. We are not offering Potemkin villages to American public, any investigation by official or private organization welcome. A "watchdog committee" wanted representing both practical and spiritual Marshall-plan conception. Repeated security argumentation out of date. Success ERP and Christian civilization gravely endangered by dismantling. Let teamwork march. Stop dismantling, stop it now.

GEWERKSCHAFT VICTOR,
Dr. KAMPF MOELLMANN,
Castrop-Rauxel Ruhr District for the Management, for the Workers Council.

FRANKFURT AM MAIN, *June 9, 1949.*

Hon. WILLIAM LANGER,
United States Senator from North Dakota, Senate Office Building, Washington, D. C.:

We kindly ask you to direct your attention to following vital facts. Our Fischer-Tropsch Plant I on the verge of destruction because of application of the Washington agreement on prohibited and limited industries in Germany. 500 workers of the Ruhrchemie Company would have to quit amongst whom many war victims and disabled persons. 1,200 Germans including persons disabled by war and female workers could find productive jobs in case of a working permit for them. Withdrawal of license means important set-back to plant and to fetted Red genius of invention amongst younger gerneration since Ruhrchemie developed the Fischer-Tropsch procedure from small laboratory stages into big scale technique. Nobody catches the purpose of this measure since Fischer-Tropsch production definitely does not serve the war potential. From start on our aim of production was the output of Fischer-Tropsch products, different types of hydrocarbons serving as raw material for the chemical industries. We anticipate political radicalization. Jammed workers meeting unanimously okayed spontaneous statement by Johann Tombers, president of Workers Council: "Our young democracy will faint by these dismantlings."

RUHRCHEMIE, A. G.,
OBERHAUSEN HOLTEN,
Dr. TRAMM,
For the Management,
E. TOMBERS,
Chairman of Workers Delegation.

FRANKFURT AM MAIN, *June 9, 1949.*

Hon. WILLIAM LANGER,
United States Senator from North Dakota, Senate Office Building, Washington, D. C.:

We are sure to find your interest for following fateful events: Our Bergkamen plant received dismantling order to be carried out without delay. Bergkamen produced only products supplying civilian population thereby not being liable under Potsdam agreement. Military government held same opinion and therefore gave license for reconstruction of plant which had been seriously damaged by war events. This happened in November 1945 and 12,000,000 marks were spent for reconstruction. Close tieup with Nehbor mine and coke oven plant is basis of economic operation. Plant achieved one-third of net gains of entire mining company comprising 18,000 workers. Plant occupies 200 women apart from 600 men amongst which many mining invalids. Nehbor mine Grimberg suffered biggest mining catastrophe of whole Ruhr in February 1946, totaling 404 victims. Family members of victims lost all means of existence by western German currency reform and can be occupied in our plant whilst otherwise they would be dependent upon public welfare. Population of war damaged community Bergkamen cannot grasp allied dismantlomania. Embittered Ruhr inhabitants point out that similar plants in Russian occupied zone and behind iron curtain are in full swing. Special conditions in plant invite participation in long distance gas supply. Nobody all over the Ruhr comprehends contradiction of military government orders first okaying reconstruction then ordering redestruction. We depend on your assistance for helping us to put common sense into practice in Europe too.

ESSENER STEINKOHLENBERGWERKE,
ESSEN,
Director SCHWENKE,
For the Management.
H. D. WEBER,
Chairman, for the Workers Council.

THE WHEAT PROGRAM OF THE DEPARTMENT OF AGRICULTURE

Mr. WILLIAMS. Mr. President, yesterday the price of wheat in the Southwest advanced 10 cents a bushel, the large part of which advance was attributed to the fact that at the same time the Secretary of Agriculture announced that the President had signed the bill to amend the Commodity Credit Corporation Charter Act, he also announced his new three-phase program to support the current crop of wheat, the application of which had been withheld until the bill was signed, in order that it might have a spectacular influence on the market, and thereby further substantiate his claims made during the recent political campaign that the old law was too restrictive.

To set the stage for yesterday's spectacular advance, the record shows that within a few hours after the Senate on May 26 refused to give the Secretary of Agriculture exclusive control over the $5,000,000,000 Commodity Credit Corporation by rejecting the conference report, the Department almost completely suspended its operations in the wheat market, with the inevitable result that the market declined drastically. During the period between May 26 and yesterday the Department withheld the announcement of its program to handle the new crop wheat, thus forcing the farmers to dump their wheat on the market for what they could get. The situation was that with the market in this demoralized condition, any announcement by the Department stating that it was going to stabilize the market by placing into full-scale operation a more liberal loan and purchase program was bound to be reflected in higher prices.

This is not the first instance in which the Secretary of Agriculture, at the expense of the taxpayer and to the detriment of the farmer, has manipulated the markets for a purpose. I have already called to the attention of the Senate how, immediately preceding the election, the Department of Agriculture not only failed to apply the support program on corn but also withheld, during this same period, purchases of this commodity for the export program with the result that in the period immediately preceding the election of 1948 corn was allowed to drop as low as $1 a bushel on the farm. Proof that this was not caused by lack of storage facilities is evidenced by the fact that during the 8 weeks' period immediately following the election, over 80,000,000 bushels of corn alone were handled under the support program without the addition of a single grain bin.

The first step of the Secretary's three-phase program announced to the press yesterday includes the "liberation of provisions of the Department's price support grain loan program," and that the "Commodity Credit Corporation will grant distress grain loans immediately," amounting to "75 percent of the full support level," which would be advanced to the farmer at the time he takes out the distress loan, with the remaining balance of the full price support loan being paid when the grain was in storage. The Secretary also said that the Department would "use Government-owned war surplus facilities where available." He emphasized that this would help the farmers in the movement of their grain during the current harvest period.

In announcing the above proposals, the Secretary of Agriculture gave the impression that this program was the result of the passage of the new law of the Eighty-first Congress amending the Commodity Credit Corporation Charter Act. The truth of the matter is that there is not one single proposal outlined above which could not have been carried out in its entirety under the provisions of the old law as passed by the Eightieth Congress.

In the second step outlined in the Secretary's press release he announced that "as part of this effort to increase farm storage quickly, CCC will make loans to farmers for the purchase or construction of farm storage to the extent of 85 percent of the cost of the facilities. These loans, bearing interest at the rate of 4 percent a year, will be payable in five annual installments, or earlier at the farmer's option." Once again he deliberately gave the impression that this new procedure was the result of authority extended to him under the new act just signed by the President. But I emphasize once again that there was not a single provision in the law as passed by the Eightieth Congress last year which would have prevented him from carrying out exactly the program outlined above. The legislative counsel of the United States Senate had ruled that under section 5 (b) of the Commodity Credit Corporation Charter Act, the Corporation was authorized to make available facilities required in connection with the production and marketing of agriculture commodities, which would include grain bins, and that under the charter was authorized to render assistance to the farmer through either loans or subsidies. The failure of the Secretary to exercise his authority under the law as passed by the Eightieth Congress can be attributed to one thing only, and that is that the Secretary of Agriculture thought it more important to influence the outcome of last year's election than it was to protect the interests of the American farmer by carrying out the provisions of the law.

In the third step outlined by the Secretary in his announcement yesterday he said:

> The Corporation at present owns approximately 45,000,000 bushels capacity of bin-type storage and believes that an additional 50,000,000 bushels of comparable storage, properly located, will materially assist in meeting storage needs for the immediate future. This additional storage for the CCC stocks will help make it possible for farmers, grain dealers, and the railroads to handle the volumes of grain coming in at the peak of harvest.

It is true that under section 4 (h) of the law as passed by the Eightieth Congress the Corporation was restricted from purchasing additional storage capacity in its own name. This is the only restriction, as related to storage facilities, which was placed upon the Corporation by the Eightieth Congress, and this restriction was agreed upon by every Member of the United States Senate, including the 47 Democratic Members. The reason this restriction was placed in the bill was that at that time Congress did not know that the Corporation, through gross mismanagement, had dissipated its once adequate storage facilities. It was only after the Secretary of Agriculture and President Truman, during the political campaign, complained of an inadequacy in storage facilities that Congress, upon investigation, found that the Corporation had liquidated or lost track of over 80 percent of its storage capacity. Actually, the records show that at one time the Corporation owned a total of over 292,000,000 bushels capacity which was liquidated down to slightly over 41,000,000 bushels. This liquidation was actually being conducted by one branch of the Department of Agriculture as late as December 1948, during the same period in which the Secretary, in political speeches, was pleading for more storage. This 250,000,000-bushel storage capacity owned by the Corporation which was declared surplus and sold at a fraction of its replacement value resulted in a loss to the taxpayers of over $9,000,000.

The Comptroller General, Hon. Lindsay Warren, in auditing the books of this Corporation reported to the Senate on March 30, 1949, the inefficient and incompetent manner in which the storage

program of the Corporation had been conducted when he said:

> The Corporation did not exercise satisfactory control over its investment in fixed assets, particularly grain bins and related equipment. Records were not maintained in such a way as to enable the Corporation (or us) to know the location or condition of such assets, whether, in fact, they were still owned by the Corporation, or whether all income resulting from rental or sale has been received.

It is hard to understand how the Secretary of Agriculture can justify his claim that the Eightieth Congress was responsible for the inadequate facilities, when according to the Corporation's own records they at one time owned more than double the amount they have ever claimed as essential and that not only had these been disposed of, but, actually, according to the Comptroller General, they did not even know at that time how many bins they owned or where they were located, if they did know they owned them.

There are just two reasons to which I can attribute the failure of the Secretary of Agriculture to assist the farmer in providing on-the-farm storage last year and this year, as authorized under the law, and his determination to place on the Eightieth Congress the responsibility for their lack of adequate storage facilities. The first reason is that the Secretary of Agriculture was more interested in influencing the outcome of the recent election than he was in rendering assistance to the farmers. The second reason was that he was trying to create a critical situation in the storage program in a deliberate attempt to divert the attention of Congress from the books of the Corporation, when he knew these books, if made public, would show that for the staggering sum of over $366,000,000 which had been spent, no accounting was available.

THE FISCAL AND ECONOMIC SITUATION

Mr. WILEY. Mr. President, I wish to say a few words in regard to what I think is a very interesting and significant matter of great concern to all the people of our country. I am sure every Senator receives letters expressing concern over the fiscal policies of our country and over the large amount of bonds outstanding and the unemployment that is creeping over our land.

In this connection I wish to quote two great Americans. Thomas Jefferson said:

> The principle of spending money to be paid by posterity under the name of funding is but swindling futility on a large scale.

As to the matter of funding, I say that one of the ideas now current, coming from the administration, is that we should create a larger indebtedness. At the present time we are putting on a big bond-selling drive. I hope the money resulting from the sale of the bonds will simply be used to fill the gap between Government income and what is required to be paid out for the bonds which come due this year.

Woodrow Wilson said:

> The way to stop financial joy-riding is to arrest the chauffeur—not the automobile.

Mr. President, the Congress of the United States is beginning to think soberly about this subject of a balanced budget, largely because people back home are becoming concerned about the economic situation. Woodrow Wilson said that the thing to do was to arrest the chauffeur. Of course, Congress is the chauffeur. The appropriations the Congress is going to make will determine whether we shall go on the financial joy-ride about which Woodrow Wilson spoke.

Mr. President, I was very much interested in a news letter which I received today, in which it is said that the ECA misisons abroad point out that, before the war, trade among what are now known as the Marshall-plan countries amounted to from 40 to 50 percent of their total trade, whereas under the wholesale bilateralism which immediately followed the war, that trade approached the vanishing point. In the news letter it is said that the payments plan made effective last year has not worked well, for under it intra-European trade has reached only 10 percent of the total trade.

The significant statement made in that connection, Mr. President, is that the firm American policy is that, regardless of the ultimate decision as to currency valuation, the United States is no longer going to finance, through ECA, a program which makes no progress away from bilateral restrictions, and which more and more operates as a barrier to the competition of American exports in world markets.

Mr. President, economically we are living in more or less one world, so that conditions in one section of the world affect conditions in another. Therefore we must think this matter through. When we consider the amount of Government currency and bonds outstanding, we begin to realize that this is a government-note world. When we consider what the government bonds in other countries are worth, we are caused to wonder what would happen to the $250,000,000,000 indebtedness of the United States Government if we were to permit ourselves to go into an economic tailspin or to set forth upon an economic joy ride.

We are the masters of our destiny, if we really demonstrate mastery. In the words of Woodrow Wilson, if we, the chauffeurs, demonstrate our mastery, we shall not go on an economic joy ride.

Mr. President, this matter calls for the exercise of economic common sense in a creative economy in which we shall omit superfluous spending, and shall make only such governmental expenditures as will bring about economic health. We must avoid unnecessary expenditures, bearing in mind that in government, as with the individual, it is wise to follow the directive: Neither a prodigal nor a miser be.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. WITHERS. Mr. President, I wish to address myself to the pending measure.

At the outset, I should like to say that I hope I am reasonable in my attitude regarding this matter. It is said that when a man thinks he is reasonable, he always finds a reason for the position he wishes to take. I am not claiming that I have arrived at the position I advocate through any process of thinking, although of course I wish to say I believe I have, and one hardly has any trouble believing what he wishes to believe.

I am sure I find myself at variance with quite a few good lawyers, more especially with the Senator from Ohio. I doubt whether we shall be at much variance 2 years from now, if he continues to show the progress he has shown in the past. Already he has traveled quite a long way from the position he took at the time when the Taft-Hartley bill was passed, for thus far he has found as many as 26 mistakes in that law, leaving approximately 20 points or features which he now regards as good, although I think he will abandon them between now and the next Congress, when probably we shall find him and the Senator from Utah [Mr. THOMAS] sitting down at the same table, and the two of them will be sufficient to write a splendid labor bill.

I have the greatest confidence in the integrity and ability of the distinguished Senator from Ohio, and I know he intends to aid in the passage of only what he considers just and proper legislation. But, in some respects, he might find himself in the same position in which I find myself, namely, hoping that he is a reasonable man and that he will be actuated by sound reasons, although, Mr. President, we should recall that Benjamin Franklin said he could always find a good reason for believing what he wanted to believe.

The amendment to be offered by the Senator from Illinois, for himself and other Senators, defining certain powers of the President, does not constitute, according to the opinion of many good lawyers, any enlargement of power to him or a grant to him of any specific powers, but only an act of Congress defining certain powers which he should exercise. I am inclined to follow the opinion of those lawyers who believe that the President has implied powers to act in cases of emergency. It is contended by some that he does not have any implied powers, but only such powers as are specifically granted to him by the Constitution and the acts of Congress. It will be noted the Constitution does not give to him very many specific powers, but it does declare him to be the President and Chief Executive Officer of the United States and Commander in Chief of the Army and Navy.

The mere naming of his position—Executive Officer—in my opinion charges the President with maintaining the administration of affairs. Failure to do so to a full measure could even mean the violation of his oath as such executive.

The Federal Government has never adopted the common law as a national law, though it has been adopted by several States. Yet, many governors under the common law have implied powers to carry out their duties and responsibilities. For instance, President Coolidge,

while Governor of Massachusetts, exercised the power to break the policemen's strike, in the absence of any specific authority. Many of the States have more extensive powers enumerated in their constitutions, and, furthermore, they have their common-law principles which may be applied in certain cases by the governor.

The several States of the Union have the right of injunction against the destruction of property, and such relief may be granted under the laws of the several States in respect to preserving the status quo of the properties of management and of labor.

It may be insisted the Constitution is a grant of powers by the several States, and all powers not specifically granted are reserved to the States. Or it may be insisted the President has no powers except as expressed by the Constitution and by law. I am inclined to the opinion there is a difference between the "limiting of power" and "implied authority." The power of the President would certainly be limited if he could only act under legislation. Suppose Congress were not in session and certain emergencies should arise that Congress had not anticipated, and there was no specific legislation to cover the particular situation. Such an emergency would be upon us before Congress could be convened or could act.

Again we refer to the President's position as that of the Chief Executive Officer. Again we point out that should the Executive fail to act, he might well be charged with ignoring his responsibility to preserve and maintain the Nation's safety. Are we afraid to recognize in him any implied authority? We have a remedy against an abuse of power. Congress on its return to the seat of government has the right to curb gross violations even to the point of impeachment.

Under a condition where the national welfare is imperiled, all of us would demand the President take some action. Certainly he would, whether or not we made the demand. I am glad I believe the President does have such powers. It may be contended they are dangerous powers and would make of the President a dictator. He always has dictatorial power in case of war. If he has the right as the Chief Executive Officer to act to maintain the peace and dignity of this country abroad in case we are attacked, he certainly should have the right to act to maintain its peace and dignity at home when the national safety is imperiled by a cold war.

Mr. TAFT. Mr. President, does the Senator care to yield, or does he prefer to finish his statement first?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Ohio?

Mr. WITHERS. I yield.

Mr. TAFT. I ask whether the Senator believes that the President not only has inherent power to secure an injunction but also has inherent power to seize property in case he thinks there is an emergency?

Mr. WITHERS. I may answer the Senator in this way: It would be difficult to find two cases which were parallel. I would say the powers of the President should be general and that he should be governed by the exigencies of the occasion. I would say that whatever power seemed to be justified at the time should be exercised by him.

Mr. TAFT. Is the President the sole judge of whether an emergency exists, such as would justify the exercise of those powers? If not, who is the judge?

Mr. WITHERS. I should think the President would do as the Senator would do if he were President—call in his chief advisers and those in whom he had confidence, and work the matter out with them, just as we try to do in committee.

Mr. TAFT. Then, the existence of such power necessarily implies that the President has complete discretion to determine when there is an emergency and when there is not. Is that the Senator's view?

Mr. WITHERS. He could be said to have complete discretion, but I think, as all reasonable men would do, he would seek all the good counsel he could obtain.

Mr. TAFT. Does the Senator mean that the mere existence of such power brings a complete end to the whole representative and legislative system under which this Government is operated?

Mr. WITHERS. I would not think so; but I should hate to think I lived under a government which did not permit somebody to act to save the country in case of an emergency.

Mr. TAFT. I think Congress can act.

Mr. WITHERS. That would be true, if Congress were in session. Suppose Congress were not in session, and before they could meet and act, the emergency occurred. Our national welfare would already have suffered material damage.

Mr. TAFT. Congress could be here within a day, if necessary. It seems to me the very existence of such power denies the whole basis on which the Government of the United States is established, of a division of powers among the executive, legislative, and judicial branches of the Government.

Mr. WITHERS. I cannot see in it the hazards the Senator sees. We are under a republican form of government and under a constitution. In case the President should far exceed his authority when the Congress meets it would have the right to impeach him and to remove him from office. The Constitution stands between Congress and any arbitrary acts on the part of the President amounting to an abuse of his constitutional authority.

Mr. TAFT. But who is to determine that? Is the Congress to determine it? If the President possesses this power, he is the judge of whether an emergency exists. He could not be impeached for exercising a legal power. I suggest to the Senator, even if he feels that the President might do so, that is a very different thing from saying the President has a constitutional and legal right to do it. Certainly he might do it.

Mr. WITHERS. I may say to the Senator, no officer has any right to abuse his discretion or his authority. He has only the right to exercise valid and proper discretion under any circumstances. No officer of the United States, high or low, ever had authority to go beyond what is decreed. It is not implied that any officer in any station of life has the right to abuse his discretion. If the Congress itself should determine that the President had abused his discretion, he would subject himself to impeachment.

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

Mr. WITHERS. I yield.

Mr. TAFT. Does the Senator's conclusion on this subject lead him to support the portion of the Thomas bill relating to national emergency, which has no provision for injunctions or seizures?

Mr. WITHERS. Taking the position I do, I do not think I would be bound to support any amendment. The only reason I would support any amendment providing for seizure in case of emergency would be to satisfy those who do not believe the President has implied authority, as the Senator does not believe.

Mr. TAFT. Does the Senator feel that if the President has such power, it would be very wise to spell out that power and the proper limitations on it in legislation? If the President has the power anyway, why do we not spell it out in legislation, defining the exact scope of the power to secure an injunction or to seize property?

Mr. WITHERS. If the power to decree that people shall labor is spelled out specifically, I say it would be a sword hanging over a man's liberties. He would know that he would be required not to do specific things under a specific act of Congress. When liberties are to be abridged, I think any man would much prefer to not know what specific plan is to be resorted to in order to abridge his liberties than to have knowledge. That is the reason I might oppose it. I think it is too much like pointing out to a man the day of his doom. Any man would rather not know when the last moment will come.

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

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

Mr. HILL. Has the Senator had an occasion to examine the cases decided by the Supreme Court in reference to the powers of the President, as the Commander in Chief of the armed forces, and defining the vast extent of the President's powers in the protection of the vital interests of the United States?

Mr. WITHERS. I have read some of them.

Mr. HILL. The Senator, of course, recalls that John Marshall wrote the basic decision himself.

Mr. WITHERS. Yes.

Mr. HILL. The Senator knows how far the Court went in recognition of the powers of the President, so far as the protection of the vital interests of the United States is concerned. As I recall those cases, they held that the President had power to send the armed forces of the United States to any part of the globe.

Mr. WITHERS. Whether or not the Nation should be attacked.

Mr. HILL. Yes. It is not a question of attack. The question is whether, in his judgment as President of the United States, he feels that the vital interests

of the United States demand that he send the armed forces.

Mr. WITHERS. I thank the Senator for his statement.

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

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

Mr. LUCAS. I think the records will show that there have been more than a hundred occasions in the life of the Republic when the President has sent troops here or there. Even in the Boxer Rebellion he sent several divisions without any confirmation of his power by the Congress of the United States.

Mr. WITHERS. In all that time the President has never been termed a dictator.

Mr. LUCAS. That is correct. He has never been termed a dictator.

Mr. THOMAS of Utah. Mr. President, will the Senator yield for one remark and one question?

Mr. WITHERS. I yield.

Mr. THOMAS of Utah. Since we are discussing the discretion of the Executive, as to how broad it is and how far it should go, I recall that the question was asked, Should not Congress prescribe what the President should do, when he shall do it, and how he shall do it? Does that in any sense remove the discretion of the President?

Mr. WITHERS. I should say that it does not, if it merely specified what particular things he should do. But it does not have a tendency to restrict his powers. That is my idea of it. I take the position that Congress has not the right to restrict the President's implied constitutional powers.

Mr. THOMAS of Utah. Is there any way in which Congress can act in an executive capacity?

Mr. WITHERS. I do not think so. It is the duty of the President to execute the laws.

Mr. THOMAS of Utah. We must leave judgment with the President.

Mr. WITHERS. Yes. The manner of the execution of the laws should be left to the President.

Mr. THOMAS of Utah. Is there not a guaranty that the republican form of government of the United States will be preserved in all our States?

Mr. WITHERS. Yes.

Mr. THOMAS of Utah. Who is to see that that is done?

Mr. WITHERS. I would say the President of the United States, the Chief Executive Officer.

Mr. THOMAS of Utah. Is not that a very large grant of discretion?

Mr. WITHERS. It is, indeed, unless the opposition is correct in the contention that Congress should define and limit the authority which the President may exercise. I would anticipate that as being the position of the opposition. But I agree with the able Senator from Utah that Congress has no right, by any congressional act, to restrict the President's authority.

Mr. President, I favor just legislation for management, labor, and the public. It is the only kind of legislation that will endure. I maintain that partial or biased legislation granted to any side will ultimately redound to the detriment of the side attempted to be favored. We have proved this by aiding our infant industries, by favoring capital for a while and then favoring labor for a while, distributing our errors equitably.

When I speak of infant industries, I speak of the industries which first had their beginning in this country. They did not remain infant industries. We so protected them in the past that, as W. J. Bryan said, they were not only able to stand upon their own feet but to walk upon the feet of others. That is why some of this legislation is necessary.

I do not think labor and management are so far apart in their ideas of the kind and character of labor legislation they can work under peaceably. I do not have the fear some have of a national emergency in case of strikes, for the reason that the corporate interests are composed of men who are citizens of this country, as are the laboring people. The same conditions that will bring suffering to the public will likewise affect labor and the employer.

We must not forget we are attempting to work with American people who are accustomed to freedom of speech, of thought, and of action. Such people will never subject themselves to involuntary servitude under specific remedies. I do not consider it a question as to the time men may be in involuntary servitude. Time is not the essence. The question is, Are they to be placed in such servitude by specific acts of Congress? All of us recognize the delicacy of this situation. By far the great majority of American laborers are fine citizens with the same devotion to their country and its principles of freedom as is possessed by the majority of management. The greatest assistance we can render to them is to use our good offices to further improve the relationship between them and to aid in composing their differences. Make them more conscious of the need to live and work together in peace and harmony. They are learning to do this. I can see considerable improvement in the relationship now existing between them as compared to what it was when I first became interested in these problems.

I was agreeably surprised at the fine attitude shown by the leaders of management and labor when they appeared before the committee. Of course, there are extremists in each category, but most of them had their feet on the ground and were seeking only justice and fair dealing. The employer is not a slave; neither is the laboring man; but each is a citizen with the right to live, to work in peace and under suitable conditions, to support his family comfortably and educate his children to become useful citizens of our country. I live among both classes, and most of them are among the finest citizens of our community.

The leaders of management and labor, in the main, have assumed a just and fair attitude toward working out these controversial questions, and it has not been one of imposition. Of course, they are going to bargain. It frequently occurs to me that we try to enact too much "must" legislation where management and labor are concerned. I sometimes wonder whether they would be glad if we would repeal all labor laws and leave the whole matter to them to settle by collective bargaining, and let us only counsel, advise, and appoint advisory boards.

I have faith that both management and labor can settle all these matters by collective bargaining with as little interference from the Government as is necessary. The hope of all of us is that we may learn to work together, regardless of our differences on labor questions and differences on all matters of government, and each of us may look to the interests and welfare of all the people, realizing that special privilege to any group will bring ruin to it.

We have experienced many examples of industries being especially favored and becoming all powerful. As a result of the power they obtained the Government was forced to lay heavy taxes upon their incomes in order to even up the wealth of the country, because of mistakes the Government had made in its early history in protecting great interests at the expense of the masses.

As for me, I am not chancing our liberties on a guess when this remedy leads us only to the brink, with a partial admission that there is no other power or remedy; afraid to admit the President has implied power enough to save us, fearing he would, therefore, become a dictator. This is straining at a gnat and swallowing a camel. Even if we deny the President this authority, I still have faith in that combination of power and force known as the American people and their ability to save the Nation without placing any citizens in bondage. I do not believe our freedom can be or should be perpetuated in any other way.

Does anyone think the present labor act has worked satisfactorily? Does the able Senator from Ohio think it has worked, when he admits that 26 or more amendments to the present act are necessary? Does he believe it has worked? He seems perfectly willing to have it repealed and remove its monumental effects from his life, and substitute the Thomas bill and his amendments as the law of the land. It would then lose its identity as the Taft-Hartley Act and become the Thomas bill. If he were sure his amendments were safe and sound, he would be here fighting for the amendment of the Taft-Hartley Act and save all the glory for his namesake. But if these amendments are adequate when tied onto the Thomas bill, he could then say the Thomas bill failed, even though its failure were due solely to his amendments.

So, before it is too late, why should not the able Senator save his bill and amend its 26 admitted defects instead of taking any chance of doing violence to the Thomas bill, and let it sail under its true colors? Put the two up—the Taft-Hartley Act on the one side with its admittedly needed amendments, and the Thomas bill on the other—and let that be the issue.

Labor is a commodity, but the laborer is not. We must deal with both the employer and the laborer justly and as citizens. It is not possible to spell out all the rights and duties of each to the other and to the remainder of the public. The combined wisdom of the past has not been sufficient to meet even the existing

conditions. We have met most emergencies by applying analogous principles. So, in this field, if we attempted to limit ourselves to specific remedies we might find ourselves with an emergency without a remedy. Chance no remedy until you are reasonably certain of its virtues.

I am sure many Senators feel safe in supporting the amendments offered by the able Senator from Ohio. Some of them are satisfied with the Taft-Tartley Act as it is. The Senator from Ohio is not. He sees it has 26 weaknesses, leaving some 20 good points. Judging from the way he has moved forward in his thinking, by the time the next Congress convenes he and the senior Senator from Utah can write a good labor law.

I shall now quote from a colloquy between the Senator from Ohio and the Honorable W. H. Davis, an able attorney, who was a witness before the committee a few weeks ago:

Mr. DAVIS. What did the Congress do in the Taft-Hartley Act? They were face to face with that emergency, that question of a final emergency; and they said, "If it arises, the President shall thereupon report to Congress with his recommendations."

Now, it may be that that is a sufficient safeguard in such a crisis. I personally would be inclined, perhaps, more than a lot of other people to believe that perhaps it is sufficient.

I must say, if I may, Senators, that I often asked myself when I read the act, whether, on the one hand the Eightieth Congress had an ace in the hole which it was prepared to lay on the table if there was a call for a show-down, or whether, on the other hand, the Congress did not know what in the world to do if such an emergency did arise.

Senator TAFT. Well, we had an ace, but it was a little vague.

Mr. DAVIS. I suspected so.

Senator TAFT. It was kind of outlined on some of our minds, but not written down on paper.

Of course, we do not know what was in his mind, and what was in his mind is not the law of the land.

Senator MORSE. I think it was out of a different deck, Mr. Davis.

Mr. DAVIS. Yes. At any rate, that is all they did.

The CHAIRMAN. I think the trouble, Mr. Davis, was the size of that hole, rather than the ace part of it.

Mr. DAVIS. Let me tell you the trouble, Senator—I know it, and Senator TAFT and I—we have not talked about this particular point, but I think we feel the same on it, and that is that you cannot in our system of free enterprise and free labor compel men to work by law, to work unwillingly for a private employer, because if you tell John Jones to do that, John is going to say, "Who, me?" and he just will not do it.

There was never any denial of that positive statement by Mr. Davis.

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

Mr. WITHERS. I yield.

Mr. TAFT. I did not agree with Mr. Davis. I might as well say that.

Mr. WITHERS. I know the Senator did not, but I notice he did not deny that statement.

It sounds as though the able Senator from Ohio realizes he is engaged in a game of chance. And what are the stakes? The liberties of our country? Are Senators willing to sit down in this game and make even a part of the liberties of any of our citizens the ante? No, they are not. I would feel sanguine in following the able leader when he had a good hand, but I am not willing to follow him when he holds only a vague ace.

Mr. TAFT. Mr. President, will the Senator mind if I make a statement on this subject?

Mr. WITHERS. I am glad to yield.

Mr. TAFT. This particular provision provides for an injunction for a period of 60 days—it was 80 days under the Taft-Hartley law—the purpose being to maintain the status quo while the settlement is brought about, if one can be brought about. That is the sole purpose of it. It violates my general theory that when there is an economic strike there should not be an injunction against the strike, because I believe in the right to strike, but when the national safety and health are involved, I see nothing whatever excessive in asking both labor and management to continue temporarily to maintain the status quo, rather than starve the people to death. It is a limitation on a general principle in which I believe. Nevertheless, it seems to me a reasonable limitation.

The Senator says, "What is the last recourse?" If after the time specified is exhausted, and men are still striking, all the railroads in the country are tied up, and we begin to have threats of starvation, the last recourse is for Congress to grant all-inclusive power, for that particular emergency, to the President, or to whatever officer it chooses to invest with the power.

I think that power is very much like the power given in England in 1925, when there was a general strike. The Government seized everything. It not only seized the railroads but it requisitioned all the trucks in Great Britain, it called for volunteers, operated industries, and fed the people. In the last analysis the Government must have such power if it is going to preserve the lives of its own people.

Every government, in the last analysis, certainly is going to maintain the right to protect its own people from destruction. But I think it would be very unwise to give any such power in a general law as part of any labor-management relationship. It is not labor-management relationship. A strike carried to that extent is practically a revolution against the Government of the United States, and it is necessary to give revolutionary power.

The power, the Senator says, is vague, because the statute is not written. Our Government has been in existence for 150 year, and never has gotten to that point, but my theory is that if we ever got to that point, that is the kind of statute Congress would have to enact. The statute would include everything—seizure of the union offices, calling out the Army to protect those who would work, every power we could think of. But I do not believe we should put any such statute on the books, and if we ever do, it should be for the particular emergency at hand, and no other emergency.

That is the ace in the hole to which the Senator is referring, and to which I was referring during the testimony which the Senator has read.

Mr. WITHERS. I think I understood the Senator's position to be exactly as he has stated it. I wish to say, in answer to the Senator, that Nero fiddled while Rome burned, and sometimes I have seen the Senate when it would fiddle while our Government might be destroyed. I have seen Senators take the floor and conscientiously talk for 4, 5, or 6 hours, and that 5 or 6 hours might be an emergency point in the United States. We differ in our opinions, and someone might possibly filibuster a certain bill, and he could be just as patriotic about it as any other Senator who was anxious for immediate action. I say it is too serious a matter for the President of the United States, in case of dire emergency such as the Senator mentions—which has not happened more than once in 150 years—not to have the implied power to act, under the very statement made by the Senator when he said this country would be in revolution. There is no difference between revolution and war. Whether we declare war or not when it exists, the President has the right to act in case of war, even before Congress has declared it.

Some may insist that the President cannot act until Congress declares war, but the only duty of the Congress is to declare that a state of war exists, and if a revolution arises I would say it would be ridiculous, and inconsistent with the whole principle of our Government, if the President, who can send our ships and troops abroad to protect us when we are attacked, could not use our forces at home to protect us from internal strife arising as a rebellion against our peace and dignity. I say that no legislation is needed. When this country has reached the point where the conduct of strikers amounts to rebellion, the country is at war, and all the emergency powers of which the Senator speaks can be exercised by the President.

Mr. TAFT. What does the Senator think of the fifth amendment, which provides that no person shall be deprived of life, liberty, or property without due process of law?

Mr. WITHERS. I believe in it.

Mr. TAFT. How does the Senator think the President can seize property or make people work without law?

Mr. WITHERS. I would say he would be clothed with the full power of martial law in such a case, and would for that time become a dictator as he is in war. Then he is a dictator. He can then exercise extreme power inconsistent with the laws and the powers in effect in peacetime.

Further evidence of his feeling of uncertainty is found in these statements at the same hearing:

Mr. DAVIS. I happen to know a good deal about the case down at Oak Ridge with respect to atomic energy. That dispute was in the laboratory down there. The 80-day period was established by injunction, and it went by. There was no settlement. The controversy was just as acute when the injunction was discharged as it was the day it was issued.

Well, what was the result? The men were free to strike. They had almost been authorized by law to strike, in my judgment. But in that case the counsel of the American Federation of Labor certainly rose to the

occasion. They recognized the tremendous responsibility and importance of the atomic-energy program, and they sent Brownlow down there and settled it without a strike.

In the west coast maritime case, the 80-day period went through, not by getting a settlement; they could not even get the people to vote on the final offer. In fact, there was not any final offer; it had been withdrawn by voting time, and they had a strike that lasted for over 3 months.

I think maybe it did them a lot of good, so I am told. Relations are much better. But it was a costly strike, and if it was true, it did imperil the health and safety of the Nation, as I do not think it ever did—that was the finding on which the injunction issued—then it still imperiled the health and safety of the Nation.

Senator TAFT. Mr. Davis, that question has not been raised, I just interrupted you to remind you. I was anxious to try to limit this thing just as much as possible. In other words, I feel that the inconvenience of the strike was no reason for declining it, and I tried to make it just as narrow as it could be, and I must say that I agree with you that it had been used in cases beyond what I thought it should be used in.

All of this is persuasive that we should not gamble any of our liberties away or even chance them on a vague ace.

In the language of this vernacular, when the Senator draws a winner, then all of us will follow him. But if he is skeptical of the bill and amendments, he should not draw faith from those who follow him, since he may be the reason for their following.

I can say sincerely that I have confidence in the ability and character of the Senator from Ohio. I know he is desirous of being just in his position on this bill and I respect him for it. I will say to those Democrats who object to the seizure clause in the amendment offered by the junior Senator from Illinois [Mr. DOUGLAS] that they will find a seizure clause in the amendment of the Senator from Ohio. In his amendment there are alterate remedies: Seizure? Injunction? Or both. So Senators can see his amendments move him a long way from the Taft-Hartley Act. I congratulate him on his progress.

On the question of the powers of the President, I quote further from the evidence of Mr. Davis:

That brings us, it seems to me, to the question, are you going to say, perhaps, "Is the Congress satisfied to leave the thing the way it is, with just a report to Congress in such an emergency, Congress not always being in session; or is it going to indicate the course to be followed, or is it going to leave it to the constitutional duties of the President?

My theory of that is that the President's constitutional powers are adequate to deal with an emergency which his constitutional duties require him to deal with. They have never been defined but they may be presumed to be commensurate with the emergency.

What we we need in a free democracy is the utmost economy of coercion, and that is what we need in this field that is developing very well by itself. That is a generalization. We certainly want now to act. I am sure the Senate does, and the House, the country, and everyone here wants to act now without any reflection of fear or hatred or revenge or resentment.

Now, if that is true, you had better leave out the injunction. You do not need it in the cooling-off period, and it does not, under the Taft-Hartley Act, extend beyond the cooling-off period.

Whatever the Congress does it will not compel John Jones to work for the XYZ company against his will for private profit. It won't do that.

The question is asked as to what the difference is between the President acting under his implied powers, and proceeding under an act authorizing the issuance of an injunction requiring laborers to work. There is this difference: When an injunction is provided for, the laborer knows it is a rule calling for involuntary servitude. Even though the strike be just, he thinks the President has implied powers to which he may resort for all peaceable means of settlement before resorting to extreme measures.

There would be no opposition among the laborers to the general power of the President to exercise such authority as would be necessary to protect the Nation if it were imperiled. Under the President's seizure, they would be working with their Government and would do it willingly, but would resist being compelled to labor for a private employer. Many of them so expressed themselves in testimony before the committee, believing that in case of emergency the President could and would act.

I am wondering whether or not some of us in this body and in the House of Representatives do not become personally frightened in certain situations and imagine our national safety has become imperiled, when the circumstances warrant no such conclusion. When we are frightened, we are inclined to go to extremes and are not in full possession of all our faculties. Has the national safety ever been imperiled by strikes?

I do not mean by this that we should assume a passive and indifferent attitude when a critical situation arises, but we should encourage both labor and management to adjust their differences, rather than have the Government resort to force.

Therefore, let us not through fear of what we may consider impending perils, abandon those principles which have made our country great.

I am not opposed to the injunction because union labor is opposed to it. I am opposed to it for the reason labor will not submit to it permanently. It may work for a short time, but the opposition to it will grow. I am opposed to it because it puts us in a bad light with foreign countries where we wish to uphold our principles of freedom and liberty. I am opposed to it because I, myself, would not want to be coerced to labor against my will. In fact I do not believe anyone could make me labor at all. I am opposed to it because it is the beginning of the abridgement of our liberties.

I am in favor of the amendment offered by the Senator from Illinois [Mr. DOUGLAS] and others to satisfy those who feel that the powers granted to the President should be spelled out. His amendment merely spells out some of the powers I think the President now has under his implied authority. I am for it with the idea of satisfying some of those who do not believe the President has any implied authority.

Granting the amendment will be adopted authorizing an injunction for a limited and fixed period of time, let me interpose this serious question: What is the remedy after the duration of the cooling-off period providing labor and management have not cooled off?

By the adoption of the amendment Senators place their whole faith in the fitness and the adequacy of the injunction to save the Nation when it is imperiled, if they do not agree the President has the implied power to take adequate and effective steps at the end of the cooling-off period. And Senators must remember the injunction only extends to the end of the cooling-off period.

I doubt so drastic a law has ever been passed as one authorizing an injunction forcing a man to labor for a private employer against his will. For that reason, I am agreeing with the able Senator from Ohio in including in his amendment the right of seizure, so, if men are forced to work they will be laboring for the Government instead of private individuals.

Some one remarked the other day, that Stalin or Hitler would have those who refused to labor shot down. Is that more humane than our law? How would Jefferson have answered? Yes? And Patrick Henry, who said, "Give me liberty or give me death?" Are we to permit Stalin or Hitler to be more considerate? They strike their workers down. We let ours live, but force them to work and suffer the loss of liberty, more priceless than life itself.

Permit me to say: Why not begin by mutually assisting both employer and laborer by releasing many of the restrictions contained in the law? This is in accord with a letter I received from one of the small business firms in my State, which also cited its payments to labor, as follows:

If all of our competitors worked on the same basis, we would all be even, but so many of them do not, and it presents a problem at times. However, I fully believe that small business can look after itself pretty well, if it is not bound by too many regulations, and I hope, when the matter comes up before the Senate again, that any bill you may pass will remove just as many shackles as possible from both labor and management.

It has been our experience that labor relations run much more smoothly with a minimum of laws, when individuals are permitted to get together and work out their own problems. They are working in a group in the same boat, and, when they don't work together, they get to a point where neither of them is working at all.

Let us not permit any one union leader, or any other leader, at this time to arouse us to anger, and thereby cause us to enact laws which will not be equitable and fair to the public and to labor and to management, but let us keep ourselves in the proper attitude to be just in our dealings to all alike.

I thank Senators for their kindness in indulging me. I assure them that I do not pretend to be an authority on the law. However, I have a right, as a humble citizen of the land, to express my opinions fearlessly, and to cling to them until I am shown a reason for giving them up.

Up to this time no such reason has been exhibited to me.

I am not a statesman. I do not claim to be. I am only "one of the boys," telling the Senate what I think we want back home.

Mr. MORSE. Mr. President, I rise primarily to discuss the amendment dealing with the Mediation and Conciliation Service. However, my good friend the Senator from Kentucky [Mr. WITHERS] has laid down in his speech today a doctrine which I think is so dangerous to representative government that I believe it must be answered forthwith.

The answer to the Senator from Kentucky is very easy to make. The answer is the Constitution of the United States itself. The discussion which has arisen during this session of Congress, so well set forth and epitomized this afternoon by the Senator from Kentucky, in regard to the alleged implied powers of the President of the United States, represents, in my opinion, one of the most dangerous divergences from the Constitution of the United States that has ever been expressed on the floor of the United States Senate.

I say to the Senator from Kentucky that the answer to him is the law. Therefore, I issue two challenges this afternoon to those in the administration who purport to support the doctrine laid down by the Senator from Kentucky.

First, I want them to produce one single phrase, word, or sentence in the Constitution of the United States which gives to the President any such implied power as the Senator from Kentucky supported in his argument this afternoon.

The second challenge is that they produce one single United States Supreme Court decision which supports any such contention as that offered by the Senator from Kentucky and by other spokesmen for the Democratic administration.

Mr. President, this is a simple matter of law. When we talk about implied power in American jurisprudence, we cannot pick it out of a vacuum. Let us talk for a moment about implied conditions in a contract, which, of course, raises the entire question of law by way of implication. We cannot find in the American lawbooks a case which has gone to the highest appellate court of the land in which the court has ever found an implied condition in a contract that cannot be related to the specific language of the contract. The notion that implied powers or implied conditions in a legal instrument can exist in a vacuum is naive. We cannot read them into the Constitution through wishful thinking that it might be a good idea to have such implied powers. They are either there or they are not.

No matter how desirable it might be from the standpoint of a lawyer in a specific case to have an implied condition spring up in a contract, it cannot be placed there by magic. It can be placed there only by well-established laws of construction and judicial interpretation in relation to language which is in the contract. The court cannot write a contract for the parties. The court cannot write any legal instrument for the parties. All the court can do is to interpret the instrument on the basis of its legal meaning, derived from the language used by the parties.

Therefore I seek to call a halt in the United States Senate today to all the talk about the implied powers of the President of the United States, by issuing again those two challenges: Show me the language in the Constitution or show me a case which supports any such weird interpretation of the Constitution of the United States.

In reply to the argument of the Senator from Kentucky that it is important for the President to exercise power in case of a national emergency, let me say, as the Supreme Court has held time and time again, that no emergency creates constitutional power. The only constitutional power the President of the United States has is in that document now, and it cannot be written into that document by any emergency. The Founding Fathers either gave the President such power or they did not.

In view of the fact that this question has been raised on the floor of the Senate, in order to keep the RECORD straight I must necessarily now do exactly the same thing I did in committee when that very remarkable letter was received by the committee from the Attorney General of the United States. The letter will be found set forth in the printed record of the hearings, beginning at page 261. On page 263 of the printed hearings we find this language of the Attorney General:

> However, with regard to the question of the power of the Government under title III, I might point out that the inherent power of the President to deal with emergencies that affect the health, safety, and welfare of the entire Nation is exceedingly great. See opinion of Attorney General Murphy of October 4, 1939 (39 Op. Atty. Gen. 344, 347); *United States* v. *United Mine Workers of America* (330 U. S. 258 (1947)).

I say to the Attorney General of the United States, reread the Murphy opinion. Reread the Supreme Court decision, and then tell the Senate of the United States what there is in either the opinion or the case which justifies any argument supporting the fantastic contention that the President of the United States has implied powers not set forth in the Constitution.

As I asked witnesses in committee, I now ask any Senator, or the Attorney General of the United States, to follow me in this analysis. Whatever executive power the President of the United States has is to be found in article II of the Constitution. Dry as the reading of it may be, I shall place it in the RECORD at this time, line by line, paragraph by paragraph, accompanied by appropriate comments and questions.

Section 1 of article II reads as follows:

> The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of 4 years, and, together with the Vice President, chosen for the same term, be elected as follows:
>
> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress, but no Senator or Representative, or person holding an office of trust or profit under the United States shall be appointed an elector.

My question is this: Is there any phrase, word, or sentence in section 1 of article II of the Constitution of the United States that gives to the President of the United States any such implied power as that for which the Senator from Kentucky argued here this afternoon? That question should be answered either "Yes" or "No." Either such implied power is to be found in section 1 of article II of the Constitution or it is not. If any Member of the Senate believes that section 1 of article II of the Constitution gives the President of the United States any such power as that for which the Senator from Kentucky has argued here this afternoon, let him stand up on the floor of the Senate and point it out. We cannot run away from the issue, Mr. President. Either the power is to be found in the Constitution or it is not.

Then let us consider the next provision of the Constitution:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No implied power is to be found there.

The next provision of the Constitution reads as follows:

> No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of 35 years and been 14 years a resident within the United States.

Obviously that paragraph contains no implied power to exercise the dangerous power for which the Senator from Kentucky has contended.

The next provision of the Constitution reads as follows:

> In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly until the disability be removed or a President shall be elected.

No implied power is to be found in that paragraph.

Let us consider the next provision of the Constitution:

> The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

There is no implied power in that paragraph.

The next provision of the Constitution reads as follows:

> Before he enter on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect, and defend the Constitution of the United States."

There is no implied power in that paragraph, Mr. President.

The first paragraph of section 2 of article II of the Constitution reads as follows:

SEC. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Mr. President, if any Senator thinks that any such implied power as that for which the Senator from Kentucky has contended this afternoon is to be found in the language "The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States," let him produce a decision which so holds. That is my challenge.

Mr. President, the founding fathers were very careful to see to it that the President of the United States would be forced to recognize that his powers were delegated powers. They made him Commander in Chief in time of war, but nowhere in the Constitution did they give him any power, for example, to do what the Attorney General implies in his letter the President might be able to do through inherent power, because it is to be noted that the Attorney General failed to relate his claim as to inherent power to any specific section of the Constitution or to any court decision which holds that the President has any such power as that which the Senator from Kentucky contended for this afternoon.

The next provision of the Constitution reads as follows:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

No such power as that contended for today by the Senator from Kentucky is to be found in that paragraph.

The next paragraph of the Constitution reads as follows:

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Obviously the power contended for is not to be found in that paragraph.

Section 3 of this article reads as follows:

SEC. 3. He shall from time to time give to the Congress information of the State of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient—

Mr. President, I digress for a moment to illustrate how clear was the thinking of the founding fathers in regard to the President of the United States. The sentence I have just read makes very clear their intent to circumscribe him with very definite limitations, placing upon him the duty from time to time to give the Congress information regarding the state of the Union and to recommend to Congress such measures as he shall judge necessary and expedient. Mr. President, what conclusion are we to draw from that provision? We are to draw the conclusion that the next step will be congressional action on those recommendations.

The founding fathers were very careful, under our republican form of government which they devised, to see to it that they did not place at the head of the Government an executive with power, through implication to proceed to exercise the dangerous authority which the Senator from Kentucky sought to defend on the floor of the Senate this afternoon. This is a Government functioning through the elected representatives of the people, with its checks and its balances; and the document from which I am reading, the Constitution of the United States, is characterized chiefly by its checks and its balances. This is one of the checks. The President cannot act in a dictatorial fashion. All men in the day in which they live have a tendency to minimize the danger of the development of a trend which in the future may cause a serious threat to the form of government under which they live. The Senator from Kentucky illustrated that very nicely this afternoon when he dismissed rather lightly the danger inherent in recognizing in the President of the United States any such inherent or implied power for which the Senator contended in his argument.

Let me tell you, Mr. President, that it is our solemn obligation as United States Senators to see to it that as we sit here in the Senate of the United States, we always are careful to protect the American people from the development in our system of government of trends which, in the years to come—and with world events moving so rapidly as they now move, such developments sometimes can come very quickly—might cause the Congress of the United States to function more or less either as a rubber stamp or as a body which acts after the fact, after the President of the United States has proceeded to exercise powers not presently given him in the Constitution.

Another answer of mine to the Senator from Kentucky is this: If we should want the President to have any such power as that which the Senator from Kentucky has proposed, then let us submit it by constitutional amendment, and see what the American people will say about it. Let me say, Mr. President, that once the American people come to understand the implications in and the significance of the argument made to the Senate today by the Senator from Kentucky, I have no doubt what their answer will be. It will be that the Congress of the United States should constantly take all steps necessary to protect them from the development of any such dictatorial power as is implicit in the argument which has been made to us for inherent and implied powers of the President, not expressed in the Constitution.

I return to section 3 of article II of the Constitution:

He may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper.

That is a significant provision, Mr. President, making once again crystal clear what was in the minds of the founding fathers, that when the country is confronted with extraordinary situations—and emergency disputes are such—the President under the Constitution, may convene the Congress. He ought to do so, and the Congress ought to act on them. But I shall not be a party to what, I say most respectfully, constitutes an obvious attempt upon the part of the administration and some of its spokesmen in the Senate to work both sides of the political street on the question of emergency disputes. It was perfectly obvious that the Attorney General's letter which was inserted in the record of the hearing was a political document in which the Attorney General laid down the basis for the political contention on the part of the Democratic Party that, although the Thomas bill does not provide directly for injunctions, the President has the power anyway under his implied authority, so ably but mistakenly contended for by the Senator from Kentucky on the floor of the Senate this afternoon.

I think labor sees through it, and I think management sees through it. I think it now devolves upon the Senate in the legislation it writes on the floor to make perfectly clear what procedures shall be followed in emergency disputes, and in a manner that will be so indelibly recorded in history that in the years to come the year 1949 will stand out in Senate debates as the year in which the Senate maintained and insisted that the language of the Constitution be followed in the handling of legislation dealing with emergency disputes, and rejected the dangerous notion that the President has some reservoir of implied power not even referred to anywhere in the Constitution.

Let me finish reading article II:

SEC. 4. The President, Vice President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Thus, as we go through article II of the Constitution paragraph by paragraph, line by line, word by word, there is not a scintilla of evidence in the entire article upon which the Senator from Kentucky can base his erroneous premise.

I intend to hold to the Constitution. I intend to hold to the proposition that expediency never justifies proposing a

course of action at variance with the organic law. If a Democratic administration does not like the organic law contained in the Constitution of the United States, in respect to the powers given to the President, let them propose a constitutional amendment. Let them not try to becloud the issue by giving the American people the false impression that the President has some power not expressed in the Constitution. It is a denial of our whole theory of Federal Government.

As a lawyer I cannot listen in silence to the dangerous constitutional doctrine expounded on the floor of the Senate today and which I heard expressed so many times during the committee hearings. I call for proof; and I state the proof I call for. I call for that section of the Constitution which supports the argument of those who contend the President has any such inherent power as they are contending for in regard to emergency disputes. I call for a United States Supreme Court case in point that supports any such dangerous contention. I issue those two challenges without any fear whatever that they can be met. They cannot be met. The power is not there for what we are dealing with in the year 1949, and the argument of the proponents can best be described as an argument of political expediency. Surely, we have a hot potato in the emergency dispute problem, but let us meet it in a constitutional way. Let us not try to pull out of the air and insert into the Constitution a doctrine the founding fathers did not write into it.

There was comment this afternoon on the part of the Senator from Kentucky about the duty of the President in case of a revolution or in case of a need for martial law. There is nothing implied about that, Mr. President. The founding fathers made perfectly clear in the Constitution that in such situations as that the President shall act as Commander in Chief of the Army and the Navy. But do we really mean that a dispute between management and labor, even in an industry affecting the national health and safety, which leads to a threatened strike or to a strike, or to a threatened lock-out or to a lock-out, is a revolution? The contention is silly.

Mr. President, the right to strike represents the exercise of a basic American freedom. Until and unless the politicians of America are willing to stand up on the floor of the Senate and say they are opposed to the right to strike and that they believe it should be abolished, and forthrightly they propose legislation to accomplish that end, then let us have no more of this talk about the exercise of the free right to strike or lock-out being revolutionary in America.

Labor disturbances and strikes may prove to be exceedingly inconvenient and costly; they may result in serious suffering, reaching a point where national health and safety are involved, but when that danger exists there is an obligation on the part of the Congress of the United States, as the representatives of the people, to step in. We should be ready to step in by passing legislation in the Eighty-first Congress which will give us effective machinery for a fair determination of such a dispute, but not for the destruction of the right of free men in America to seek to better their economic condition by the use of economic force, if necessary, up to the point where national health and safety are jeopardized.

So I say, Mr. President, the answer is not to be found in talking in terms of revolution resulting from an employee-management dispute in connection with coal, railroads, utilities, or the maritime industry. We must protect the right of the workers in those industries to bargain collectively and to make clear that they need not permit themselves to be subjected to working conditions which free workers under a capitalistic system should not have to bear in this land. Let us give them machinery which, in the case of disputes involving the national health and safety, will make possible a determination which will be fair to all parties concerned. Let us also recognize that there is a great deal of talk about disputes involving national health and safety when, in fact, the disputes do not involve national health and safety.

There is also in this argument—and we need to keep it in mind—a very clever jumping of premises. By that I mean the argument that every time a labor dispute arises in the railroad industry in the maritime industry, or in some other phase of the transportation system of the country, or in the coal industry, the very calling of the strike immediately involves national health and safety. It is not so.

Mr. President, there are forces in America that really want to do away with the right to strike. So, when we are faced with one of the so-called national emergencies, they take the position that the economic life of the section of the country affected by the dispute should go on without change, as it did before the dispute. That is very fallacious reasoning.

Let me give an example. Let me take New York City as an example. Let us assume New York City is tied up by a transit strike. We know there are certain minimum activities related to the health and safety of the public which should continue, and it becomes the duty of Government, in my judgment, and I have always consistently so contended, to see to it that minimum services are maintained in the city of New York. But what do the antilabor forces of America want in connection with such disputes? They want New York City to operate during the dispute on the same level of economic activity as existed prior to the start of the dispute. That is not necessary in order to protect health and safety. We must not allow ourselves to be put into a position in which we pass legislation which will guarantee to management and antilabor forces in a given community that their economic life can go on without any impairment whatsoever, because, if that be true, the right to strike becomes a meaningless thing. It is no right at all. Thus in those instances in which national health and safety are jeopardized, the Government should say that it will take the steps necessary to protect the health and safety of New York City, but that it will not take the steps necessary to protect the making of profits during the term of the strike on the same level on which profits were made by business prior to the beginning of the strike.

The American public needs to recognize that, after all, the right to strike necessarily carries with it public inconvenience and loss. So many members of the public seem to think that we can have the right to strike and, at the same time, the public not suffer. I say to the American people, "Are you willing to pay the price for the right to strike? It will cost you something. Would you rather live in a society where freemen cannot organize themselves into unions and bargain collectively with their employers and, when deadlocks are reached, use economic force? Do you want to eliminate and prohibit the use of economic force in employee-management relations in America? If you do, then say so directly and let the Congress of the United States pass a piece of legislation abolishing the right to strike, forthrightly and directly."

We know, Mr. President, that when the American people come to grips with the stark reality which I have tried to put into that simple premise, the answer is going to be that they do not want to live in a society where free workers do not have the right to strike. They want to live in a society in which the striking power will not be exercised in a manner which imperils national health and safety. They do not propose that we pass legislation which protects every businessman in New York City, in the case of a New York City strike, so that he may be allowed to operate his business and make the profits he made prior to the strike.

The right to strike, Mr. President, carries with it the price of loss to the people of the country. So we have to ask ourselves, as free citizens, whether we are willing to pay the price for that freedom. I hope the American people will never live in a society where the precious right to strike and to lock out is denied free employers and free workers.

So, Mr. President, I come back to the question of emergency disputes, and I say to my distinguished friend from Kentucky that I think in the last analysis the Congress of the United States, not the President of the United States, must determine the procedures under which emergency disputes that, in fact, threaten the health and safety of the Nation, shall be settled. Never by my vote, Mr. President, in the Senate of the United States, will I recognize any implied or inherent power on the part of the President of the United States to proceed to take a course of action which is not specifically allowable to him under the terms of the Constitution of the United States.

I shall have more to say on this subject, Mr. President, when we come to the consideration of specific emergency dispute amendments, but I wanted to say this much today because I wanted today's RECORD to contain a categorical denial of every major premise laid down by the Senator from Kentucky in regard to the so-called implied and inherent powers of the President of the United

States. I wanted today's RECORD clear that I have asked for the proof which the Senator from Kentucky did not offer by references either to any language in the Constitution or any Supreme Court decision which would give the President any such power as the Senator insists the President has by implication.

Mr. President, I now turn for 5 or 10 minutes to explain an amendment which I wish to offer in respect to the Conciliation Service. I first offer the amendment, and ask to have it printed and lie on the table.

The PRESIDING OFFICER (Mr. HUMPHREY in the chair). Without objection, the amendment will be received, printed, and lie on the table.

Mr. MORSE. Mr. President, this amendment proposes a new title II, dealing with mediation, conciliation, and arbitration. Aside from providing that the Conciliation Service shall remain independent, it makes technical revisions of parallel provisions in the Thomas bill (S. 249) and the Taft amendment. The conflict over the provisions of title I and whether the Conciliation Service shall be returned to the Department of Labor has tended to distract attention from the very important task of enacting legislation which, to the satisfaction of Congress, would embody the most carefully considered policies dealing with the role of the Government in the field of labor disputes. This task is no less important than that of providing workable legislation concerned with matters best handled by the National Labor Relations Board or with the unusual and infrequent disputes resulting in a national emergency. Indeed, the mediation and arbitration policies of our Government may have a greater impact on our long-range industrial relations than most of the other provisions in the new labor bill.

The Thomas bill ignores whatever values there may have been in the provisions of title II of the Taft-Hartley Act. On the other hand, the Taft amendment, although it seeks to retain some of those provisions and borrows from other provisions of the Thomas bill, can be improved in details and organization. The amendment I propose seeks to combine the best of both measures. There is no substantial or important difference between my amendment and the Taft proposals; the only difference of consequence between it and the Thomas proposals is that I would continue the Federal Mediation and Conciliation Service as an independent agency, whereas the Thomas bill would transfer mediation and conciliation functions to the Department of Labor. I regard the independent status of the Service to be a matter of the very highest importance in any fair labor law.

Section 201 sets forth a basic statement of national policy as to the role of Government in labor disputes. Such a statement has the virtue of giving direction and scope to the substantive provisions of title II. The Thomas bill unfortunately omits such a policy declaration. The Taft amendment preserves the policy provisions of the Taft-Hartley Act, but it seems advisable to emphasize that the primary responsibility for collective bargaining and industrial peace rests on employers and unions rather than on Government facilities.

Section 202 continues the Federal Mediation and Conciliation Service as an independent agency of Government.

Mediation is accomplished by persuasion, not by law, and it can be most effectively performed only if the disputing parties repose unqualified trust and confidence in the mediators. The most important factor in achieving such trust and confidence is, undoubtedly, the personal qualifications of the mediator. It is an unfortunate fact, however, that many employers do not extend to the Department of Labor that full confidence which is required for effective mediation. They suspect or fear that in an economic contest between employers and unions, the officials of the Department will tend to be sympathetic with the views of labor organizations which have recently achieved important political status and maturity. However lacking in foundation these fears and suspicions may be, it is clear that the public interest in industrial peace requires that the most effective mediation facilities be extended in disputes involving such employers as well as other employers who do not entertain similar fears and suspicions. I wish to give status and strength to the Department of Labor, but certainly not at the expense of less effective mediation of labor disputes. My proposal is for the continuance of an independent Service under the superintendence of officials who are not obliged to urge the Congress to adopt policies and enact legislation which many employers and their associations oppose and which are frequently parallel to the legislative policies of unions. The officials of an independent Service have the great advantage of being able to avoid taking positions on controversial matters affecting employers and labor organizations—a position which enhances their acceptability to both sides in labor disputes. This conclusion represents no disparagement of officials of the Department of Labor whom I personally regard as impartial and completely trustworthy public servants.

This section also gives authority to the Director of the Service—absent in section 201 of the Thomas bill and section 202 of the Taft amendment—to appoint and fix the compensation, within stated limits, of members of fact-finding and other boards and panels and of arbitrators to assist in the settlement of labor disputes. There are some disputes which do not yield to the usual mediation procedures, and it is important that there be a specific legislative base for such appointments and appropriations therefor.

This section also serves to make clear the requirement for the annual report of the Director contained in the Taft-Hartley Act and the Taft amendment. That requirement is ambiguous as to the period for which the report should be made. The Thomas bill omits the requirement for such a report.

Section 203 does not embody any substantial or important controversial departures from the provisions of section 203 of the Taft amendment or section 202 of the Thomas bill.

Subsection (a) employs the "affecting commerce" designation of the jurisdiction of the Service rather than the confusing "industry affecting commerce" phrase which is in the Taft-Hartley Act and is continued in the Taft amendment and the Thomas bill.

Subsection (c) makes it a duty of the Service, when other mediation procedures fail, to seek to induce the parties to a dispute to agree to special procedures such as voluntary arbitration and cooperation with special boards and panels, and to accept their recommendations and findings. No equivalent provisions are found in the Thomas bill or the Taft amendment.

The provisions of 202 (b) of the Thomas bill relating to arbitration functions of the Service, for drafting reasons, are incorporated in section 206 of my amendment. There appears to be no sound reason for distributing provisions relating to the arbitration duties and functions of the Service in different sections of the legislative proposal.

Section 204 differs from section 203 of the Thomas bill and section 204 of the Taft amendment only in respect of the fact that it strengthens the provisions relating to the confidential character of information divulged to the Service. The Thomas bill and Taft amendment provisions require the Service to respect the confidence of the parties but do not afford any protection to the parties if officials of the Service are subpenaed to testify in lawsuits when the public policy of respecting the confidential character of the information outweighs the public interest in the disposition of the lawsuit. If the Service is obliged to testify, particularly in private litigation, as to statements made in confidence to it by employer or union representatives at the bargaining table, its effectiveness will be quickly impaired.

Section 205: Section 204 of the Thomas bill and section 205 of the Taft amendment are substantially the same. My amendment endeavors to perfect those provisions relating to the duties of employers and employees by substituting more specific language.

In addition to affording greater scope and flexibility, this substitution has the virtue of encouraging the parties to determine for themselves the breadth of their grievance and arbitration clauses. Many collective agreements contain grievance and arbitration clauses either more or less restrictive than that suggested in the Thomas bill and the Taft amendment, as, for example, "involving the interpretation or application of such agreements." In a statement of national policy such as those legislative proposals advance, it is believed to be more consistent with the basic principles of free collective bargaining to encourage the parties to tailor the breadth and scope of their grievance and arbitration clauses to their particular relationship and circumstances and to their individual needs and preferences.

Section 206 of my amendment endeavors to spell out with greater clarity

the duty of the service in promoting grievance and arbitration procedures as alternatives to economic action. It is believed that all of the essential elements of sections 202 (b) and 205 of the Thomas bill and section 206 of the Taft amendment are included. It should be noted that a proviso is added making clear that failure or refusal to agree to an arbitration clause does not constitute a violation of any duty imposed.

Section 207 of my amendment is identical with section 206 of the Thomas bill and section 207 of the Taft amendment, excepting in the following respects:

First. It eliminates the provision for one or more public members on the theory that if the Labor-Management Advisory Committees are to be truly advisory they can be of the greatest use and help to the service if the Director or his regional representatives sit with the labor and management representatives. If this be true there is no need for public members on such committees.

Second. It eliminates statutory reference to committee rules and regulations as unnecessary and tending to formalize a body which may reasonably be expected to operate most satisfactorily and efficiently on a more informal basis.

Third. The power of appointment is vested in the President, rather than the Director or the Secretary of Labor.

Section 208 provides for the compilation of collective bargaining agreements by the Bureau of Labor Statistics, as does the Taft amendment but not the Thomas bill.

Section 209 exempts matters subject to the Railway Labor Act, as does the Thomas bill and the Taft amendment.

Mr. President, I close the discussion of my amendment respecting the Mediation and Conciliation Service with this observation: First, we have tried the Mediation and Conciliation Service as an independent agency. I ask those who would return it to the Department of Labor to submit in the course of this debate proof that as an independent agency it has not functioned in an impartial manner.

Second, I ask them to submit proof that the Mediation and Conciliation Service, functioning as an independent agency, has failed to increase the confidence of management in the impartiality of conciliation and mediation.

Third, I ask them to summit proof that the Mediation and Conciliation Service, as an independent agency, has discriminated against the fair interests of labor.

We are now dealing with something which has been put to practice, and, as one who wants to help build up the Department of Labor, I say this is not the type of function that should be included within the Department of Labor any more than it should be included within the Department of Commerce. This is a function, this is a service, which should be above suspicion. It should be so devised procedurally and so set up administratively that there can be no question about its impartiality.

There is no denying the fact, from the record which was made at our public hearings, both in 1947 and again this year, that many employers across this land say they would make greater use of conciliation and mediation and they would have greater confidence in conciliation and mediation under an independent agency than if it is placed under the Department of Labor.

I wish to present one other fact in regard to the debate on this point, Mr. President, because I know that undoubtedly some reference will be made to the Labor-Management Conference of 1945. In our hearings there was testimony to the effect that that conference came out with the recommendation that the Mediation and Conciliation Service be retained within the Department of Labor. I went into that issue in great detail. Senators will find the testimony in the printed record of the hearings.

I summarize that testimony with this very brief statement about that argument: When that conference opened the employer members of it took the position that the Mediation and Conciliation Service should be set up as an independent agency. One group of labor, somewhat reluctantly I understand, agreed that it would have no serious objection to the Service as an independent agency. The Management and Labor Conference of 1945 was itself a mediation conference, in that a great deal of mediating and compromising and trading was done by management and labor in an endeavor to narrow their areas of differences and come forward, if they could, with some recommendations for improved procedures for the handling of labor-management relations. Therefore, a compromise was made that, in return for certain concessions on the part of labor, the management members of the conference would agree to go along for a trial period with a recommendation that the Mediation and Conciliation Service be left in the Department of Labor, but that there be created an advisory committee or council composed of representatives of management and of labor to advise with the Department of Labor concerning improvements in the Mediation and Conciliation Service and concerning procedures which would help remove the widespread fear on the part of management that if the Service were left in the Department of Labor it would be suspect so far as impartiality is concerned.

I am satisfied there can be no question that that understanding was reached as a compromise, because spokesmen for management who testified before our committee left no room for doubt about it, and at no time did the management members of the Labor-Management Conference of 1945 desire, as a matter of first choice, to have the Mediation and Conciliation Service within the Department of Labor. But they yielded on the point under the condition I have stated, in an endeavor to help promote better understanding in the conference by way of narrowing the area of disagreement between management and labor.

Therefore I think the recommendation of the Labor-Management Conference of 1945 is not entitled to the weight the proponents of the proposal to return the Mediation and Conciliation Service to the Department of Labor would have us give to it. On the basis of the record of the hearings and the proof I have asked for, which I say I am certain cannot be offered, I am satisfied that my amendment, which seeks to continue the Mediation and Conciliation Service as an independent agency, and which seeks to perfect some of its procedures, deserves an overwhelming majority vote in the Senate of the United States when we come to vote upon it.

Mr. THOMAS of Utah. Mr. President, we have heard discussion and colloquy back and forth, by three of the greatest lawyers on our committee. I have no place in that kind of discussion, and perhaps should not say anything. In their discussion they reached the point where they were speaking of a vague ace in the hole. When such language is used I become entirely lost, and in my innocence I am thinking what a vague ace would be in industry-labor relations. In my innocence I simply assume that a vague ace in industry-labor relations would be something like a cross between a club and a heart. Undoubtedly that is exactly where all our discussions always turn in connection with industry-labor relations. The club, I imagine, is the Government of the United States. The heart is the common sense of American democracy.

We have talked about the President's discretion. We have talked about the inherent powers of the President; and we have talked about a letter from the Attorney General. It is for that reason that I rise at this time. Really and truly, we are not going to legislate the Attorney General's letter into law. Immediately a lawyer should rise and say, "But the Attorney General is the legal adviser of the President of the United States, and if he prejudges a law, or prejudges an action which the President might take, it can be assumed that the President will follow his advice."

If I may use the words which have been used—I challenge anyone—that does not sound right coming from me, Mr. President, because I have never challenged anyone; I defy anyone to find anything in the Constitution of the United States which says that the President of the United States must follow the advice of his Attorney General.

It is because we are discussing this law, and not the Attorney General's letter, that I rise at this time. The Senator from Oregon [Mr. MORSE] has read to us an entire article of the Constitution. I think we should read the Constitution very often. I love the document. I taught it for years, as did the Senator from Oregon. Every time I ponder it I find something new in it. For example, the Senator from Oregon read a provision to the effect that elections for the President of the United States shall be held on the same day throughout the entire United States. I am sure that the founding fathers must have made a mistake when they wrote that provision, because I have been told all my life that "as Maine goes, so goes the Nation." Is the Constitution falling to pieces? Has the State of Maine acted as a rebel in the Union because it has an election day on some other day? I defy anyone to go to the decisions of the Supreme Court and show that the Court ever handed

down a decision in regard to the legality of Maine's elections. Since no one has ever found such a decision, and since the Constitution says that all elections must be on the same day, surely the Constitution has been grossly hurt, and ill has been done to it.

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

The PRESIDING OFFICER (Mr. THYE in the chair). Does the Senator from Utah yield to the Senator from Ohio?

Mr. THOMAS of Utah. I yield.

Mr. TAFT. Because of the fact that my colleagues from Maine [Mr. BREWSTER and Mrs. SMITH] are not present to defend the good name of the State of Maine——

Mr. THOMAS of Utah. I do not think I have charged the State of Maine with anything very serious.

Mr. TAFT. I wish only to point out that the election for President in Maine occurs on the same day as the election in the rest of the Nation.

Mr. THOMAS of Utah. I realize that.

Mr. TAFT. Only the governor and members of the Senate and House are elected in September; not the President.

Mr. THOMAS of Utah. I shall go to one of the Southern States to make my point.

There is a great question in my mind whether the Constitution is respected. I know that legally, just as in Maine, the presidential electors are elected on the same day, so I suppose the Constitution is preserved.

Everyone knows that I am talking in a way I should not talk. We love the lawyers on our committee. I am not going to do what I should probably do, and that is to read every sentence in title III with relation to national emergencies and defy anyone to find an enlargement of the Presidential discretionary powers, or a taking away of his inherent rights. There is nothing whatsoever on that subject in that title.

When we enact the pending bill, we shall not be enacting the Attorney General's letter. I think it ought to be told how the Attorney General's letter got here. Everyone knows that the Attorney General does not advise Congress about legislation. Someone announced that the next witness would be the Attorney General. I have forgotten who made the announcement. I suppose the record will show. But the chairman did not announce it. I know the Senator from Ohio did not announce it, and I know the Senator from Oregon did not announce it. But the announcement was made. I suppose—and this is merely a supposition—that the Attorney General felt that he should send the committee a letter, since he himself would not come. That is how the letter got into the record. It made the hearings very much more interesting. It made them very much longer. It made me, as a member of the committee, fear the responsibilities which are now facing us, when I realized the wisdom and energy stored up in the words of members of the committee who attacked the Attorney General's letter.

I suppose that we can formally defend this title when the time comes. I do not know anything about particular decisions of the Supreme Court in regard to the Presidential discretion and the inherent powers of the President. I do not even know what the Constitution means when it says that—

> The executive power shall be vested in a President of the United States of America.

However, I do know that the history of the United States shows that we have not had a President who has not taken his job seriously. We have not had a President who has ever been charged with not having lived up to his oath. We have had one impeachment trial of a President, but no President has ever been successfully impeached. We have had many statements to the effect that certain Presidents should have been impeached, and we shall have such statements as long as our Republic lasts. I hope and pray that our Republic will endure as long as John Marshall hoped it would endure under the Constitution; namely, through the ages. I hope the day will never come when any law will either add to or take away from the discretion which the Executive has because he is the Executive. I hope that no circumstances with which we shall ever be confronted will ever add to or take away from the President's inherent powers. They are just as indefinable as the executive power of the United States. They cannot be defined.

The Government is not some unnatural thing. The Constitution is not some unnatural contract. I do not know what the Constitution of the United States means; and if I were to give an address on the Constitution before a high-school audience, I would say that the Constitution is not only the original document, but all its amendments, all the laws which have been made under it, all the treaties which have been ratified, and all the customs, plus all the history of those matters. All those things are not taken into consideration when a given case or cause is before the Supreme Court of the United States. The Supreme Court decided at the very beginning of our Government—although not because it had a constitutional right to decide so, not because the Constitution gave it that privilege—that it would hear only real causes. It is rather interesting to realize that we have gotten along this far without ever having had a single advisory opinion from the Supreme Court of the United States. In fact, such great lawyers as Senator Borah, of Idaho, Senator Johnson, of California, and other distinguished men who opposed the World Court did so primarily on the theory that the Covenant of the League of Nations gave that Court authority to hand down advisory opinions.

So it is very interesting to consider what actually happens in our country, the ideas that different people have about their jobs, and so forth. One comes to my mind now: The President sent me to Europe at the time when the discussion of how to control the atomic bomb was going on and when the bill on that subject was before the Congress. It was introduced in the Senate by the Senator from Colorado [Mr. JOHNSON], because he was acting chairman of the committee. When I came home, I made the simple statement that the atomic bomb had been invented as a result of the use of $2,000,000,000 worth of the people's money, and therefore the bomb and the related information which had been discovered belonged to the people of the United States, and therefore we should set up some kind of informal commission to take charge of such matters until definite law on the subject was written. I suggested that all branches of the Government should be represented on the commission, including the Chief Justice of the Supreme Court of the United States. One of the Members of the Senate immediately took himself rather seriously, and wrote to the Chief Justice of the Supreme Court, and asking whether he would think it was within his power to sit on such a commission. The Chief Justice replied, "No." But, Mr. President, the point is, What if the Congress asked him to sit on such a commission? What would the answer be then? We do not have definite things in our Government, any more than we have definite things in our lives.

So I hope when it comes to the discussion of title III, the national emergency title, we shall be able to discuss it objectively, and not spend all our time discussing the inherent powers of the President. Such a discussion is germane; I do not deny that; but I hope we shall not lose sight of the fact that in title III we have provided a plan in which those of us who are the authors of this bill believe. We think it will work. But it is not in any sense a title which will add to or detract from the inherent powers or the discretionary power of the President to act.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4016) making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1950, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. ROONEY, Mr. FLOOD, Mr. PRESTON, Mr. CANNON, Mr. STEFAN, and Mr. FENTON were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 4583) relating to telephone and telegraph service and clerk hire for Members of the House of Representatives.

ENROLLED BILLS SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 191. An act for the relief of the legal guardian of Louis J. Waline;

S. 714. An act to provide for comprehensive planning, for site acquisition in and

outside of the District of Columbia, and for the design of Federal building projects outside of the District of Columbia; to authorize the transfer of jurisdiction over certain lands between certain departments and agencies of the United States; and to provide certain additional authority needed in connection with the construction, management, and operation of Federal public buildings; and for other purposes; and

H. R. 1754. An act providing for the suspension of annual assessment work on mining claims held by location in the United States and enlarging the liability for damages caused to stock raising and other homesteads by mining activities.

NATIONAL LABOR RELATIONS ACT OF 1949

The Senate resumed the consideration of the bill (S. 249) to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce, and for other purposes.

Mr. DOUGLAS. Mr. President, I do not wish to discuss the emergency powers of the President, but I should like to discuss the Taft-Hartley law, the proposed Taft amendments and, in a general way, the Thomas bill and certain amendments which a bipartisan group of Senators have proposed.

As we consider the Taft-Hartley law, we need to know from whence we have come in order to know where we should go next.

THE SITUATION PRIOR TO THE WAGNER ACT

Let us begin with the Wagner Act of 1935. Before that act was passed, workers had slowly won the legal right, if they so desired, to join unions. During the first half of the nineteenth century even this right had been denied them and membership in a union had been ruled by the Cordwainers cases of 1806 to be illegal and in the nature of a conspiracy. However, beginning with the Massachusetts case of Commonwealth against Hunt, this liability was slowly removed. But while the workers had the legal right to join unions, their employers had both the legal and the effective right to fire them if they did. The right of the employer to hire and fire as he wished was regarded as an absolute property right which was not to be limited by law.

Since most employers tended to be hostile to unions and to collective bargaining, most workmen could exercise their legal freedom to join a union or be active in its affairs only at the grave peril of losing the chance to work and to support themselves and their families. Even amongst those broad-minded employers who would not fire a man because he was a union member, union activity commonly decreased a man's chance of being promoted or being retained in periods of unemployment.

Moreover, in many industries and localities there were formal and informal blacklists. And men dropped from one firm because of union activity were banned from work elsewhere. Thousands of men were thus victimized and they and their families suffered cruelly. So great were these pressures that in many regions, only men of heroic mold joined unions or were active in their affairs. And since the number of heroes is by definition limited, the result was that large masses of men were afraid to join.

Discharge and discrimination with the consequent fear constituted one of the major reasons why unionism in the United States was weak prior to 1933, when there were probably fewer than 3,000,000 men in unions and these mostly in the building and service industries. The great mass-production industries of the country, such as steel, automobiles, machinery, rubber, chemicals, textiles, and food products, were almost entirely free of unions, which found themselves practically helpless to gain a foothold. By 1930, there were scarcely 3,000,000 union members in the country and by 1933 even fewer.

THE "YELLOW DOG" CONTRACT

Nor were these the only weapons of the employers. In addition, they extensively used the "yellow dog" contract. By this, workmen were asked as a condition of obtaining or retaining their jobs to sign an agreement that they would not join a union. The scope of "yellow dog" contracts was so extended that workmen had to promise they would not even talk to union agents and organizers, and finally, the mere posting of "yellow dog" requirements by employers tacitly bound workmen unless they specifically refused to agree.

When the Federal Government tried to outlaw the "yellow dog" contract on the railways and a number of States passed similar laws outlawing "yellow dog" contracts for other industries, the courts of that day struck these statutes down as unconstitutional in *Adair* v. *United States* (208 U. S. 161, 1908), and *Coppage* v. *Kansas* (236 U. S. 1, 1915). It was unconstitutional, declared the courts, for Government to try to free the workers from these bonds because to do so would be to interfere with the workers' sacred and constitutional right to sign away their right to belong to a union.

Then the employers and the courts went one step farther. In the Hitchman case, *Hitchman Coal and Coke Co.* v. *Mitchell* (245 U. S. 229, 1917), the Supreme Court held that once workmen had agreed to a "yellow dog" contract, the employer could get an injunction to restrain union representatives from approaching the workers and asking them to join either at the moment or at a future time when they left employment. If a union representative then tried to talk to a man enchained by the "yellow dog" contract, he could be tried before the judge who issued the injunction, and without a jury trial, sentenced to jail for contempt. The courts of the land, therefore, not only insisted that employers could use their full economic strength to compel needy workmen to sign away their chance for mutual aid but that they could then put up legal "keep off the grass" signs which prevented outsiders from coming to their aid. The courts failed to see that necessitous men are not truly free men, but that instead, because of their necessities, they can be forced to agree to terms which ultimately still further decrease their freedom.

The courts of that day interpreted the freedom of workers so narrowly as to restrict it by insisting that the mighty must be permitted to use their economic power to become still more powerful. Failing to see that the labor contract in a free society is an at-will contract, they nevertheless insisted that the employer had property rights in preventing his employees from unionizing in the future even after they left their job.

INEQUALITIES IN EMPLOYER-EMPLOYEE RELATIONSHIP

Thus the workers of the country, relatively poor and without appreciable reserves, were in the main afraid to join unions for they knew that if they did, they would usually be turned out on the streets and the doors of industry would be closed to them. If they exercised their legal right to join a union, they would, over a large section of America become industrial pariahs who would lose the chance to earn their living and who would see their wives and children go hungry because they exercised their right. Moreover, they knew that even if they tried to keep their union membership a secret, there were many company spies and spotters in their midst who tracked down the unionists and turned in their names to their employers so that the vengeful ax of dismissal might fall.

Nor was even this all. Even if, after great risks and sacrifices, a majority of the workers in a given plant did join a union there was no obligation upon the employer to bargain with them or their representatives. The head of the company could curtly say, "There is nothing to discuss," or "I will be glad to consider the grievance of any individual workman, but I will not bargain with a union." This was the attitude of Judge Gary, the head of the United States Steel Corp. in 1919, who refused to meet with union representatives to discuss the ending of the 12-hour workday and whose refusal to bargain on this and other points helped to precipitate the disastrous steel strike of that year.

In order to get recognition and the right to bargain collectively, workmen commonly had either to strike or threaten to strike. Thus, industry had to be shut down for men to transform the legal right to bargain collectively into the effective right to do so. Since modern industry was dominated by huge corporations, employing thousands of men and with tens of millions of capital, to pit the isolated workers against them in order to win recognition was like pitting pygmies armed only with spears against a corps of giants equipped with all the weapons of modern warfare.

This was no true basis for life in a democracy. This was seen in the First World War when the War Labor Board tried to prevent men from being fired for union membership and to give some form of collective bargaining where the employees wanted it. But its efforts died when peace came, and it was not until the National Industrial Recovery Act of 1933, with its section 7A, came along that a similar effort was made.

THE WAGNER ACT

It was the Wagner Act of 1935, however, which brought a real fundamental change in both the law and the public

attitude toward unionism. This much criticized act, I am proud to point out, was passed by the Democratic Party under the leadership of President Franklin D. Roosevelt. In order to make it possible for workers who desired to bargain collectively actually to do so, two fundamental changes were made: First, it became an unfair labor practice for an employer to discharge or discriminate against a workman because he was a member of a union or active in its affairs; and second, if, in a free and fair election, a majority of the workers in a bargaining unit chose a given union to represent them for bargaining purposes, it then became an obligation upon the part of the employer to sit down with the chosen representatives and bargain collectively with them. Let us see what each of these two major provisions meant.

If an employer was found guilty of discharging a man because he was a member of a union or active in its affairs, the Labor Relations Board could order the man restored to his job without loss of earnings. This was a distinct deterrent, since the employer who was guilty of such a practice would have to pay for time during which the discharged man had not worked. But, in the nature of the case, only the grossest forms of discrimination could be detected and proved. Subtler forms of discrimination, such as laying off active union men during a recession, being severe to them when they were caught in minor infractions of the rules and not promoting them, although they might be qualified for promotion so far as their work was concerned, could generally not be proved. The act, therefore, did not prevent discrimination; it merely reduced it. Employees were also prohibited from setting up or financing company unions. Workers were, of course, free to join independent unions which were not affiliated with any national body such as the A. F. of L. or the CIO, but these must be genuinely independent and not company dominated or assisted bodies. In other words, unions were supposed to represent their members, the workers, and not the employers. For true collective bargaining to take place, the law correctly provided that employers should not be dealing with themselves through dummy or stooge unions which represented adverse interests, but should deal only with bodies installed, controlled, and financed by the wage earners. Here again, only the grossest forms of company domination or influence could be caught. Of necessity, the subtler forms slipped through the rough mesh of the law.

The second major provision was that the employer must bargain collectively with representatives whom the workers chose in a free and fair election. The Board was given the power to determine whether the bargaining unit should be a craft, plant, or employer unit. If a majority of the workers did not want to bargain collectively, there was of course no obligation for the employer to bargain. But it was the workers themselves who made the decision as to whether or not they wanted to bargain and the workers made that decision by that most democratic of methods, a free and fair election.

THE MEANING OF COLLECTIVE BARGAINING

Now what does the phrase "to bargain collectively" mean? Both the Board and the court have made it abundantly clear that it does not mean that one side must agree with the other. See Virginia Railroad Co. System Federation and NLRB versus Jones & Laughlin Co. cases. For example, an employer can finally reject union demands just as a union can reject the demands of an employer. Nor do they have to yield to specific demands any more than to general programs.

For example, an employer who is inalienably opposed to granting the closed shop must bargain over whether he will yield, but he can refuse to yield; and a union which insists that seniority be followed in lay-offs can hold to that position. Collective bargaining does not compel agreement. All that it does is first to require both sides to sit down together around a table and to discuss in good faith the issues at stake. In other words, while the parties do not have to reach an agreement, they should make an honest effort to do so. Nor does the requirement to bargain collectively carry with it any definite bargaining procedure which must be followed. No definite sequence of topics is prescribed, but at one time or another the issues raised should be considered.

OPPOSITION TO WAGNER ACT

The conservative and the employing interests of the country immediately opened a drumfire of criticism against the Wagner Act when it was passed in 1935, and this, in one form or another, has continued ever since. But despite all these attacks, the essential fairness of its two basic proposals has by now won general support. These two principles, as I have said, are, first, that workers should not be penalized for joining a union and they should not be discriminated against economically because they carry out what is a legal right; and second, that if a majority of the workers in a given unit want to bargain collectively, the employer should be willing to meet with their representatives and at least make an effort to reach an agreement.

But for the first 2 years after the Wagner Act was passed, the major employing interests of the country virtually refused to obey the law. Fortified by statements made by 69 Liberty League lawyers that the act was unconstitutional, they followed the intricate and to me unsound conclusion that a law can be treated as unconstitutional until it is specifically upheld by the United States Supreme Court.

During this period, moreover, a very large group of employers, as the investigations by the La Follette Committee disclosed, were fighting unionization by every weapon at their disposal. Company spies were hired in large numbers, tear gas and munitions were purchased and rough stuff galore was practiced.

RAPID UNION GROWTH

When the Supreme Court in the spring of 1937 upheld the constitutionality of the Wagner Act, however, the log jam of repression burst. Men and women poured into unions by the millions. Industries which hitherto had been bitterly antiunion were organized, and the unions carried hundreds of elections by huge majorities. Steel, automobiles, machinery, rubber, chemicals, shipping, and longshore work moved into collective bargaining. In the decade from 1937 to 1947, the period in which the Wagner Act was in effect, great progress was made. Union membership tripled, rising to approximately 14,000,000. Hours of work were decreased, real wages rose rapidly, workers were protected from arbitrary discharge and had the chance to develop themselves by taking a greater part in union activities, making decisions about industrial policy and engaging in political activity. They became better citizens by all this because they became participants in life and not dumb beasts of burden driven forward by the goads of power and of want.

Instead of lamenting these developments, as has been the custom of comfortable gentlemen ensconced in the fashionable clubs of our cities, I personally glory in them because they have helped to build a better, a more stable, and a more democratic America.

DEVELOPMENT OF UNDERSTANDING

Inside the factories also, as workers and employers sat down together around tables and discussed matters of mutual interest, each group found that the other fellows were not as bad as they had assumed and that in general they could get along if they only met. Employers in general found that it was better for them to deal with the workers directly rather than to act arbitrarily upon distorted information furnished by undercover spies who had a vested interest in provoking trouble. Workers, in their turn, became more aware of the problems of production and finance which their employers faced.

The Wagner Act has fortunately not prescribed what decisions were to be reached around the conference table. What it did do, to borrow the phrase of the immortal Woodrow Wilson, was to set up permanent processes of conciliation and adjustment under which men with diverse interests could make mutual adjustments. American industry was a better place because the old dictatorial spirit of arbitrary power based upon fear was slowly giving way to self-respecting independence and mutual trust.

Of course, I will not pretend that everything was perfect. It could not be with imperfect human beings. Workers smarting under old repressions and injustices could not quickly turn into understanding saints. Suspicious employers could not be quickly converted into tolerant sharers of power. Unions which had fought for their very lives could not immediately discard the strong-arm methods which had been practiced against them. There were some abuses of power by unions and union officials. Unreasonable demands were sometimes made. Here and there, corruption was practiced by union leaders; and in some

unions Communists came to power by deceiving the workers into believing that they were working for the benefit of the rank and file.

But in spite of all these errors and abuses, the record of the unions during that decade was at least as good as that of business organizations and of State and local governments—all of them institutions of which we are justly proud.

RECORD OF THE NLRB

Nor do I assert that the record of the Labor Relations Board itself was perfect. Of course it was not. Officials who found many employers stalling and trying to evade or nullify the law could not be expected to preserve an icy impartiality. Some were probably biased. Here and there Communists and Communist sympathizers posing as liberals may have found entrance into its ranks.

But after the Supreme Court established the constitutionality of the law in 1937, and increasingly with the coming of Harry Millis, William M. Leiserson, and John Houston to the Board, conditions were greatly improved and this was continued under the chairmanship of Paul Herzog. Greater fairness was insisted upon. Many injudicious officials were weeded out and the standards were raised. Despite all these difficulties and imperfections, on the whole a remarkable job was done. Despite the fact that the Board was overworked and understaffed, the Board worked hard at a staggering docket. Its elections were conducted so fairly that I have never heard an employer question their accuracy—a record which cannot always be matched in our political elections. It dropped or adjusted locally most of the cases initially filed with it, and tended to proceed only when the evidence was strong or overwhelming.

Its rulings were upheld in the vast majority of the cases which were appealed to the courts. Thus, from 1935 to 1947, Board orders carried to the Supreme Court were upheld in whole or in part in 91 percent of the cases, and therefore were set aside or remanded in less than 9 percent. On the whole, it made a good record, particularly during the years from 1940 to 1947.

RENEWED OPPOSITION TO COLLECTIVE BARGAINING

While large numbers of employers were gradually becoming converted to collective bargaining there was, however, a hard core of employers who never reconciled themselves to the new order. These men bitterly distrusted the New Deal and all its works. They resented the sharing of power. They wanted to be unlimited boss again and hold the fate of millions in their hands. So in the late thirties they tried to gut the law by amendment, and after the industrial truce which prevailed during the war they returned to the attack in 1946. Using the familiar bipartisan coalition of conservative northern Republicans and conservative southern Democrats, they jammed the antiunion Case bill through Congress. Only President Truman's veto saved the country from it, and, fortunately, there were enough progressives in the House to uphold his veto.

But in the fall of 1946 the conservatives won a sweeping victory. People were angry because they did not have enough pork chops, soap, and shirts. They stayed away from the polls, and as a result most of the liberal candidates were defeated and the conservatives rode back into power. They interpreted the election as a mandate to pass a severe antiunion law and to turn the clock back. The Taft-Hartley law was the result.

THE TAFT-HARTLEY LAW

I shall have some deservedly severe things to say about the Taft-Hartley law, but I want to make it clear that when I am criticizing that law I am not criticizing the good faith of our distinguished colleague, the senior Senator from Ohio [Mr. TAFT], whose name is borne—I think unfortunately for him—by this act. We all know that the Senator from Ohio is not only a man of great ability—in my judgment, probably the ablest man in the United States Senate—but that he is also honest, candid, and courageous. I say this, not in obedience to senatorial courtesy, which sometimes impels us to pay compliments to colleagues in a fashion which is not always meant in a 100-percent degree, but I say it because it is the sober truth. But, precisely because it is the truth, I regard it as one of the tragedies of congressional history that this honorable and able man should have gotten himself mixed up with the vicious piece of legislation which was sent over to this body in 1947 by the Republican leadership of the House, and that he unfortunately yielded to many of their worst demands. He may have done it reluctantly and unwillingly. I will not say that he was seduced, but I will say that he yielded, and that I regret it. Let me say again, that while I shall condemn the act, and justly so, I speak without the slightest taint of animus toward its author. On the contrary—and I repeat this, and I think it is true of every Senator—we admire and respect him.

I also respect justice and fair play in legislation, however, as well as in person-to-person relations. And it is self-evident to me that the Taft-Hartley law, as a law, is permeated by a vindictive spirit toward unionism and labor and that it is contrary to the spirit of equal justice upon which our democracy is based.

This shows itself in two ways: First, the able Senator from Ohio yesterday, in his defense of the Taft-Hartley law, said it was based upon the principle of mutuality, that the same treatment which had been given employers was now being meted out to labor. I have no doubt at all that the Senator from Ohio believes that, but I should like to point out, if I may, some of the manifest inequalities of the law, and some of the obvious features of the law which deny mutuality. Then, after I have finished with that, I shall in the second place refer to some of the more substantive features of the law, many of which are still retained in the Taft amendments, which not only weaken unions but give to those employers who wish to use them weapons with which to endanger the security of unions.

ONE-SIDED CHARACTER OF TAFT-HARTLEY

Let us first examine some of the patently one-sided features of the act which, like the inadvertent words and acts of a man, betray its real character. We can usually judge a man, not when he is on guard, not when he is making a formal statement, but by the inadvertent acts which he commits.

First, when workers vote on whether they want a union shop, all those who do not vote are counted as voting "No," even though if present they would have voted "Yes"—section 8 (a) (3). All the sick, the absentees, and the indifferent are thus thrown into the scales against the union shop. All this procedure is in sharp contrast with the predominant practice in our political democracy of requiring a victorious candidate or proposition to poll only a majority of the vote actually cast.

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

Mr. DOUGLAS. Certainly.

Mr. TAFT. In the Ohio Legislature there must be a majority vote of all those elected to that body. That is exactly the same thing as the vote to which the Senator has referred. There are many other instances. As a matter of fact, when this amendment was offered by, I think, the Senator from Indiana, it provided that in order to have a union shop there must be a two-thirds vote rather than half. There is no reason why it should be half. In this instance we are protecting the interests of a minority, and it is right, it seems to me, that there should be more than a majority for that purpose. But, in any event, it is nothing new in parliamentary history for that kind of a vote to be required.

Mr. DOUGLAS. There may be a few curiosities in elections, such as the procedure of the Ohio Legislature or the cloture rule of the United States Senate, the latter requiring a vote of two-thirds of all those eligible to vote. But the predominant rule over the country in choosing officials is by a majority of the votes cast.

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

Mr. DOUGLAS. Yes.

Mr. TAFT. What about the constitutional requirement of a two-thirds vote to ratify a treaty in the Senate of the United States?

Mr. DOUGLAS. I do not know that we are discussing treaties. We are discussing elections. I have never heard of an election of this kind which required the vote of a majority of all those eligible to vote. The almost universal rule is a majority of the votes cast. If that is not true 100 percent, it is 99.44 percent correct, and therefore, by the standard of Ivory soap, my statement is pure.

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

Mr. DOUGLAS. I yield to the Senator from Florida.

Mr. PEPPER. Is not the Senator correct in his suggestion that there is a difference in the two cases, one being an election and the other a case in which, under the Constitution, advice and consent of a segment of the Congress is required to make the action of the executive effective to bind the Nation? It is obviously an anomalous situation, because the House of Representatives is not

included in the requirement. It is not two-thirds of the House and two-thirds of the Senate, but just two-thirds of the Senate. It is simply an anomalous provision in the Constitution to meet a peculiar situation.

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

Mr. DOUGLAS. I yield.

Mr. TAFT. A large number of elections in the State of Ohio require more than a majority vote, such as voting on tax levies and bond issues. Bond issues require in some places 55 percent, and in others 60 percent, because of the fact that it is felt greater protection should be afforded the minority. I do not think the Senator is correct in saying that this is anything unprecedented.

Mr. DOUGLAS. I said it was in sharp contrast to the prevailing practice in our political democracy.

The Taft-Hartley law, by requiring that the union shop must win a majority of those eligible to vote before the workers can effectively ask for it, not only weights the scales against union security but in a sense destroys the secrecy of the ballot. Since those who stay away from the polls are openly identified as voting "No," men can curry favor with their employers by absenting themselves, and word can be subtly passed down the line that the boss will appreciate it if men stay away.

MORE SEVERE STATE LAWS GIVEN PREFERENCE

Secondly, while the Taft-Hartley law utilizes the commerce power of the National Government to heap disadvantages upon labor, it surrenders these powers to the States where the State laws on union security are more severe—section 14 (b).

The law is made to behave like the proverbial Irishman at Donnybrook Fair, namely, when it sees a union-security head, it hits it with whatever weapon comes handy.

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

Mr. DOUGLAS. I yield.

Mr. PEPPER. The Senator was discussing a moment ago a point in connection with the election of a representative of the workers to bargain for the union shop——

Mr. DOUGLAS. I was discussing the referendum as to whether the union was privileged to ask for the so-called union shop. In the choice of bargaining units, elections turn on a majority of the votes cast, but on the question as to whether a union is permitted to ask for the union shop, the requirement is that the question must be decided by the majority of all those persons eligible to vote, so that absentees are counted as voting "No."

Mr. PEPPER. Did the Senator emphasize the fact that there were two elections which had to be held? In the first instance, they choose their representatives to enter into a union-shop agreement with the employer, and when they act within the scope of their authority it might well have been assumed, as the Senator from Ohio now provides, that they were authorized to enter into the contract providing for the union shop, but under the provisions of the Taft-Hartley law, which is now on the books, and under which labor has had to live for 2 years, in addition to choosing their representatives and then having their chosen representatives enter into this kind of a contract, which presumptively they were authorized to do, there must be another election in order to ratify, by the difficult procedure which the Senator has emphasized, what their representatives did.

Mr. DOUGLAS. That is correct. As a matter of fact, they could not even ask for a union shop until they had won a referendum by a majority of all the members of the organization who were eligible to vote.

Mr. PEPPER. In other words, there were simply more and more difficulties and burdens thrown upon the effort to get a union shop.

Mr. DOUGLAS. That is correct. These are the instances which I am bringing forth to indicate that the Taft-Hartley law violated the very principle of mutuality which it has been said is its virtue.

On union security the law, therefore, enables the employer to say, in effect, to the employees, "Heads I win and tails I win also." In connection with those matters in which the Federal law is more severe than are State laws, the Federal law has jurisdiction, but where there is, under State laws, the outlawing not only of the closed shop but also of the union shop, and the outlawing of the maintenance of membership clause, the Federal Government surrenders jurisdiction to the States.

In other words, under the Taft-Hartley law the Government says, "Where we impose severity upon labor, the Federal law prevails, and where the State imposes severity the State has jurisdiction." That does not seem to me to be a good way to determine how interstate commerce in this country should be regulated.

REPLACED STRIKERS CANNOT VOTE

Thirdly, during a strike, when the Board orders an election to determine the choice of a bargaining representative—which it can do upon a petition presented by an employer—it must deny the vote to the men out on strike and grant it only to the strikebreakers, who have taken their place—section 9 (c) (3).

In other words, the act assumes that replaced strikers have no rights in their former jobs which the law need respect, and that only the strikebreakers, or those who have replaced the strikers, are entitled to decide whether collective bargaining shall continue, and if so, upon what terms and through what bargaining agent. Since it is easy to see on whose side the strikebreakers will range themselves, the denial of a vote to the replaced strikers is one of those features which former Congressman Hartley must have had in mind when he declared, "There is more to this act than meets the eye."

PRIORITY FOR ACTIONS AGAINST UNIONS

In the fourth place, complaints by labor alleging unfair practices by an employer must first go through the long-drawn-out administrative process which now consumes, on the average, over 14 months from the time the charge is filed until the Board decision is rendered, with the further possibility of the delays of judicial review heaped upon that.

In sharp distinction to this protracted course for complaints filed by labor, however, the act—section 10, subsections (b) to (e), inclusive—requires that complaints against labor for using the secondary boycott are "to be given priority over all other cases"—section 10 (e). Then, if the local officer of the Board believes the complaint to be well-founded, he can go directly to a Federal court and get an injunction restraining the union from acting, without waiting for the case to go through the administrative process. In fact, such an injunction may well be in effect 14 or more months later when the Board itself finally hands down its decision, and when it may hold that the original complaint was ill-founded and should be dismissed. But by that time the effective damage will have been done, and yet no redress will be afforded to the union.

Therefore, the worker who has suffered injustices must be exposed to the long delays of administrative and legal review, and therefore suffers from the fact that justice delayed is justice denied. But the employer is given immediate relief, even though the board ultimately decides that his case should be dismissed. It is as though in the chow line from which justice is dispensed the workers are always put at the end of the line, but the employers are rushed to the front. We all know that there is nothing which men properly resent more than this because it is so patently unfair, yet this is what the act expressly prescribes.

EMERGENCY BOARDS LIMITED TO FINDINGS

In the fifth place, in national emergency strikes the board which makes the investigation is confined in its report to a bare recital of facts, but is prevented from making any recommendations, lest possibly the public might conclude that the strikers might be right in whole or in part—section 206.

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

Mr. DOUGLAS. I yield.

Mr. TAFT. I think the Senator's interpretation of that is entirely incorrect. The reason why no finding was made, as I recollect, was that both the Senator from New York [Mr. IVES] and the Senator from Oregon [Mr. MORSE] felt that that might amount to something close to compulsory arbitration. It certainly was in no way against labor to have the Government make a wage pattern, which was the subject of the discussion at the time, after the General Motors case, and certainly there was no slanting of the case in either direction. I had very little to do with it myself, but there was simply a feeling on the part of the Senator from New York and the Senator from Oregon that we should not have a definite finding which in effect would be an arbitration to be enforced by public opinion. They have changed their minds on that question, and they now feel as most of the witnesses felt, although there were some witnesses who testified that we ought to run the risk of the decision being by compulsory arbitration. But I

am sure there was nothing against labor intended, nor can I see how it could operate adversely to labor more than to management.

Mr. DOUGLAS. Mr. President, I helped to organize the labor-management conference in the fall of 1945, which later turned out to be such a disappointment, and I conferred with a great many employers during the preliminary months and found a great many of them opposed to the idea of any Presidential board of mediation or investigation making recommendations to the public. When they would let their hair down and be frank they would generally say that they thought that a board might make recommendations favorable to labor which would marshal public opinion behind labor and help to effect a settlement, and that they therefore preferred, I will not say to have the board muzzled, but to have the board stopped from making recommendations lest it strengthen the strategic position of labor in the dispute that was under way.

I am sure this was not the intention of the Senator from Oregon or the Senator from New York or the Senator from Ohio, but I say it was the intention of many employers, and I have heard it from the lips of many employers who were very influential in framing employer-labor policy.

EMPLOYERS' LAST OFFER GIVEN PREFERENCE

In the sixth place, as the 80-day cooling-off period in national emergency strikes is about to expire and no settlement is agreed upon, the Government, through the Labor Relations Board, is directed to go over the heads of the union and behind its back and poll the workers individually on whether they want to accept the last offer of the employers. (Sec. 209 (b).)

But the Board does not have the power to go over the heads of the company and poll the stockholders, whom the officials of the company presumably represent, on whether they will accept the last offer of the union. The Taft-Hartley law, therefore, permits a company management to act as the definitive representative of the owners, but does not extend an equal right to a union to represent the workers.

ONLY UNION FINANCIAL STATEMENTS REQUIRED

In the seventh place, while the act requires unions to file financial reports with the Secretary of Labor and furnish them to their members and, hence, indirectly to the public, it lays no similar obligation upon either a corporation or an employers' association. (Sec. 9 (f) and (g).) And yet employers' associations are as weighty factors in industrial relations as are unions, and it is as important that their members and the public should know how their funds are spent. If the A. F. of L. and the CIO should give an accounting of their funds, so should the National Association of Manufacturers and the United States Chamber of Commerce. If the Textile Workers' Union should file, so should the Cotton and Woolen Institutes. If the United Steel Workers should file their report, so should the Iron and Steel Institute. And if financial reporting is required of the United Mine Workers, it should similarly be required of the Northern and Southern Coal Operators.

ONLY UNIONS REQUIRED TO FILE NONCOMMUNIST AFFIDAVITS

Finally, while officers of unions must file non-Communist affidavits with the Board—section 9 (h)—and I wish to say that I would never have objected to this section of the act had it been more inclusive—no such requirement is made of employers, nor are they required to state whether they are members of any Fascist or totalitarian organization which, like the Communists, may be working to overthrow the Government by force or violence or seeking to deprive people of their constitutional rights. There is a presumption, therefore, of disloyalty upon the part of unions alone. Only they are to be scrutinized.

I could go on, but I think I have abundantly made my point. While the Taft-Hartley law was sold to the public in the name of mutuality, it violated almost every standard of true mutuality. It slipped in restrictions which crippled labor without imposing corresponding obligations upon the opposite parties—the employers. By these one-sided provisions cunningly concealed within the texture of the law it betrayed the bias of its framers. It, therefore, properly stands condemned by all those who wish equal justice to all classes. And it is for that, and only for that—not justice for any one class—that I am contending.

Now let it be said in justice to the Senator from Ohio that, upon the mature reflection which time affords, and after due brooding upon the sins of the Taft-Hartley law, he has apparently repented of many of these manifest unfairnesses. We appreciate this change of heart, and want to congratulate him upon it. It brings to our minds the saying chronicled in the New Testament—I believe it is in the fifteenth chapter of Luke, the seventh verse—"There is more joy in Heaven over the one sinner that repenteth than over the ninety and nine righteous who need no repentance." But while the Senator from Ohio is improving, it is a pity that his redemption has only taken its first steps, and that he still insists on maintaining, as he admits, the main features of the Taft-Hartley law. So if I could send a message to the celestial host of angels, it would be that they should not strum their harps too loudly about the Senator's conversion. They should give their harps a preliminary twang, but they should not beat a full chorus. He has made a partial recognition of error. He is improving. But he still has the major distance to go.

TAFT SUBSTITUTE EMBODIES MAIN TAFT-HARTLEY PROVISIONS

For, Mr. President, the proposed Taft substitute embodies most of the real substantive features of the Taft-Hartley law. The Senator from Ohio [Mr. TAFT] made a statement on the subject yesterday with his customary candor. I suppose no more candid or honest man ever debated on the floor of the Senate. He states what he means with bluntness and with frankness, and we know where we stand with him. Sometimes he bruises us very severely, but he never leaves us in doubt as to his position, although at times he is somewhat subtle in his phrases. With his customary candor the Senator from Ohio yesterday said that his substitute embodies the essential features of the Taft-Hartley law. Very well, so be it. Let us see what those main features are and whether they are sound or unsound.

CLOSED SHOP PROHIBITED

Workers and employers are forbidden to agree upon the closed shop even though they may desire to do so. There are a few weasel words chucked in, but the prohibition on the closed shop, as the Senator from Ohio said yesterday, still holds.

What superficial critics of the closed shop fail to recognize is that in many instances the closed shop is of distinct benefit to most employers. For under the closed shop, the union guarantees to furnish skilled labor to an employer upon demand and at a given wage rate. This is a big help to an employer who is thereby freed from the worry and trouble of trying to get a skilled working force. And when he wants to increase his force in a period of labor shortage, he is commonly freed from the necessity of increasing his wage rate as he hires more men. In other words, he does not have to pay a bonus.

If I may be pardoned a personal reference, I came to know this at first-hand when for 17 years I served as a chairman of the National Board of Arbitration of the Newspaper Industry. I found that virtually every newspaper in the country would admit privately that the closed shop was of distinct aid to them.

I should like to read into the RECORD, if I may, part of an editorial from a newspaper by the name of the Chicago Tribune, which is published in my city. The editorial was published on the 22d of November 1947. This newspaper has never been accused of being radical. It has never been accused of being markedly unfriendly toward the Senator from Ohio, and therefore its statement on the matter of the closed shop has, I think, some importance. I quote from the Chicago Tribune:

> When the law was under discussion in Congress, as our readers will recall, we advised against outlawing the closed shop. We did so, among other reasons, because we knew that the closed shop worked well in our own plant and had worked well for half a century or more.

That is from the Chicago Tribune, and I am sure the Senator from Ohio will not wish to question the importance of that statement.

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

Mr. DOUGLAS. I am very glad to yield to the Senator from Florida.

Mr. PEPPER. Does the Senator from Illinois present the evidence which he has just brought forth, in response to the request of the Senator from Ohio made yesterday that the testimony of one editor who favored the closed shop be presented?

Mr. DOUGLAS. I thought this statement might make an appeal to the Senator from Ohio, and that therefore it would be proper for me to include it.

The same thing is largely true of the building trades over which Mr. Denham,

the counsel for the Board, has been trying to take jurisdiction. For the average contractor in the North and Midwest does little business during the winter months and requires an ever shifting force of craftsmen during the building season. If he had to recruit and train all the men he hired, he would not have as much time left to supervise and to get the work done. The union, by furnishing him trained and skilled men takes this big load off his shoulders.

From the standpoint of the workers, the closed shop frees the unionists from one of their most pressing fears, namely, that if the employer is given complete freedom of hiring, he will discriminate against unionists and that an open shop plant will wind up as a non-union plant. And if it be objected that the clause in the Wagner Act prohibiting discrimination against union men is still in effect, and that therefore the closed shop is not needed, the real answer is that only the grosser kinds of rank discrimination are caught by the Labor Relations Act, while the subtler forms cannot be reached by the law. The closed shop, on the other hand, gives unionists the assurance that they won't be discriminated against because of union membership since there will be no motive for the employer to do so. For if the employer fires one union man, he will have to replace him with another. By agreement of the parties, it thus removes from controversy one of the most frequent causes of bitterness in employment relations—the struggle over the status and security of the union.

Now, of course there are defects in the closed shop. The most vexatious is that of the man who does not want to join. Many of these, but not all, are "free riders," as the Senator from Florida said yesterday, who want the benefits of unionism, but who do not want to contribute to its support. I say frankly that if I had to make a choice between the closed shop and the union shop in industries that operate steadily throughout the year, I would prefer the union shop to the closed shop. For here a man does not have to be a union member to get a job, the employer is free to hire, and yet the man hired must join a union within a given period of time, generally 30 days. But I should like to point out that this method is totally inapplicable to such industries as building, music, and longshore work where men are customarily hired for such short periods that they would not have time to join a union.

On the docks a man works for a few hours or at most for a few days. If the employer is given the right to hire the worker only on the condition that he will join the union within 30 days, he will not join the union. The same thing is true in connection with building, over which, as I have said, Mr. Denham for some reason known only to himself is trying to take jurisdiction. The same is true in connection with music, where an orchestra is hired for a night. Here a union shop would not only become an open shop, but might quickly become a nonunion shop or one closed to unionists.

In short we have such a variety of conditions, we have such a complicated texture of economic life in this country, that it is foolish as well as wrong for Congress to impose a blanket prohibition against the closed shop, as is done under the Taft-Hartley law and as is proposed to be done under the Taft amendment.

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

Mr. DOUGLAS. I yield gladly to the Senator from Ohio.

Mr. TAFT. With relation to the position of the newspaper industry, I call the Senator's attention to the communication from the general manager of the American Newspaper Publishers' Association, which is the only testimony in the record I could find. On page 3545 of the hearings he said:

> Insofar as all other unions are concerned with which newspapers do business, all have filed the required affidavits and financial statements and as their contracts have expired, all of them have stated their willingness to enter into union-shop contracts as a substitute for former closed-shop contracts. In those places where the ITU has struck, all of the other unions with which the newspapers have had contractual agreements have observed their agreements and publication has continued almost without interruption.
>
> Experience of publishers has demonstrated the practicability of the nondiscriminatory hiring provisions in the Taft-Hartley Act. One of the chief objectives of the ITU is to control the labor supply in such a way as to maintain a shortage of printers in most areas of employment. The ITU uses its control to force up wages and increase overtime costs. Since the enactment of the Taft-Hartley Act, publishers are free to hire applicants without respect to union membership or union training.
>
> All in all, with the single exception of their experience with the ITU, publishers on the whole have enjoyed the most cordial relations with all other unions during the life of the Taft-Hartley Act, and I know of no instance where any of the provisions of that act has adversely affected either the unions or the operations of publishers.

That is, so far as I know, the only testimony from the newspaper industry.

The distinguished Senator from Florida [Mr. PEPPER] yesterday asked for other evidence. We have the testimony of the head of the printing industry—that is, the printing shops throughout the country——

Mr. DOUGLAS. The so-called book-and-job industry?

Mr. TAFT. Yes. He stated as follows:

> Printing has often been pointed to as an example of an industry which, before the Taft-Hartley law, got along ideally with its unions. This impression is entitled to some correction. Actually if the printing industry seemed to get along ideally with its unions in many instances, it was because it did not have the bargaining strength to resist exorbitant demands and the imposition of uneconomic practices.
>
> * * * * *
>
> Of course, prior to the Wagner Act it might have been contended that since Federal law placed no employer under an obligation to bargain, the unions were also justified in their policy.
>
> Even after that act became law, however, some of these unions of ours still reserve the right to impose working conditions unilaterally. For example, the general laws of the International Typographical Union fix the ratio of apprentices to journeymen, set overtime rates, lay down rigid rules for hiring and discharging, provide for a closed shop, define standards with respect to seniority and establish rules of conduct for the foremen, who must be a member of the union.
>
> Although all of these matters are of vital importance to us, none of them are bargainable or even subject to arbitration.
>
> Section 2, article III, of these ITU general laws reads as follows:
>
> "No local union shall sign a contract guaranteeing its members to work for any proprietor, firm, or corporation unless such contract is in accordance with international law and approved by the international president."
>
> In other words, such union laws have been constantly narrowing the area of bargaining by preventing employers and locals in their negotiations from arriving at any agreement unless the employer is willing to agree to all the "must" rules of the international union.

So I do not think it is quite reasonable to say that the relationships were ideal between the ITU and the various employers.

Mr. DOUGLAS. I did not say that the relationships between the unions and the employers were ideal. I did say that, in my experience, I found only three newspaper publishers who wanted at that time to do away with the closed shop.

What I am trying to point out is that while the Senator from Ohio and I could argue until the Senate adjourns on the merits and demerits of the closed shop, it seems to me that it is safer for us not to pass judgment on that issue in Congress, but instead to let the workers and employers decide, through the process of collective bargaining, whether or not they want to establish it. There is no obligation under the Wagner Act for the employer to take the closed shop. It is merely one of the items of collective bargaining, and he has authority to refuse it.

Mr. TAFT. It is not the employer about whom I am concerned. The employer is of very little concern to me. What I am concerned about is the individual man. The union has so limited the number of people who can become printers that today we have a shortage of printers. If that policy were pursued in all the industries, we should have so much unemployment that the Government itself could not support it.

As an example, take the case of a printer who came from a small town in Ohio, where there was only one shop, a nonunion shop. He learned his printing in that shop. He went to Youngstown and sought a position on the newspaper. He was sent to the union, and the union told him, "No; we will not take you into this union. You learned in a nonunion shop. If you want to go through 6 years of apprenticeship, all right. Otherwise you cannot be a printer in Youngstown." Every shop in Youngstown is a union shop.

It is that arbitrary power against the individual to which I object in the closed shop. It is a matter of civil rights of members of the union and of various persons who seek employment. Those rights are just as important as any of the other civil rights which have been discussed on the floor of the Senate.

Mr. DOUGLAS. I will say to the Senator from Ohio that, as he knows, I have never defended the combination of the closed shop and the closed union. I believe that the workers and employers have the right to agree upon a closed shop,

but that if the closed shop is agreed upon, there is an obligation upon the part of the union to make its terms of entrance comparatively open.

Mr. PEPPER. Mr. President——

Mr. DOUGLAS. Just a moment.

When we get into that question, we get into a great many complexities. The apprenticeship issue is not as simple as some believe, because the ratio of apprentices is a rather complicated mathematical equation which depends not merely on the time required to learn the trade and the industrial expectation of life, so to speak—the period during which workers stay in the trade—but also involves growth rates, internal changes in the industry and so forth. After having worked on the apprenticeship issue for many years, off and on, I can say that there is no easy answer to it. We found that in a great many cases in the newspaper industry, as well as in the book and job printing industry, employers did not hire the number of apprentices they were allowed to hire. We cannot charge the shortage of apprentices in the newspaper industry solely to the unions.

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

Mr. DOUGLAS. I yield.

Mr. TAFT. It is true, however, that the closed shop gives the printers' union, the ITU, practical control over the number of persons who go into the printing trade in the United States. Is not that such an arbitrary power that no one outside the Government ought to exercise it?

Mr. DOUGLAS. It gives them some control. There is no doubt about that. I do not believe that it gives them complete control.

Mr. TAFT. No. There are a certain number of nonunion shops throughout the country.

In considering the question of prohibiting the closed shop, we considered the alternative to which the Senator has referred. As an alternative to the closed shop we might say, "All right; have a closed shop. But the National Labor Relations Board will have to determine whether you are fair in admitting some and excluding others, or in firing some and not firing others; whether your apprenticeship rules are in accord with public policy; and how many apprentices there shall be. Those questions will all be subject to the control of the Board."

That is a possible approach to the problem which we are trying to meet. But I have the great difficulty there that we are going much further into the internal management of unions than I like to go. I do not like regulation of the internal affairs of business, and I do not like to regulate the internal affairs of unions. Frankly, I never did like these elections, because they are a step in that direction. I am glad to eliminate them from the present bill.

However, it seems to me that that course is not as wise as the course of laying down a rule as to what shall be done, and establishing a reasonable kind of union shop which I think is perfectly adequate union security, better than the maintenance of membership which the War Labor Board gave the unions during the war. In that way we would completely eliminate the problem of the closed shop. There is the other alternative; and if the prohibition does not meet the approval of the Senate, it might well be considered.

Mr. DOUGLAS. I will say in reply to the Senator from Ohio that I think he made his initial mistake when he turned his back on the question of free collective bargaining and prohibited the unions and the employers from reaching an agreement on the closed shop if they desired to do so. Once having made that mistake, we became involved in a whole series of further regulations.

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

Mr. DOUGLAS. I yield to the Senator from Florida.

Mr. PEPPER. That was the point to which I wished to invite the attention of the Senator. In the first place, as the Senator from Illinois has so well said, the so-called closed shop agreement which the committee is supporting is simply to preserve to the employer and the employee freedom of contract. The employer will not employ men who are not members of the union, if the union provides members of its organization for his employment. That is basically what we are seeking, is it not?

Mr. DOUGLAS. That is correct. We seek to permit the parties to make such agreements when they decide it is desirable to do so.

Mr. PEPPER. The Senator will recall that yesterday I read from the statement of Mr. Geary, an electrical contractor, given before our committee during the hearings, that to deny the employer the right to make this kind of contract was an interference with the right of contract which an employer should have. The Senator is familiar with that testimony, is he not?

Mr. DOUGLAS. I am.

Mr. PEPPER. Is it not a fact that if public policy, declared and supported by the Congress, does not require to the contrary, and no appropriate statutory authority requires contrary action, an employer has complete freedom as to whom he will hire to work for him?

Mr. DOUGLAS. He hires a union man.

Mr. PEPPER. Ordinarily the employer has freedom to hire whomever he would like to hire.

Mr. DOUGLAS. I thought the Senator was speaking about the closed shop.

Mr. PEPPER. No. I am speaking about the right of the employer. If the employer contracts that he will exercise his right to hire those whom he deems best qualified to work for him, may he not contract to exercise that judgment or authority in a certain way, with people who have an interest in maintaining certain minimum standards in that enterprise?

Mr. DOUGLAS. So it has always seemed to me.

Mr. PEPPER. Is it not rather strange that those like the distinguished Senator from Ohio, who are able and eloquent advocates of free enterprise and private initiative, wish in this case to deny to the employer his own freedom to employ, and to contract with respect to the use of his authority to employ?

Mr. DOUGLAS. I believe there is a phrase in Shakespeare which describes that:

'twas strange, 'twas passing strange.

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

Mr. DOUGLAS. I am glad to yield.

Mr. WILEY. I have listened with profit to this discourse, but it seems to me the whole theory includes simply the dear old employer and the dear old union. However, does not the independent citizen have a right to employment? Has not the public the right to some interest in this picture? I am wondering where that enters into the logic of the distinguished Senator from Illinois.

Mr. DOUGLAS. Of course, the whole question of the relationship of individuals to voluntary organizations in society is an extremely complicated one.

Mr. WILEY. I realize that. But if the Senator will yield further, let me say, as has been suggested here, that one of the inherent, fundamental rights of the individual is the right to make a living.

A moment ago I said, facetiously, to one of the gentlemen at the desk, "In the early days, I used to go around painting houses. In those days there were no unions. I suspect that if and when I am retired from the Senate, not being a union man, I would have a hard time going back to house painting."

How about it, Mr. President? Perhaps Harry Truman would give me a job in Independence; what do you think?

Mr. PEPPER. He already has a house.

Mr. WILEY. And he hired a nonunion man to paint it.

Mr. DOUGLAS. Mr. President, I am sure the Senator from Wisconsin will be successful in any occupation he takes up.

Mr. WILEY. Mr. President, I am serious about this matter. I have enjoyed the discussion heretofore; but as I have said, it has been limited simply to the rights of management and the rights of union labor. However, there is a third party interested in all these matters, namely, the public, which is made up largely of nonunion and nonmanagement individuals. If we make between management and labor an arrangement whereby the rights of the independent citizens are curtailed, we shall be interfering with their constitutional rights.

Mr. DOUGLAS. I think that goes into the question of why men do not want to join unions. I would say that if they do not want to join unions because they want to get the benefits of unions without contributing to the support of unions, that scruple is not one which deserves much consideration. On the other hand, if they feel that unions are fundamentally wrong, and therefore they do not want to join them, that is a very puzzling problem indeed; and under those conditions I think a union would be wise if it permitted—as some unions do in the case of some religious groups—such persons to pay some dues, but not be required to join.

The whole question of the individual who has scruples which go counter to the

traditions of society is a very, very difficult one. There is no absolute answer to it. I do not think it is numerically as important as it is made to appear in debate; but I wish to say that I think unions should not be closed, that sooner or later they should open themselves, so that those who wish to join and who are qualified to join would be admitted. I do not know that this is the time to require that to be done. I should like to see a Presidential commission go into that whole question; but it is true that sooner or later, if there is a closed shop, the union should be open.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from Utah.

Mr. THOMAS of Utah. Mr. President, before we leave the question about freedom versus restriction in regard to the activities of persons in connection with unions, I think it should be pointed out that that question is hardly valid to the debate at this time, because there is no absolute freedom in the union shop. In other words, after a person gets a job, he is required to join the union. So there is restriction upon the individual's activities.

Mr. DOUGLAS. Which the Senator from Ohio [Mr. TAFT] concedes the law should allow.

Mr. THOMAS of Utah. So that does limit, to a degree, the activities of the individual.

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

Mr. DOUGLAS. I am glad to yield to the Senator from Wisconsin.

Mr. WILEY. Probably I should beg the Senator's pardon for interjecting myself into this discussion.

Mr. DOUGLAS. Oh, no; not at all. I am delighted to have the Senator participate in it.

Mr. WILEY. My attention was particularly attracted by the discussion on the subject of the closed shop. While the recent statement of the Senator from Utah has relation to it, yet his statement is only partly related to it, because what we are doing by means of the closed shop is to close out the right of the independent citizen to work.

I agree fully with the Senator from Illinois when he says the closed shop should not be closed.

Mr. DOUGLAS. I say the union should not be closed. A closed shop and an open union will not bar anyone from work.

Mr. WILEY. The effective operation of a closed shop means that unless they let a worker in, he is closed out.

Mr. DOUGLAS. But I am saying that I think it will be found that a very large number of the unions—the great majority, I think—permit qualified men to enter them. I do not say all of them do, for that is not so. But a very large majority of the unions do permit that.

Mr. WILEY. I thank the Senator.

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

Mr. DOUGLAS. I am glad to yield.

Mr. TAFT. Let me suggest that the whole problem of the open union was very largely taken care of by the provisions of the Taft-Hartley Act in regard to closed shops. It requires every union to admit any individual who wants to be admitted, if he has a job. Those provisions really carry out, it seems to me, the whole substance and theory of an open shop.

Mr. DOUGLAS. The Senator from Ohio may not have been in the Chamber when I said that if I had to make a personal choice in the case of industries which operate steadily throughout the year—such as the steel industry, the automobile industry, and so forth—I, also, would prefer a union shop to a closed shop. But I pointed out that in certain industries where the workers work at only certain, usually brief periods of time during the year—such as in music, among longshore workers, in the building industry, and in other industries—the union shop is totally inapplicable, because the men are not employed for the period of time during which they can join the union; and in those cases the closed shop is a means by which the employer can obtain, upon quick notice, a group of trained, skilled workers, at a given wage, instead of being compelled to go out and find them and hire them one by one. In such cases he may want a closed shop; yet the law prohibits him from having it.

Mr. TAFT. The testimony about the closed shop was presented before our committee when we were originally considering the proposals leading up to the Taft-Hartley law.

The Senator from Illinois has referred to longshoremen. As I recall the testimony as to that industry—and certainly this was the testimony which was presented ? years ago—the closed shop operated to force upon the employer men whom he did not want to employ. For instance, if a man was discharged from a ship for drunkenness, 2 weeks later he might be back on the ship, because the closed shop required the employer to take the men sent to him by the union. The shipowners on the west coast certainly do not want the closed shop, because I have talked with all of them, and they have testified in this case.

Mr. DOUGLAS. Nevertheless, in such cases, as I have shown, it affords the union a security which the union shop does not.

Mr. President, I should also like to make clear that, of course, if closed-shop unions and employers combine together to gouge the public through joint monopolistic action, they can and should be prosecuted under the antitrust laws.

This much I can say—as I said in the colloquy yesterday: That the outright prohibition of the closed shop by the Taft-Hartley law has disrupted the newspaper industry in my own city of Chicago. The newspapers of my city had gladly gone along with the closed shop for decades, and the Chicago Tribune had done so for 50 years. But the Taft-Hartley law made it illegal to do so, and the newspapers felt they had to obey the law. A strike resulted, and for 18 months the printers have been out. The newspapers have suffered losses, the reading public has been deprived of quick news and full news coverage, and the printers have suffered a loss of millions of dollars. Instead of the peace which formerly prevailed in the industry, it has been shot full of conflict, distrust, and hatred. The same prohibition against the closed shop has also been a basic cause of the strikes on the west and east coasts in the longshore industry. The prohibition has been a disruptive influence; and I submit that instead of fastening it into our labor law, we should return to the principles of free collective bargaining, and should let the employers and the employees decide whether they want it.

MOST SECONDARY BOYCOTTS STILL OUTLAWED

The Taft-Hartley law—section 8 (b)—as we all know, makes all forms of the secondary boycott illegal, and makes it mandatory for the council of the Board to restrain such action by getting a temporary injunction from a Federal district court—section 10 (1). The senior Senator from Ohio now proposes a slight modification of this rule. By the terms of his modification, where struck goods are shipped out to another firm, to go through an identical work process, it is not to be illegal for men to refuse to work upon it, and the mandatory feature of the injunction is no longer insisted upon.

But the overwhelming proportion of secondary boycotts are still outlawed. As was brought out in the colloquy yesterday, the Senator from Ohio would still outlaw the following cases: (a) When goods produced under nonunion conditions are shipped to another plant for additional processing; (b) where semiprocessed goods are being shipped to a nonunion plant for further processing; and (c) when goods produced under inferior working conditions come into competition with goods produced under superior and union conditions.

Now, where the Senator from Ohio errs is that, like the Supreme Court of the twenties, he fails to see that workers in other plants may have a legitimate interest in what goes on in a given establishment which produces goods similar to his own. If the plant is nonunion and has substandard conditions, it is a constant threat to the jobs, conditions, and the organization of the workers in other plants. I believe, along with Justices Brandeis and Holmes, that it is legitimate for men in the same industry, craft, or occupation, or the same international union, to refuse to buy or handle the products which are produced in nonunion or substandard shops. The Senator from Ohio is, therefore, in reality proposing that we return to the bad law of Duplex against Deering and the Bedford Cut Stone case, which had been specifically repudiated by the Norris-LaGuardia Act of 1932 (sec. 4A of Public Law 65, 72d Cong.).

"COERCION" PROVISION RETAINED

The Taft-Hartley law of 1947 erred greatly when it superimposed national regulation upon the common law, the criminal law, and most local police ordinances by outlawing "restraint or coercion" practiced by workers against other workers. This national regulation is now modified by the Senator from

Ohio [Mr. TAFT] to omit the word "restraint" and retain only the word "coerce."

Both the original Taft-Hartley law and the proposed bobtailed Taft Act, however, operate as though there were no other remedy for coercion. This is not so. When a picket slugs a man returning to work, it is assault. The slugger can and should be arrested and, if found guilty, sentenced. If he threatens by word and act to slug a man and puts him in bodily fear, he can be arrested and sentenced. If a mass of pickets blocks a street and prevents a returning worker from entering a plant, they violate the principle that all citizens are entitled to travel the public highways, and they can be arrested and sentenced. We actually have enough laws to deal with such offenses. Why do we need national laws to deal with them?

It is really extraordinary that a great defender of the principle of State and local government, who so frequently attacks the regulations on the part of the Federal Government as interfering with the rights of localities, should propose a measure which largely superimposes national regulation upon local police regulation.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. THOMAS of Utah. The last point which the Senator from Illinois made is one which bears out what we have pointed out heretofore, but it needs emphasis at this place, in spite of the strong way in which the Senator has put it. Before the National Labor Relations Act came into force, those who opposed the act did so on the ground that it was unconstitutional. They contended the Federal Government had no right to enter this field at all, that it should not be in it. The reason for the opposition which is apparent to everyone, lies in the unequal control which the employer has over the employee, the strength he possesses. He may have even more strength in one State than in another, because he is controlled by State law. The moment the Supreme Court of the United States sustained the philosophy of the National Labor Relations Act and upheld its constitutionality, and the Federal Government entered the field, then immediately the same opposition started its campaign to try to make the Government crack down on labor and to make the Federal Government a partner of the employer, in the same manner that State governments through the injunctive process had always been the partner of the employer in trying to curb the activities of labor. I think we cannot emphasize that fact too strongly as one of the real reasons why this bill is before the Senate. The punitive nature of the Taft-Hartley law is apparent at all times. It was passed for the purpose of overcoming certain freedoms which labor had gained as a result of being able to get into the Federal field.

Mr. DOUGLAS. I thank the able Senator from Utah. I shall try to develop that point in further detail in a few moments, when I come to it.

Mr. THOMAS of Utah. I am sorry if I have anticipated what the Senator intended to say.

Mr. DOUGLAS. No; I appreciate the contribution which the Senator from Utah has made.

This provision is all the more nonsensical, and I use the word advisedly, when we reflect that the local remedy is immediate and direct, while the Taft-Hartley law and, if I may say so, the bobtailed proposal, can only be utilized through a long drawn-out and indirect process. When pickets commit violence, the remedy is simple, namely, to put those who have committed it into a patrol wagon, sometimes known as the paddy wagon, lock them up, and try them. This is swift and direct. But the apparent remedy under Taft-Hartley Act and the proposed Taft law involves complaint, investigation, charges, hearings, review and final award, which now takes, as I have said, about 14 months. If it is the purpose to restrain violence or threats upon the spot, then this is certainly not the way to do it. The way to deal with violence is through the local police. If this is not the purpose, what is the purpose of the phrase? Can it be that the real purpose is to get a National Labor Relations Board which will give such a broad interpretation of the coercive effect of the term "coercion" that we may go to or approach the standard laid down by the Supreme Court in the American Steel Foundries case, a case involving two cities in my own State of Illinois, Rock Island and Moline, as well as the opposite city of Davenport, in Iowa, in which case the eminent Chief Justice declared in an obiter dicta that the presence of more than two pickets at a gate constitutes coercion.

Is that where it is hoped this labor law of this country will go? I hope we do not turn in that direction, but, by retaining the word "coercion" the way is open for the National Labor Relations Board, subject to "review," to place such an interpretation on it.

I suppose that the defenders of this provision will allege (1) that national prohibition of this type is necessary because it is charged that the local police and courts will not enforce the law against unions, and (2) that if it is proper by national legislation to prevent employers from coercing workers, it is similarly proper to employ national legislation to prevent one set of workers from coercing another.

These defenses, however, are ill-taken. So far as the police and the courts are concerned, there is no general tendency for them to favor labor unduly. Here and there they may, but the general preponderance, as a matter of fact, has been and is the other way.

For, in addition to economic influences which are all too often at work, the unions who try to prevent a plant from resuming work are almost inevitably forced into a position where it becomes difficult for them to get along with the police who are charged with the duty of keeping the streets open. Unless great care is exercised by both sides, it is easy for hostility therefore to develop between pickets and the police with a consequent bias of the latter against the former, and sometimes the former against the latter.

The second argument for allegedly parallel treatment disregards the fact that the coercion practiced by workers against workers is primarily physical and is a violation, as I have said, of both the common and criminal law and can be punished locally. The coercion practiced by employers upon workers is, however, primarily economic in nature and springs from the employer's control over the job. This coercion was formerly legal and even now cannot be restrained by local authority. It needed national legislation in the form of the Wagner Act to outlaw this type of coercion but this does not carry with it any justification for national legislation about coercion practiced by workers against workers, for as I have pointed out, there are abundant local remedies for this.

THE INJUNCTION FAVORS THE EMPLOYER

Both the Taft-Hartley law and the Taft proposal authorize the use of injunctions to restrain unfair-labor practices, and the former made such use mandatory where the secondary boycott is concerned. The Senator from Ohio seems to think that he has met all objections to the use of the injunction in connection with these unfair-labor practices by saying that they can be applied against employers as well as unions and that the temporary injunctions are not to last for more than 5 days.

But what he fails to see is that the courts have always tended to be more conscious of the possible damages to the property rights of employers than to the losses which workers may suffer. It is hard for the courts to realize what the loss of a job may mean to a man, and they are inclined to believe that he can always get another one or will ultimately be reinstated. Nor are they alert to the damage which is done to a union if an employer stalls in bargaining collectively and gives the union representatives the run-around. Even if the Board should seek an injunction in these cases, if past experience is any guide, the courts would virtually always fail to find that there was any irreparable damage.

But they have always been aware of the damage done to the good will and flow of business of employers by secondary boycotts and by picket lines. So in practice, it would be the employers who would get from the courts the benefits of injunctions against the unions, and not vice versa. And they would get them, moreover, upon the basis of one-sided pleadings with the unions not appearing before the courts.

But an injunction, it is said, would merely stay matters temporarily until it was found out whether or not it was valid and, if it should turn out to be ill-founded, it could then be dropped, with no damage done.

This is the familiar mistake which lawyers fall into in discussing the matter of injunctions. They proceed as though it were a situation in which the ownership of a tree is in dispute, A claiming it and B claiming it. B takes an ax and wants to cut down the tree which gives shade, let us say, to a portion of A's lawn. A

gets an injunction restraining B from cutting the tree down until the ownership of the tree is determined. If it is found that A owns the tree, he can prevent it from being cut down. If it is found that B owns the tree, he can cut it down. No damage has been done. The tree still remains. It is the same when we finish as when we began. It has not been altered. The injunction has been granted to prevent irreparable damages. Time has not altered the situation.

But in a labor dispute time is of the very essence of the situation. Since the reserves of the worker are in nearly all cases less than those of an employer, a worker's case grows weaker with time. Tie him up for a period, and he loses ground. Therefore, the injunctive process which ties up labor, even though at a later time the injunction is dissolved, leaves the workers in a weaker position than that which they initially occupied.

These are some of the reasons why I think we should not embrace the delusive short-cuts of the injunction process and why we should in these cases stick to administrative procedures.

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

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

Mr. DOUGLAS. I yield.

Mr. HILL. The Senator has discussed the effect of public sentiment on labor, so far as sympathy for the worker is concerned. The Senator, of course, recognizes the tremendous force and power of public sentiment in any local community in the Nation. I hope the Senator will amplify and discuss what it means to the workers for a court to issue an injunction, deciding against them and condemning them, so far as the public is concerned.

Mr. DOUGLAS. The Senator from Alabama has made an extremely good point. The public does not understand that this injunctive process presumably carries with it no final conclusion as to right or wrong. It views a temporary injunction as a decision by a court deciding whether a certain line of action is legal or ethical. If a union is enjoined from carrying out its line of action, the public tends to conclude it is an improper action, and, to the degree that people have respect for law, it crystallizes public opinion against the union.

As I say, these are some of the reasons why I think we should not embrace the delusive short-cuts of the injunction process and that we should stick to administrative procedures. To do otherwise would be, indeed, to reverse one of the reasons why the Administrative Procedures Act was passed, namely, that the parties should have a fair chance to refute the charges made against them.

Mr. HILL. Mr. President, will the Senator yield further in that connection?

Mr. DOUGLAS. I yield.

Mr. HILL. Does the Senator know of any case in which an injunction has been used against an employer? I suppose, theoretically, there are cases in which it should be used, but does the Senator know of any cases in which the injunction process has been used against an employer, when the Board has considered all the testimony, has heard both sides, and a full and complete opportunity has been given to present the case? Such hearings may continue over weeks or months, and in some instances years of time have elapsed.

Mr. DOUGLAS. If there are any such cases, they are exceptional, and there is a great contrast between the deliberation with which the Board has moved in connection with the consideration of evidence, with the party against whom the complaint has been lodged being given a full chance to be heard—there is a great contrast between that and the court process of granting a temporary injunction under the Taft-Hartley law. The new Taft proposal permits the Board to go before a Federal judge, without the other side being present, and, upon ex parte testimony, to obtain an injunction, which, as the Senator says, serves to stigmatize in the public mind the union against whom the injunction is issued.

If we are in favor of administrative procedure which permits the accused to have an opportunity to be heard, I do not see how we can favor the injunctive process.

Mr. HILL. If a temporary injunction is asked and granted within a 5-day period, then the question comes up of the other side entering into it, and the court will be rather slow to reverse its original action which has been played up in the press—splattered all over the front pages of the newspapers? The judge will have to say, "It was entirely ex parte. I heard only one side. I think the injunction was not warranted or justified, so I shall not continue it." Is not that correct?

Mr. DOUGLAS. That is quite correct. The weight of inertia will tend to lead to a continuation of the temporary injunction beyond its originally stated period.

Mr. HILL. And the atmosphere created by the temporary injunction will have a very deterrent effect, so far as the court not continuing the injunction is concerned.

Mr. DOUGLAS. That is correct.

Mr. HILL. And the public opinion, to which the Senator earlier alluded, crystallizes, and surrounds the labor union with more or less an unfavorable and unfriendly, we might even say a hostile, atmosphere.

Mr. DOUGLAS. That is correct.

AGENCY AND SUABILITY OF UNION

I now venture upon a topic which I suppose a layman should beware of entering, namely, the question of the suability of unions and the law of agency under the Taft-Hartley law. But, after all, the law is made for laymen, too, and it should not be the exclusive province of lawyers.

In my attempt as a layman to understand this rather technical subject I have come upon some rather interesting conclusions.

The original Taft-Hartley law provided that unions could be held responsible for the acts of agents and that "the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controling." In other words, it was not necessary that the so-called agent should be given authorization in advance or that his action be ratified after the acts were committed. If, in the opinion of the court, those acts did damage to the employer and had some sort of connection with the union, the union could be sued and might be held liable for his acts.

I hope the Senator from Ohio will pardon me if I repeat my characterization of the new proposal, which was made in no critical spirit, but in an attempt at genial humor. I would say that if the original act could be called the Taft-Hartley Act, the proposed act should be called the bobtailed Taft proposal.

AGENCY RULES BROADER AGAINST UNIONS

In the present proposal it is said, "The common-law rules of agency shall be applicable." When I first read that I thought it was adequate. There is a ring of plausibility to the phrase "the common-law rules of agency." Then, as I began to go into the question, I discovered what I thought was a very great weakness in the phrase. I am sure that it was unintended, but it exists nevertheless, because the fact is that prior to the passage of the Norris-LaGuardia Act the rules of agency were interpreted much more broadly in the case of unions than they were in the general law of agency. I should like for the sake of the record, as well as for the purpose of carrying out some obligation of public education, to cite a few cases.

Instructions to use peaceful methods were not enough to avoid liability. *Cumberland Glass Company* v. *Blowers Association* (59 N. J. Eq. 49).

Callers of a strike were held liable as fomenters of violence. *U. S.* v. *Railway Employees* (283 Fed. 479).

The acts of pickets were imputed to members of a union by use of a presumption that the members had knowledge of the acts. *Aluminum Castings Company* v. *Molders Union* (197 Fed. 221).

So that prior to the Norris-LaGuardia Act, the law of agency, as it was applied to unions, was so broad that the courts would not require authorization in advance or ratification afterward in order to hold a union responsible, and members who committed some act of violence on the picket line were thereby said to make the union liable for their act, and the union could be sued. This is what is continued in the new Taft proposal.

THE NORRIS-LAGUARDIA ACT

In 1932 Congress passed the Norris-LaGuardia Act, a great act, which bore the names of two great statesmen, George W. Norris, of Nebraska, and Fiorello LaGuardia, of New York, I think two of the noblest Americans who have lived in the last generation. They tried to outlaw this very abuse of the law of agency by specifically writing it into the law of the land that the same law of agency should apply to all parties—see sections 6 and 7. In their report to the Seventy-second Congress on this act, the members of the Senate committee clearly

pointed out the evils of the common-law rules of agency as applied to unions, when they made this statement:

It has often occurred that employers themselves have secured the services of detectives who * * * have gained admission into labor unions. When this happens these detectives are usually doing everything within their power to incite employees who are on strike to commit acts of violence, and such detectives, contrary to the definite instructions of labor-union leaders, sometimes commit unlawful acts for the express and only purpose of laying the foundation for injunctive process, of bringing discredit upon the union, and of making its officers and members liable for damages.

Where the officers of the labor union are doing everything within their power to prevent acts of violence from being committed by any person, the law should fully protect them and save them and the members of their organization who are following their advice from liability in damages because of unlawful acts of persons who are either directly or indirectly connected with those who are trying to defeat the purpose of the strike.

Why should an officer of a labor union, who has specifically advised members that violence must be avoided, become responsible for the hot-headed action of some member in perhaps assaulting a strikebreaker?

The doctrine that a few lawless men can change the character of an organization whose members and officers are very largely law abiding is one which has been developed peculiarly as judge-made law in labor disputes, and it is high time that, by legislative action, the courts should be required to uphold the long-established law that guilt is personal and that men can only be held responsible for the unlawful acts of associates because of participation in, authorization, or ratification of such acts.

I think we should return to the spirit of the Norris-LaGuardia Act, and that we should not adopt this proposal of the Taft amendment. Incidentally, if this is retained in the Taft amendment, it will be possible to trump up suits which would break almost any labor union in the land.

HAS THE TAFT-HARTLEY LAW PREVENTED STRIKES?

Mr. President, I know the hour is getting late, and I shall try to be brief, but there are certain comments made by the Senator from Ohio in his address yesterday upon which I wish to speak. It was a very able address, as is everything the Senator does. In his remarks, as they appear on page 7401 of the RECORD, the Senator from Ohio pointed with great pride to the record of the Taft-Hartley law in reducing strikes and in increasing union membership.

In connection with strikes, let me point out that strikes are largely determined by the rate at which prices are increasing.

Let the cost of living rise rapidly; then we have strikes increasing, because the workers are trying to raise the wage rates to maintain their real earnings.

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

Mr. DOUGLAS. I am glad to yield to the Senator from Ohio.

Mr. TAFT. How does the Senator from Illinois reconcile that with the calling of the coal strike at the present time of falling prices?

Mr. DOUGLAS. There seems to be a practice in the coal industry which cannot be brought under any general classification. I do not want to show off my Latin tags, but if the Senator from New Hampshire [Mr. TOBEY] can quote Latin upon occasions, perhaps I may be permited to quote a phrase. I would say the situation in the coal industry is "sui generis."

But let me go back. We find strikes increasing when the cost of living is rising rapidly. That is why there were many strikes in 1919 and early 1920. That is why we had many strikes in 1946, particularly after the famous coalition gutted price control and let prices jump through the roof. Then the cost of living went up and there were strikes in response to that.

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

Mr. DOUGLAS. I yield.

Mr. HILL. And at the same time the overtime pay passed out of the picture. Is that not true?

Mr. DOUGLAS. Yes.

Mr. HILL. So wages went down while prices shot up.

Mr. DOUGLAS. I would say prices shot up, and then the workers, in order that their wages might keep pace with prices, staged strikes. By the time the Taft-Hartley law was in full effect, while things had not completely evened off, the increase in the cost of living had begun to level off, and from then on became more stable. Therefore in the period from August 1947, until the present time, since the cost of living has advanced only about 5 or 6 percent, we naturally would not expect so many strikes.

Now the Senator from Ohio claims for his act the results which really came about because of the lesser increase in the cost of living. That act had no more to do with diminishing strikes than the fly upon the chariot wheel had upon the progress of the chariot.

HAS THE TAFT-HARTLEY LAW INCREASED UNION MEMBERSHIP?

The Senator from Ohio also implies that the act has been a fine thing for unions because their membership has increased by 1,000,000 since the act went into effect.

It is true that in those lines where the unions were already established, where they had dug themselves in firmly, their membership did expand. But the onward march of unionism in organizing new industries has almost completely stopped, and has largely stopped because the Taft-Hartley law puts into the hands of employers the weapons which they can use to stop it. And I think the Senators who come from south of the Mason and Dixon's line know what I mean when I say that.

"TIME BOMB" ASPECTS OF THE TAFT-HARTLEY ACT

The truth of the matter is that up until November 1948 a large section of the employers in the country did not want to utilize the full provisions of the Taft-Hartley law lest they frighten the workers of the country. They had won a great election in 1946, and they looked confidently upon the November election of 1948 as one which would return them to power by overwhelming majorities in the House and Senate, and send the Governor of New York to the White House. They did not want to "stir the animals up" before election, because they knew that it might have an adverse effect upon that election. That was one reason why the full powers of the Taft-Hartley law were not used prior to November 1948.

But suppose we go into a depression, which we all hope we will not, but which may occur, much as we dread it. And suppose we have, not 3,500,000 unemployed people in the country but 7,000,000 unemployed people in the country. There will then be a terrific temptation for employers who do not like unions—I do not say that this means all employers, but I say that for those employers who do not like unions there will be a terrific temptation then—to take full advantage of the Taft-Hartley law. If the present provisions remain on the books, they can start suits against unions if strikes occur. They can have union activity greatly restrained. Secondary boycotts will be outlawed. New elections can be called for. And when the new elections are held under the present law, as I have said, the strikebreakers vote, and the replaced strikers do not vote. Thus, the Taft-Hartley law gives to employers in a period of depression the weapons with which they can break unions.

THE PUBLIC INTEREST IN INDUSTRIAL PEACE

The Senator from Wisconsin said I was talking only about workers and employers. I want to say that the people of the country, the farmers and the middle class, the white-collared people, have an interest in industrial peace. I think the people of the country have decided that they want the system of collective bargaining to endure, and that they do not want the country to be torn to pieces by civil strife over this issue, and that it would be extremely dangerous to give into the hands of people who have been hostile to unionism the weapon which they can use to break it in a period of depression.

So I ask the Senate to consider very carefully whether, in the dangers and storms which are ahead, they want to impose that danger upon the country.

I have discussed the proposal of the Senator from Ohio. I now want to say a few words about the Thomas bill, and a few general words about the amendments which a number of us are also proposing.

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

Mr. DOUGLAS. I am glad to yield to the Senator from Ohio.

Mr. TAFT. I do not quite see where at any time any weapon is given to employers to enable them to break a union. If a union has a contract and keeps its contract, when the contract expires its members have a perfect right to strike for any length of time, without being sued. There can be no suit of any kind entered against a union, except that unions should be liable on their contracts as other people are.

Mr. DOUGLAS. There is always a question as to wildcat strikes, whether they are violations of the contracts, and whether the union can be held financially responsible for the unauthorized acts of members who have started an unauthorized strike.

Mr. TAFT. We made it perfectly clear that the unions are not liable for unauthorized acts of members. The amendments make it doubly clear, but it was clear before the amendments were proposed. There is no way I can understand what the Senator means when he says that there are any weapons here to break the strength or the legitimate activities of unions.

Mr. DOUGLAS. Perhaps the Senator from Ohio was not present when I mentioned, in my laymanlike fashion, or pointed out, that the common law of agency prior to the Norris-LaGuardia Act, was infinitely more strict in imposing liability as it applied to unions, than in general commercial relations, and that what the Senator is proposing to do is to reenact or put in statute form this "common law of agency" which, because of its "abusive misapplication" in the case of unions, we thought we had repealed by the Norris-LaGuardia Act.

Mr. TAFT. Mr. President, I cannot see why unions should not be just as responsible for the acts of their agents, in accordance with the provisions of the law, as a corporation or other organization is responsible for the acts of its agents. I cannot understand why unions should be exempt from laws which apply to every other citizen.

Mr. DOUGLAS. We come now to the nub of the question. I agree that unions should be just as responsible as others for the acts of agents, but they should not be made more responsible. The common law of agency, as I understand, prior to the Norris-LaGuardia Act—if we may believe the courts, and may also believe Mr. Justice Frankfurter and Mr. Greene in the book they wrote—the common law of agency prior to the Norris-LaGuardia Act embodies liabilities against unions for the actions by union members with comparatively little proof of authorization or ratification. In other words, the courts were interpreting those acts as acts of agents, on a much lesser showing than was required in other commercial transactions.

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

Mr. DOUGLAS. I yield.

Mr. TAFT. I do not think it is true that a union is responsible for the acts of a man simply because he is a union member. But we have inserted in our amendments an express provision that a man shall not be considered an agent because of his relationship as a union member.

Mr. DOUGLAS. Would the Senator from Ohio permit me to read from a book entitled "The Labor Injunction," by Mr. Frankfurter, now Mr. Justice Frankfurter, and Mr. Greene. I think both men were formerly on the faculty of the law school which the Senator from Ohio attended. I read from page 74, as follows:

> For the solution of the other important issue of fact—responsibility for acts of disorder—"presumptions" are invoked.

Listen to this:

> The union and its officers may repudiate the violent deeds, may solemnly disavow them, may importune the strikers to be orderly and law abiding, and yet may be held. "Authorization" has been found as a fact where the unlawful acts "have been on such a large scale, and in point of time and place so connected with the admitted conduct of the strike, that it is impossible on the record here to view them in any other light than as done in furtherance of a common purpose and as part of a common plan"; where the union has failed to discipline the wrongdoer; where the union has granted strike benefits. Other courts, contrariwise have held fast to general agency principles and have exacted the full quantum of proof normally required to establish the responsibility of one person for the acts of another.

As I understand, the first part relates to the general law of agency as many courts applied it to unions. It is that in which we would probably be plunged if the proposal of the Senator from Ohio were to go into effect.

THE THOMAS BILL

Mr. President, I think the Thomas bill is a good bill. It reenacts the basic principles of the Wagner Act, and aims to return this Nation to the principle of mutual collective bargaining. But it has four added provisions the worth of which has, I think, been demonstrated by time.

It not only outlaws jurisdictional strikes, which are a blot on American labor, and which cause a distinct disadvantage to the public, but it provides a means for settling them, machinery whereby they can be settled, which is not done under the Taft-Hartley law.

In the second place, it prevents outside workers from trying to change the choice of bargaining representatives made by workers inside a plant. I think this is necessary and logical. If the workers in a plant, in a free and fair election, choose a given union to represent them, an outside union should not be permitted to try to change the choice of bargaining representative made by the workers inside the plant. I think this feature of the Thomas bill is an extremely good one, and is one to which the leaders of organized labor should have agreed a long time ago.

Third, it declares it to be against public policy to have strikes or lock-outs during the life of a contract, in disputes which arise concerning the interpretation of that contract. I have always believed that if there were a contract, machinery should be provided whereby disputes concerning interpretation could be decided either mutually or by arbitration, rather than to have the respective sides given the right to strike or to declare a lock-out and tie things up pending the interpretation of the contract. The Thomas bill declares it to be against public policy that there should be a strike or lock-out during the life of a contract if the strike or lock-out arises from disputes concerning its interpretation. It goes further. It lays down a system of mediation and conciliation, and the possible use of arbitration to adjust such disputes.

Finally, it deals, I think in a fairly satisfactory way—although I am not perfectly satisfied with it—with the great question of national emergencies.

BIPARTISAN AMENDMENTS TO THE THOMAS BILL

I think it is a good bill, but I believe that the four amendments which have already been submitted by four Members on the Republican side and four on our side would make it a better bill. Those four amendments are sponsored by the Senator from Vermont [Mr. AIKEN], the Senator from Oregon [Mr. MORSE], the Senator from Maine [Mrs. SMITH], and the Senator from New Hampshire [Mr. TOBEY], and, on our side of the aisle, by the Senator from Alabama [Mr. HILL], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Kentucky [Mr. WITHERS], and myself.

Mr. President, we are offering these amendments not to bail out any political party, not to help any one class, but to try to help the people of the United States. We are trying to do it on a bipartisan or nonpartisan basis.

Yesterday in the heat of debate the Senator from Ohio made some statements which had a somewhat uncharitable imputation, about the motives of those who are sponsoring these amendments. He said:

> I think the reason for the change of mind on the part of the majority of Senators on the Labor Committee is clear. They realize that the Senate will not approve the Thomas bill as presented, and they hope to make it more like the Taft-Hartley Act in order to secure votes for its support.

The charge was made implicitly that this was purely a political move to get votes. Let me say to the Senator from Ohio that inside the caucus of the Democratic members of the Committee on Labor and Public Welfare I advocated the very amendments which I am now joining in sponsoring. Several members on the Democratic side favored them. We were not able to get a majority of the committee. In the interest of party harmony, we felt that the measure should be brought to the floor of the Senate, but in committee I explicitly reserved the right to propose and support these amendments when the bill reached the floor.

When we came to the final vote in the committee as to how we should act on the Thomas bill, I asked permission to make a statement, and immediately a point of order was raised by a Republican—a very nice Republican—the Senator from Missouri [Mr. DONNELL], and the gag was placed in my mouth, not by my side, but by the other side, to keep me from attempting to explain that I dissented on certain points and reserved freedom of action on the floor. The Senator from Ohio will remember that, and I believe the stenographic minutes of the committee will bear me out.

PROVISIONS OF THE BIPARTISAN AMENDMENTS

What are the amendments which we are proposing? First, that collective bargaining should be mutual, that it should be an obligation on the part of the unions as well as an obligation on the part of employers. I believe that it was a technical omission by which such a provision was not included in the original Wagner Act. The purpose of unions is collective bargaining; and I believe that there is as great an obligation for unions to bargain collectively with employers as there is for employers to bargain with unions. The act is one-sided unless it includes such a provision. I believe that this change should be made.

We provide for freedom of speech for both sides. That seems to me to be fundamentally sound, even though it gives employers a great advantage by reason of loudspeaker systems, plant newspapers, and so forth, which they can use. Still, even with all those disadvantages to labor and advantages to employers, I believe that it is a fundamentally sound and ethical procedure, and that such a provision should be included in any labor bill.

We provide also for financial reports by unions to the Secretary of Labor and to their members. We also provide something which is not in the Taft-Hartley law or in the Taft proposal. We provide for financial reporting by employers' associations as well. I should like to see how they spend their money, and I think the general public would also be interested.

Fourth, we provide for an anti-Communist, anti-Fascist affidavit from the officials of unions, and from the officials of employers' associations. The provision is mutual in a double fashion, requiring employers as well as union officials to file affidavits, and requiring, in addition to a non-Communist oath, a non-Fascist oath. Today communism is the danger. Ten years ago fascism was more of a danger than communism. Ten years from now, who can say?

I submit that these are fair amendments, and I was pleased to see that the Senator from Ohio agreed.

Because of the lateness of the hour, I shall not attempt to deal with the vexing subject of national emergency strikes. There will be a long debate on that question in which I hope to participate.

NONPOLITICAL VALUES OF THE BIPARTISAN AMENDMENTS

But in view of the comments which have been made by the Senator from Ohio, there is one point which I think I should mention: These comments are not made in a political spirit. They are not advanced to take the Democratic Party "off the hook." It is not on a hook; nor are they advanced to take the labor movement in this country "off the hook." They are advanced because we believe they are just, they are sound, and they conform to the principles of universal justice.

If they win political support from my fellow Democrats and, I hope, from an increasing number of Republicans, we shall be greatly pleased; but we ask only that they win support by the merit of their case. If large numbers of Republicans come flocking to us, as some of their choicest spirits already have done, we shall welcome them with open arms, and with no questions asked, but only with prayers.

If the labor movement comes to agree with these amendments, I congratulate them upon their good judgment; but if they come, they will come because of the merits of these amendments, not because of any "deal."

I wish to say—and I do not here indulge in mock heroics—that I would have fought for these amendments even if they had been opposed by the combined Democratic and Republican Parties and even if my voice had been the only one raised in their defense—although I know it would not have been. These amendments are the result of mature thought and very careful consultation and deliberation.

I understand that some of my Democratic colleagues have been grieved about me because I have been negotiating with the Republicans. On the other hand, the Senator from Ohio says this is a proposal to help the Democrats. I understand that a heresy trial has been started inside the Democratic Party on the charge that I have been consorting with Republicans. Mr. President, I wish to say that I feel honored to consort with such Senators as the Senator from Vermont [Mr. AIKEN], the Senator from Oregon [Mr. MORSE], the Senator from New Hampshire [Mr. TOBEY], and the Senator from Maine [Mrs. SMITH], and I shall continue to negotiate with any Senator, Republican or Democrat, if it be for the welfare of this country.

I found great pleasure in consorting with the Senator from Ohio [Mr. TAFT] on the housing bill and the aid-to-education bill and the school-health bill. He was magnificent in the brilliant mind which he brought to bear on those questions, and in the ardor with which he threw himself into them. I am willing to consort with him if he will come over and join us, and will get rid of the bad ideas he has in his head, and if he really will repent. [Laughter.] If that occurs, Mr. President, then instead of a slight tinkling of the cymbals and twanging of the harps in heaven, we shall have a full 60-piece orchestra play for him. [Laughter.]

Mr. President, my colleagues on the Democratic side can blame me if they want to, but I shall associate with any Senator—as I have most frequently with Members from my own party—who has the welfare of the United States at heart. I think that is what all Senators should do and I am confident most, if not all, of my colleagues will agree. I am not going to be taken in by any stereotype that if a Senator proposes things which have merit in themselves, he is a liberal or a conservative or a reactionary or a radical. I am going to try to judge every issue on its own merits, so far as I am concerned.

Mr. President, I have talked too long, but I hope I have convinced at least those who are here and those who read the RECORD that the Taft-Hartley law was a bad law, and that although the proposed Taft amendment is not quite as bad, it is still dangerously bad, and should not be fastened to the Thomas bill.

Mr. President, with apologies for the length of my speech, and with appreciation for the courtesy with which the Senate has treated me, I will sit down.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Alabama [Mr. HILL], on behalf of himself and other Senators.

LEGISLATIVE PROGRAM—EXECUTIVE SESSION

Mr. LUCAS. Mr. President, I desire to make a brief announcement regarding the order of business in the Senate tomorrow and possibly on Monday.

It is my understanding that general debate on the measure now before the Senate—the national labor relations law—will continue tomorrow, with the Senator from Minnesota [Mr. HUMPHREY] and other Senators discussing the measure in a general way.

I think it is the consensus that on Monday we shall probably ask that the unfinished business be temporarily laid aside, so that the Senate may take up the international wheat agreement. The distinguished Senator from Utah [Mr. THOMAS] is chairman of the subcommittee of the Committee on Foreign Relations which has reported that agreement. It is an emergency matter, because of the deadline, for the existing agreement expires, as I understand, on June 30, and it is necessary that we act on the agreement before that time. I believe it probably will be the business before the Senate on Friday and Monday.

After the disposition of the international wheat agreement, it is anticipated that we shall return to the consideration of the present unfinished business, the national labor relations law.

It is the hope of the Senator from Illinois that in the early part of next week we may be able to reach a vote on the a nendments now before the Senate, and to reach a vote as soon as possible upon all the amendments, and ultimately, before that week expires, have a vote on the bill itself. That may be a slightly optimistic desire, but I certainly hope it will be realized.

Mr. President, it is now 20 minutes to 5. Although it is a little early to close shop for the day, nevertheless, I believe perhaps under the circumstances it will be wise for the Senate to take a recess after a brief executive session.

Therefore, Mr. President, inasmuch as there are some postmaster nominations to be confirmed—and, of course, we do not have much trouble this year in having postmaster nominations confirmed, not nearly as much trouble as we had last year—I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to consider executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CAPEHART in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing a nomination, which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. McGRATH, from the Committee on the District of Columbia:

John Russell Young, of the District of Columbia, to be a Commissioner of the District of Columbia for a term of 3 years, and until his successor is appointed and qualified. (Reappointment.)

By Mr. TYDINGS, from the Committee on Armed Services:

Gordon Gray, of North Carolina, to be Secretary of the Army.

The PRESIDING OFFICER. If there are no further reports of committees, the clerk will proceed to state the nominations on the calendar.

UNITED STATES COAST GUARD

The Chief Clerk proceeded to read sundry nominations in the Coast Guard.

The PRESIDING OFFICER. Without objection, the Coast Guard nominations are confirmed en bloc.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

The PRESIDING OFFICER. Without objection, the postmaster nominations are confirmed en bloc.

Without objection, the President will be notified forthwith of all confirmations of today.

RECESS

Mr. LUCAS. Mr. President, as in legislative session, 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 38 minutes p. m.) the Senate took a recess until tomorrow, Friday, June 10, 1949, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate June 9 (legislative day of June 2), 1949:

UNITED STATES DISTRICT JUDGE

Carroll O. Switzer, of Iowa, to be United States district judge for the southern district of Iowa, vice Hon. Charles A. Dewey, retired.

IN THE ARMY

APPOINTMENTS IN THE REGULAR ARMY

The following-named persons for appointment in the Regular Army of the United States in the grades and corps specified, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 881, 80th Cong.), title II of the act of August 5, 1947 (Public Law 365, 80th Cong.), and Public Law 36, Eightieth Congress:

To be majors

Fred A. Heimstra, MC, O23575.
Isidore Markowitz, MC, O318336.
Joseph T. Sullivan, MC, O329414.

To be captains

Paul E. Edson, DC, O23349.
George D. Gordon, DC, O368420.
Arthur B. Harris, DC.
Henry J. Krawczek, MC, O1765338.
Hubert W. Merchant, DC, O487380.
Stephen Mourat, MC, O1746566.
Donald W. Pohl, DC, O1785229.
Ralph B. Smith, MC, O479939.
Bagher Sotoodeh, MC.

To be first lieutenants

Elmer V. Ayres, DC, O945353.
Frederick C. Barrett, MC, O1705321.
Otto C. Brosius, MC.
Robert G. Campbell, MC.
John A. Chapman, DC, O1757007.
Kenneth P. Crawford, MC, O1746504.
Henry F. Fancy, MC, O1704955.
Albert B. Finch, Jr., MC, O1736177.
Douglas W. Frerichs, MC.
Franklin Y. Gates, Jr., MC.
Bruce N. Gillaspey, JAGC, O397033.
Kenneth J. Hovanic, MC, O1745883.
Irvine G. Jordan, Jr., MC, O1776424.
Winchester Kelso, Jr., JAGC, O1825863.
Marvin G. Krieger, JAGC, O426667.
Thomas S. Martin, MC, O1766625.
Robert M. Moore, Jr., MC, O1746872.
Nicholas H. Nauert, Jr., MC, O1767422.
Alan H. Reckhow, MC, O936914.
Robert T. Reese, DC, O965289.
Charles J. Ruth, MC.
Thomas M. Sterling, JAGC, O386287.
Lee B. Stevenson, MC, O1757072.
Lucian Szmyd, DC, O959920.
Ernest O. Theilen, MC.
Ernest R. Trice, MC.
Richard K. Vogel, MC.
Rhey Walker, MC.
Robert K. Weaver, JAGC, O56993.
Thomas J. Whelan, MC, O935967.
Ralph L. White, MC.

To be second lieutenants

Margaret L. DuPlease, ANC, N754900.
Gladys J. Gallineri, ANC, N768774.
Julia E. Hambrick, ANC, N797025.
Margaret A. Josway, ANC, N769379.
Margaret E. Knox, ANC, N767882.
Betty L. Madden, ANC, N792137.

The following-named persons, subject to completion of internship, for appointment in the Medical Corps, Regular Army of the United States, in the grade of first lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Benjamin L. Archer, O958877.
George W. Barker, Jr., O956687.
William R. Beisel, O956160.
William J. Belliveau, O959004.
Leland M. Bitner, O959008.
Alexander M. Boysen, O960851.
Carl O. Brackebusch, O956161.
Donald G. W. Brooking, O960852.
David P. Buchanan, O958450.
Charles E. Butterworth, Jr., O961447.
Irvin W. Cavedo, Jr., O954966.
Bruce F. Chandler, O961446.
Richard K. Cole, Jr., O960461.
Robert A. Collins, Jr., O956686.
Warren J. Collins, O958604.
William J. Conroy, O961452.
Robert F. Conway, O959005.
William F. Crepps, O962922.
John B. Crow, O961686.
Albert J. Davis, Jr., O956012.
William J. Dean, O960855.
Arthur C. Dietrick, O958944.
Donald L. Duerk, O960858.
Orin B. Elliott, O959003.
Robert A. Etherington, O958945.
Donald F. Farrell, O949505.
Gordon E. Gifford, O954269.
Cleston W. Gilpatrick.
Joseph L. Girardeau, O963953.
Donald H. Glew, Jr., O954653.
Frederick D. Good, O955523.
Purdue L. Gould, O961444.
Leon D. Graybill, O958942.
Robert J. Hall, O962924.
James F. Hammill, O947937.
William R. Hancock, O956688.
Joseph L. Hannon, O958512.
Ira B. Harrison, O960863.
James W. Haynes, O954273.
Charles L. Hedberg, O958767.
Armand E. Hendee, O960466.
Boyd C. Hindall, O961685.
Harry F. Hurd, O959344.
Robert W. Irvin, Jr., O954967.
William H. Isham, O961039.
Edward J. Jahnke, Jr., O959628.
Park C. Jeans, Jr., O960864.
Edward H. Johnston, O947903.
Sheldon W. Joseph, O960865.
Albert J. Kanter, O958887.
Cecil H. Kimball, O959233.
Harold Kolansky, O959040.
James M. Lauderdale, O958509.
Boude B. Leavel, O959629.
John B. Logan, O960468.
Donald R. Lyon, O963147.
Roscoe E. Mason, O961692.
William C. Matousek, O959002.
Richard E. McGovern, O958947.
Carter L. Meadows, O962728.
Raymond C. Mellinger, O961945.
Charles A. Moore, O959343.
Kenneth N. Morese, O962717.
Robert W. Moseley, O954958.
Thomas H. Moseley, O954959.
Robert H. Moser, O960867.
Arthur A. Murray, O959271.
John T. Olive, O963267.
Lawrence J. Oot, O960470.
Kenneth N. Owens, O959205.
John H. Painter, O958507.
John W. Payne, O953809.
Francis J. Peisel, O958453.
William G. Phippen, O959001.
Donald G. Pocock, O961440.
James R. Prest, Jr., O958885.
Anthony J. Puglisi, O966542.
Gordon K. Pyles, O957131.
Robert K. Rawers, O954275.
Robert W. Regan, O959614.
Robert H. Reid, O961941.
Charles W. Roth, O961041.
Samuel M. Rothermel, O959272.
William D. Sanderson, O953810.
John E. Scott, O959006.
Richard L. Sedlacek, O948544.
Lee S. Serfas, O961437.
John H. Sharp, O954277.
Jacques L. Sherman, Jr., O1284592.
Alvin Sholk, O962721.
Lee A. Steele, O959245.
Robert J. Steinborg, O960869.
Billie G. Streete, O958951.
Frank L. Swift, O959038.
Arthur A. Terrill, O959342.
Paul E. Teschan, O960870.
Nathaniel A. Thornton II, O956685.
David M. Tormey, O961043.
Molloy G. Veal, Jr., O958886.
David W. Wardell, O961044.
George W. Weber, O961938.
William H. Weingarten, O960872.
William H. Whitmore, Jr., O954964.
Robert C. Wingfield, O962722.
William H. Wright, O958939.

The following-named persons for appointment in the Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

James W. Ferguson.
Melvin E. King.
William G. Myers.
Neil G. Nelson.
Joseph F. Schwartz III, O956244.

The following-named person, subject to designation as a distinguished military graduate, for appointment in the Medical Service Corps, Regular Army of the United States, in the grade of second lieutenant, under the provisions of section 506 of the Officer Personnel Act of 1947 (Public Law 381, 80th Cong.):

Lester M. Bornstein.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 9 (legislative day of June 2), 1949:

TREASURER OF THE UNITED STATES

Mrs. Georgia Neese Clark to be Treasurer of the United States.

UNITED STATES COAST GUARD

The following officers of the United States Coast Guard Reserve to be commissioned in the United States Coast Guard, dates of rank to be computed upon execution of oath in accordance with regulations:

To be lieutenants (junior grade)

Jules F. Fern
Richard H. Hagadorn
Richard E. Weinacht

To be ensign

Maurice Dean Bowers

The following licensed officers of the United States merchant marine to be commissioned in the United States Coast Guard:

To be lieutenants

Emerson Hayes, Jr.
John Wilfred McCurdy
Warren F. Stevenson

To be lieutenants (junior grade)

Rollin Tabbutt Young
Cornelius George Farley
Rex Langdon Stone, Jr.

The following temporarily commissioned officer to be commissioned in the United States Coast Guard:

To be lieutenant (junior grade), to rank from January 15, 1947

Martin S. Hanson, Jr.

IN THE MARINE CORPS

The following-named officers for appointment to the permanent grade of brigadier general in the Marine Corps:

William O. Brice
Vernon E. Megee
Ivan W. Miller
Fred S. Robillard

The following-named officers for appointment to the temporary grade of brigadier general in the Marine Corps:

William S. Fellers
Edwin A. Pollock
William J. Whaling

The following-named officer for appointment to the permanent grade of colonel in the Marine Corps:

Frederic L. Wieseman

The following-named officers for appointment to the temporary grade of major in the Marine Corps:

Dorn E. Arnold
Roy E. Hagerdon
Albert C. Hartkopf
Raymond H. Leeper
James G. Petrie
Evard J. Snell
Harold E. Swain
George W. Torbert

The following-named officers for appointment to the temporary grade of captain in the Marine Corps:

Gus C. Daskalakis
Robert H. Fore
Harley L. Grant
George Kross

The following-named officers for appointment to the permanent grade of major for limited duty in the Marine Corps:

George K. Acker
Harry D. Hargrave
Frederick O'Connor
Vernon A. Tuson

The following-named officer for appointment to the permanent grade of captain for limited duty in the Marine Corps:

William G. Reid

The following-named officers for appointment to the permanent grade of first lieutenant for limited duty in the Marine Corps:

Edgar S. Hamilton
John C. Hudock
David R. McGrew, Jr.

The following-named officers for appointment to the permanent grade of second lieutenant for limited duty in the Marine Corps:

Harold Bartlett
Robert E. Boze
Irving F. Buckland
Roger D. Buckley
Herbert G. Cantrell
Henry T. Dawes
William M. Dwiggins
Ewing B. Harvey
Richard F. Henderson
Henry S. Jozwicki
Robert D. Leach
Harry N. McCutcheon
Calvin C. Miles III
Derilas A. Moore
James M. Riley, Jr.

The following-named midshipmen for appointment to the permanent grade of second lieutenant in the Marine Corps:

Samuel P. Gardner
Nick J. Kapetan
Richard S. McCutchen

The following-named citizens (contract Naval Reserve Officers' Training Corps students) for appointment to the permanent grade of second lieutenant in the Marine Corps:

Robert L. Lockhart
Theodore R. Wall

The following-named officer (former enlisted man) for appointment to the permanent grade of second lieutenant in the Marine Corps:

Fredric W. Golles, Jr.

POSTMASTERS

CALIFORNIA

Paul K. Ihrig, Acton.
Everett R. Stanford, Alhambra.
Philip G. Hall, Alpine.
Ethel B. Beckman, Armona.
Louis W. Pellegrini, Asti.
Nora L. Passadori, Ballico.
Edward Edwards, Bass Lake.
C. Margaret Dashiell, Baxter.
Florence M. Dedmon, Belden.
Harold W. Crandall, Belmont.
Luther A. Dunlap, Berkeley.
Eva A. Harvey, Bieber.
Orville A. Eddy, Blythe.
Josephine B. Loomis, Bonita.
Joseph G. Koehler, Bonsall.
John Joseph Broderick, Burlingame.
Myra E. Aten, Cabazon.
Ella Boyd, Calpella.
Harold A. Fornell, Calwa City.
Della C. Newburn, Carlsbad.
Rosa M. Maupin, Castaic.
Albert C. Specht, China Lake.
Buena L. Phillips, Chino.
Marjorie L. Woods, Citrus Heights.
Clarence G. McCarn, Covina.
Helen M. Heitman, Crannell.
Catherine C. Krolfifer, Del Monte.
Glayds M. Krug, Del Rosa.
Gene Martin, Denair.
Anne R. Birch, Descanso.
Nina I. Clark, Dorris.
Forrest S. McNabb, Durham.
Evelyn S. Smith, East Nicolaus.
Mary V. N. Flick, Edison.
Hazel D. Ashby, Etna.
Maxine A. Bartle, Fall River Mills.
James C. Wallace, Garden Grove.
Duane J. Cox, Groveland.
Marvin Harmon Wharton, Grover City.
Lawrence E. Watts, Half Moon Bay.
Doris M. Alexander, Highland.
Walter J. Reynolds, Holtville.
Norma C. Hollar, Hood.
Martin G. Murray, Huntington Beach.
James Henley Brammer, Independence.
Thelma W. Zitlau, Irvine.
Thomas Soloman Dunning, Jacumba.
Charles J. Shumaker, Jamul.
Helen G. Hoe, Kenwood.
Laurence J. Eberhardt, Lone Pine.
James A. Elliott, Malibu.
Hugh M. Reynolds, Manhattan Beach.
Theresa A. Casazza, Martell.
Wilbern C. Kluck, Miranda.
Edward L. Tompkins, Monolith.
Willie A. Harp, Montara.
Andrew J. O'Sullivan, Monterey Park.
Harry L. Fox, Norwalk.
Eva May Oates, Nubieber.
Mae Edna Whitehead, Oakhurst.
Zelda A. Kunkle, Oak View.
Helen G. Braden, Oceano.
John B. Heintz, Orland.
Kalidas Le Page, Pearblossom.
Roy Corhan, Pinecrest.
Minnie Tyler, Puente.
Geraldine M. Webster, Project City.
Florence M. Raub, Ramona.
Max K. Stewart, Red Bluff.
Kathryne E. Minnick, Red Mountain.
Blanche B. Denton, Represa.
Katherine Spengler, Richardson Grove.
George Perry, San Leandro.
Charles W. Gartrell, Santa Barbara.
Lloyd H. Skiles, Springville.
Otto O. Wiseman, Standard.
Jean A. Caple, Stateline.
Esther C. M. Landrum, Storrie.
Theoda H. Stackhouse, Summit City.
Oliver Corona, Tahoe.
Johannes Philipsen, Tahoe Valley.
Irene B. Hawkins, Tennant.
Maxwell Carr Salladay, Terra Bella.
Abless B. Dickinson, Tomales.
Gertrude R. Hellwig, Victor.
Robert S. Sleeth, Jr., Walteria.
Marjorie L. Dietz, Wilseyville.
Otto G. Niemann, Woodland.
Lyman C. Mason, Wrightwood.
Hilda J. Hardesty, Yucca Valley.

CONNECTICUT

Sadie G. Turshen, Amston.
Austin M. Ackerman, Durham Center.
Domenic Sebben, East Canaan.
Lionel E. Boucher, Jewett City.
Vincent P. Kelley, Lebanon.
Charles A. O'Connell, Niantic.
Mehitable Baker, Oronoque.
George L. Rockwell, Jr., Ridgefield.
Edward J. Connors, Rockville.
David H. Short, Rowayton.
Muriel S. O'Nell, Taconic.
James J. Morway, Thompson.
Robert C. Burrill, Wapping.
Rhea M. Brouillard, Wauregan.
William K. Bell, West Redding.
Elizabeth R. Rockwood, West Suffield.

DELAWARE

Anna May Upright, Winterthur.
Grover C. Gregg, Jr., Yorklyn.

FLORIDA

Clarence A. Nettles, Chiefland.
Lawrence P. Abney, City Point.
John L. Blanchet, Copeland.
Henry L. Bayless, Grand Island.
Zackary V. Smallwood, Gulf Hammock.
Cecil H. Pillans, Haines City.
Mary H. Wetz, Lake Jem.
Francis E. Moore, Marathon.
Mark Enfinger, Molino.
Russell L. Saxon, New Smyrna Beach.
Marie M. Zimmerman, Ozona.
John Graham Jones, St. Andrew.

ILLINOIS

John P. Mallon, Bushnell.
Samuel E. Caldwell, Canton.
Mildred G. Thompson, Kirkwood.
Paul E. Ross, Mount Carroll.
Paul H. Schenk, Nauvoo.
Andrew Zimmerman, Roanoke.
Joseph Brown, Rossville.

IOWA

Daryl W. Pearson, Ainsworth.
Donald E. Castle, Alta.
Harold R. Rammelsberg, Atkins.
Monrad C. Paulson, Aurelia.
Joseph C. Brady, Belmond.
Jack T. Christy, Bonaparte.
Peter H. F. Sievers, Charter Oak.
Wendell Dean Nowels, College Springs.
Walter S. Keagle, Collins.
Ronald V. Clark, Corwith.
Ben H. Swegle, Corydon.
Myrtle A. Hansen, Coulter.
Nellie M. Easton, Curlew.
Aloysius J. Dotzler, Defiance.
James E. McMenamin, Dexter.
Clarence A. Buss, Dumont.
Philip W. Thurtle, Eagle Grove.
Earle Eldon Cox, Gilmore City.
Anna M. Unruh, Gooselake.
A. Alice Daughton, Grand River.
Aloysius L. Jenn, Hills.
Dale W. Stover, Hospers.
Timon Roetman, Hull.
Theodore E. Murphy, Ida Grove.
Robert E. Keller, Janesville.
Otto O. Ostby, Kensett.
Franklin G. Kluckhohn, Klemme.
Anna M. Gade, Low Moor.
William R. Sharrett, McClelland.
Willie D. Davis, Mapleton.
Eva F. Sult, Marble Rock.

Thomas David Casey, Massena.
Carl William Hergert, Middle.
Edith M. Wehrle, Middletown.
Nellie M. Delaney, Milford.
George R. Patterson, Jr., Minden.
Gerald J. Carroll, Monona.
Don T. Pettibone, Moravia.
Clarence F. Wunnenberg, Morning Sun.
Hobert A. Bair, Mount Vernon.
Richard F. Babcock, Moville.
Bill R. Klinzman, New Sharon.
Claude C. McCarl, Newton.
Ladislav C. Peckosh, Oxford Junction.
Ida E. Heffernan, Peosta.
Marie C. McMillen, Quasqueton.
Carl H. Wright, Russell.
Albert H. Kuennen, St. Lucas.
I. Lucille Larson, Scarville.
William A. Keenan, Schaller.
Herbert A. Rickert, Schleswig.
Chester L. Kious, Scranton.
Edwin F. Borcherding, Sumner.
Kathryn H. Chesley, Sutherland.
John L. Weatherhead, Tabor.
Robert M. Klingman, Wadena.
Mark W. Harris, Jr., Wever.
George E. Brubaker, Winthrop.

KANSAS

Ronald K. Cram, Bird City.
Marie Robinson, Hill City.
Jessie M. Thompson, Rolla.
Earl H. Gibson, Smith Center.

LOUISIANA

Elizabeth H. Landry, Grand Isle.

MASSACHUSETTS

Roger W. Fegan, Beverly.

MINNESOTA

Leo C. Roerig, Adrian.
Clarence F. Olafson, Akeley.
Marshall E. Gibson, Beaver Creek.
Lyle A. Mattke, Danube.
Arnold F. Bolluyt, Edgerton.
Kenneth R. Busch, Hardwick.
Joseph F. Ruzek, Hayfield.
Norman A. Moe, Madison.
Jerome L. Chmielewski, Princeton.
Fred W. Lange, Sargeant.
Ernest O. Ellingson, Spring Grove.

MISSOURI

Richard J. Burger, Billings.
Winifred M. Hunter, Bowling Green.
Robley H. Hogue, Sr., Bragg City.
Roy Junior Haley, Browning.
Louis A. Jones, Cabool.
Harry M. Groves, Cameron.
Edward C. Allen, Conception Junction.
William M. Riley, Corder.
Andrew L. Schatz, Ellisville.
Daphne D. Howerton, Elmer.
Max L. Newkirk, Everton.
Jesse V. Moore, Forsyth.
Walter R. Cummings, Grant City.
Wilma Mae Posson, Ionia.
Cynthia M. Scheperle, Lohman.
Neal R. Dawson, Maysville.
Goldie D. Pence, Osceola.
Robert M. Kirkpatrick, Prairie Home.
Harold W. Harter, Purdy.
Nelson J. Holt, Reeds Spring.
Edgar E. McMullin, Rivermines.
Stuart G. Greene, Sparta.
Joe M. Bilbrey, Summersville.

MONTANA

Clarence D. Tichenor, Opheim.
Mildred B. Ramsbacher, Richland.
Orris M. Anderson, Westby.
Mary F. DeBree, Willow Creek.

NEW HAMPSHIRE

William L. Wright, Bretton Woods.
Mertie L. McAllister, Center Barnstead.
Roger P. Clark, Francestown.
Russell A. Rolston, Greenland.
Dennis Paul St. Germain, Hooksett.
Roger Louis Boucher, Hudson.
Frank C. Blanchard, Mont Vernon.
Oliver E. Andrews, New Boston.
Hollis Gordon, Jr., North Woodstock.
Marion J. Atwood, Pelham.

NEW JERSEY

Theodore S. Cawley, Asbury.
Herbert W. Posten, Atlantic Highlands.
Margaret E. Erny, Beach Haven Terrace.
Victoria E. Wise, Blackwood Terrace.
William M. Ritchie, Jr., Boonton.
Martin Luther Dunn, Bordentown.
Elmer S. Kletzing, Jr., Bridgeport.
Frank A. Caracciolo, Cliffwood.
Barbara A. Grosskreuz, Crosswicks.
Verna B. Brader, Delaware.
Helen Steele Price, Eatontown.
Grace K. Harrison, Edgewater Park.
Mary L. Callaghan, Essex Fells.
Roderick A. MacKenzie, Jr., Flanders.
Marie Saulter, Flatbrookville.
Lillian M. McIntyre, Gibbsboro.
John Calvin Semler, Haddonfield.
Marion C. Murphy, Hamilton Square.
Barbara Wissing, Haworth.
Raymond D. Caufield, Hudson Height
John Frank Bird, Kenvil.
Evelyn J. McGann, Laurelton.
Martin Gerard Kennedy, Locust.
Clarence Frone, Long Valley.
Walter F. Janusz, Manville.
Owen Vincent McNany, Maplewood.
Roland P. Buccialia, Marlton.
Charles J. Hasemann, Matawan.
John William Comiskey, Menlo Park.
Lillian F. Slover, Morganville.
Marie A. Rossiter, National Park.
Owen F. Moore, New Egypt.
Anna Parcell, North Branch.
Rhoda B. Downnam, Ocean View.
Thomas F. Hardiman, Oxford.
Maurice J. Long, Jr., Palmyra.
Benjamin L. Card, Peapack.
Vincent J. McCall, Ramsey.
Robert B. Cunningham, River Edge.
Paul F. Shedoff, Salem.
Charles L. Skinner, Schooleys Mountain.
Harold Wilson, Sussex.
Samuel B. Pierce, Toms River.
Pearl O. Bonnell, Waretown.
Maynard C. Rosenfeld, Woodbine.
Mary A. Kiely, West Norwood.

NEW YORK

William T. Burnash, Adams Center.
Wallace H. Sykes, Hubbardsville.

NORTH DAKOTA

Donald J. Baggenstoss, Lansford.

OKLAHOMA

Charles H. Terbush, Alva.
Grover C. Bayless, Arnett.
Donald D. Fry, Beaver.
Kathleen C. Camp, Buffalo.
John D. Corbett, Byars.
William F. Stratton, Carnegie.
Maureta G. Pappan, Chilocco.
Richard H. Maxey, Clayton.
Grover Franklin Smith, Clinton.
Olen V. Lowther, Davis.
Howard D. Gerber, Dover.
Bessie L. M. Fleer, Drummond.
Lucy M. Sims, Hanna.
Ruby Irene Horn, Haworth.
Walter P. Herscher, Hennessey.
Bolin E. Braswell, Hollis.
Raphael F. Jeffries, Lexington.
Clarence A. Reffner, Manitou.
Wilbur L. Smith, Red Oak.
Rial M. Rainwater, Ripley.
William W. Sanders, Rocky.
Stanley R. Roff, Roff.
Bessie Gossett, Savanna.
Flavis S. Besett, Sterling.
Mayme L. Field, Stratford.
B. Mace Williams, Sulphur.
LeCarl Wooten, Texhoma.
Cordia M. Martin, Velma.
Donald D. Brown, Verden.
Bessie R. Houston, Woodward.
Louis L. Whitaker, Wynne Wood.

OREGON

Leonard A. Ficker, Mount Angel.

WYOMING

Lula L. Ayer, Baggs.
George L. Barp, Big Piney.

WITHDRAWAL

Executive nomination withdrawn from the Senate June 9 (legislative day of June 2), 1949:

POSTMASTER

IOWA

Daniel P. McCarty, Parnell.

HOUSE OF REPRESENTATIVES

THURSDAY, JUNE 9, 1949

The House met at 12 o'clock noon.

Rev. Edward B. Willingham, D. D., pastor, National Memorial Baptist Church, Washington, D. C., offered the following prayer:

Our Father God of our Lord and Saviour Jesus Christ, we lift our hearts to Thee in praise. Make this moment an experience of personal fellowship with Thee as we pause with reverence in Thy presence.

Accept our thanksgiving for the blessings so richly bestowed upon our land and people. We are grateful for a heritage built upon faith in Thee. Keep us steadfast in Thy way and lead us by Thy holy spirit.

We pray for our Nation and these who represent the people. Grant special wisdom to these who have such heavy responsibilities as our chosen leaders. Be with our President and all in authority. As they must give an account of their stewardship to Thee as well as to the people, sustain them in that which is true and right in Thy sight. Cause them to know Thy will, and strengthen them in every noble purpose. May they be diligent to preserve the rights and freedoms for which our fathers lived and died.

Look with mercy upon all nations. Overrule the prejudices and false pride of mankind and establish the world in the way of righteousness and peace. This, our prayer, is in the name and spirit of Christ ou· Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF PETITION

Mr. CELLER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from the further consideration of a resolution adopted by the executive committee of the Bar Association of Hawaii on May 20, 1949, at Honolulu, T. H., and that it be referred to the Committee on Un-American Activities. I have consulted with the Parliamentarian and with the ranking member on the Republican side of my committee, and they agree.

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

There was no objection.

EXTENSION OF REMARKS

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