

McKellar	O'Daniel	Stewart
Maloney	Overton	Thomas, Okla.
Maybank	Radeliffe	Truman
Mead	Reynolds	Tunnell
Millikin	Rosier	Van Nuys
Murdock	Russell	Wagner
Murray	Smathers	Wallgren
Norris	Smith	

NAYS—23

Alken	Johnson, Calif.	Thomas, Idaho
Austin	La Follette	Tobey
Ball	Lucas	Tydings
Brewster	McNary	Vandenberg
Burton	Nye	Walsh
Butler	O'Mahoney	Wheeler
Capper	Reed	White
Gerry	Shipstead	Willis
Holman	Taft	

NOT VOTING—17

Bankhead	Downey	Pepper
Burbour	Guffey	Schwartz
Bridges	Hatch	Spencer
Brooks	Langer	Thomas, Utah
Clark, Idaho	Lodge	Wiley
Davis	McCarran	

So the amendment, as modified, in the nature of a substitute for the language of title X, was agreed to.

The PRESIDING OFFICER. The bill is still before the Senate and open to further amendment.

Mr. WHEELER. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Montana will be stated.

The CHIEF CLERK. It is proposed to add to title I of the bill a new section, between lines 19 and 20 on page 2, to read as follows:

SEC. 103. Subsection (a) of section 311 of said act is hereby amended by striking out the words "but not for more than an aggregate of 180 days."

Mr. WHEELER. Mr. President, this amendment, which was sent to us by the Interstate Commerce Commission, grants the same powers with reference to water carriers that it now has with reference to motor carriers and railroads. The letter from the chairman of the Legislative Committee of the Interstate Commerce Commission reads as follows:

HON. BURTON K. WHEELER,
Chairman, Committee on Interstate
Commerce, United States Senate,
Washington, D. C.

MY DEAR CHAIRMAN WHEELER: Because of the exigencies of the present war the Interstate Commerce Commission is being called upon to make increasing use of its power to grant temporary authority for service by common and contract carriers by motor vehicle as well as by water "for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need." In its discretion the Commission may grant temporary authority in such cases without hearings or other proceedings.

In respect of both motor and water carriers at present such temporary authority is valid for not more than 180 days. From our experience with this subject we have found that the 180-day limitation is a distinct disadvantage. In S. 2208 it is proposed to remove the limitation from subsection (a) of section 210a, which relates to motor carriers, but the limitation would be retained as to water carriers. There is no reason for such a distinction. We, therefore, believe that the limitation should be removed from subsection (a) of section 311 and are enclosing a draft of an amendment which would accomplish this result.

Respectfully,

WALTER M. W. EPLAWN,
Chairman, Legislative Committee.

This amendment was offered on my behalf the other day by the Senator from Wyoming [Mr. O'MAHONEY], and there was objection to it on the part of the senior Senator from Maine [Mr. WHITE]. At that time the Senator from Maine did not understand that it was a temporary measure. He now tells me that he has no objection to the amendment. I know of no objection from anyone, because it would grant to the Commission the same power with respect to water carriers that it now has with reference to railroads, busses, and trucks.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Montana [Mr. WHEELER].

The amendment was agreed to.

MESSAGE FROM THE HOUSE

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

S. 1589. An act to prohibit payment of money allowances for subsistence and rental to retired officers of the Navy or Marine Corps for any period when not employed on active duty;

S. 2028. An act to amend section 3 (a) of the act entitled "An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes," approved June 2, 1939 (53 Stat. 800), so as to transfer the administration of the Naval Supply Depot, Oakland, to the Commandant, Twelfth Naval District; and

S. 2139. An act to provide for performance of the duties of chiefs of bureau and the Judge Advocate General in the Navy Department, and the Major General Commandant of the Marine Corps, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6269) to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended.

THE WAR SITUATION IN THE FAR EAST

Mr. DANAHER. Mr. President, I shall take only a moment.

In the Sunday Star of January 25 there was an excellent article entitled, "Why Tokyo Is Not in Ruins in Retaliation for Pearl Harbor." The article was written by Clare Boothe and Brig. Gen. Henry J. Reilly. I ask unanimous consent to have it printed in the body of the Record at this point, for I wish to comment upon it very briefly.

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

[From the Washington Sunday Star of
January 25, 1942]

WHY TOKYO IS NOT IN RUINS IN RETALIATION FOR PEARL HARBOR

(Clare Boothe, well-known author and playwright, recently interviewed Gen. Douglas MacArthur in Manila. She was in Belgium when the Germans invaded that country in May 1940.)

(Henry J. Reilly, brigadier general in the Officers' Reserve Corps, served in the Philippines several years and later in the World

War, when he received the Distinguished Service Medal. He is a former editor of the Army and Navy Journal.)

(By Clare Boothe and Brig. Gen. Henry J. Reilly)

Last May 6 Senator CLAUDE PEPPER, of Florida, made on the floor of Congress a fierce and fiery speech against the Japanese. Demanding that "we turn a searching inquiry to this bandit of the east . . . lurking behind the door to stick a stilette in our backs," he suggested as one easy solution of the problem sending Chiang Kai-shek "some gallant American boys at the controls of some first-class bombing planes. . . . In my opinion," he said, "50 of them can make a shambles of Tokyo."

And 130,000,000 Americans not only applauded the incendiary Floridian's personal opinion in their hearts, but also believed it was a fine picture of the just fate that awaited "the bandits of the east" if they should choose—as the popular phrase was—to commit "national hara-ki" by warring on the United States of America.

Today 130,000,000 Americans are asking in bewilderment and rage, Where are the avenging flames from the funeral pyre of Tokyo? Why hasn't the Japanese Fleet been sunk "within a couple of weeks," as many a tablecloth admiral—and a couple of bona fide ones, too—so often predicted it would be? Why is it, on the contrary, roaming at will in the Japanese and China Seas? Where is the "distant blockade" based in Hawaii and Singapore which was so soon to bring Japan to her economic knees? Where are "Japan's feet of clay," about which a whole book was written? (Can it be that our heads, not her feet, were made of clay?)

Why has the Japanese Army, which "everybody" knew was bled white and thin by 4 years of the "China Incident," still got enough military "oomph" to attack not only United States possessions in the Far East but also the colonial jewels of the Dutch and British Empires? Why did "Impregnable" Hong Kong fall in 2 weeks? And why, oh why, if it is still true that Japan is committing hara-ki, is she doing so in such a messy fashion on soil under our flag, instead of being forced to expire on her own doorstep, or before the bloodstained altars of her own pagan gods?

The bitter answers to these bitter questions lie largely in an understanding of the military situation implicit in the disaster which has overtaken American arms in the Philippines. Had sufficient planes, troops, warships been available to General MacArthur in the early weeks of December, we could have stopped the Japanese invasion and then sent help to Singapore. So long as America held the Philippines, it held a fine land, air, and naval base out of which to operate on the flank of all Japanese movements on the China coast, the Malayan Peninsula, and the Netherlands East Indies.

Conversely, the loss of the Philippines means that the Japanese control all the islands off the coast of Asia, from Paramashuto south of Kamchatka to the Netherlands East Indies, and that bases of their attacks on the Dutch possessions can be moved from Formosa and the Pescadores to Mindanao and the Sulu archipelago a thousand miles closer to the Netherlands East Indies. It means that unless the Netherlands East Indies can be held, America's only remaining bases in the south Pacific for an attack on Japan become Australia and New Zealand, 6,000 miles from Tokyo.

But are the Philippines really lost?

With the exceptions of 20 miles of the Batan Peninsula on the Island of Luzon, a portion of Mindanao and the three small fortified islands—Corregidor (Fort Mills), Cebu (Fort Hughes), El Fraile (Fort Drum), at the mouth of Manila Bay—all-important of these 7,083 islands of the Philippines (a combined area only a little smaller than the British Isles) have fallen into Japanese hands or under Japanese control. And they are in

control of all the air over them, and the seas around them. In spite of the incredibly gallant—and useful—delaying action MacArthur and his men are fighting, when such ammunition, armament, and food as they have in larder or locker run out, surrender must ring down the first act of the drama of the Philippines.

HOPELESS MILITARY ASSIGNMENT

Why did this happen?

Because General MacArthur and the gallant soldiers under his command were faced with a hopeless military assignment. From the beginning they didn't stand a "Chiuan-man's chance," which, incidentally, seems rather better than the white man's against the Japanese in the Orient now.

On that dark December day when the Japs erupted all over the Pacific, General MacArthur had fewer than 55,000 trained and equipped American and native troops. He had a limited supply of imported ordnance and ammunition on hand, and no native armament industry to make up action loss in these. He had a small number of tanks and airplanes and flying fortresses. How many was once a deep military secret. But that they were not enough is no military secret to anybody now. The number was far too small to overcome the many times larger Jap Army aviation, which, once the Jap Army had established bases in the Philippine Islands, could lay its eggs almost at will.

MacArthur's naval support, Admiral Tommy Hart's Asiatic Squadron, was a mere handful of cruisers, destroyers, submarines, and Navy planes, based at vulnerable Cavite. Admiral Hart's assignment, which was in effect to protect 11,444 miles of Philippine seacoast against the whole Japanese Fleet and its air arm, operating out of nearby Tokyo and closer air and naval bases, was perhaps even more of a pineapple than MacArthur's. In the China Seas themselves it is doubtful if Hart's squadron was strong enough to stand up against one Jap battleship, fully supported by airplanes, destroyers, and submarines. How unhealthy life on a cruiser must be today in the China Seas one may guess, reading in the papers, that Admiral Hart arrived in the Netherland East Indies, not aboard his flagship, the cruiser *Houston*, but in the bowels of a submarine.

JAPAN WELL PREPARED

And what did the Japs have? Plenty—and that near at hand. They had the fully mobilized manpower of a fanatic nation of 101,000,000 people, which has had universal military training for almost 75 years and which, according to the President, has been preparing for 25 of these 75 years to fight the United States of America and the British for the control of the far Pacific. It is estimated the Japanese have 10,000,000 trained reservists who can be called to the colors. Of course, they have not the officers, arms, and equipment for this number. They have for perhaps 3,000,000.

Seasoned in modern warfare by 4 years in China, this professional army, less the troops needed for holding Chiang Kai-shek, occupying Indochina and Thailand, and invading the Malayan Peninsula, was poured into the Philippines, which lie right in Japan's Pacific back yard. According to our War Department, 200,000 men, fully supported by naval and air units, were thrown against MacArthur's 55,000 defenders in the invasion of Luzon.

And why did MacArthur not have "more on hand" to meet this overwhelming attack when it came? He had too little on hand because there was too much in demand by our Allies and by ourselves in the European theater of war.

General Marshall, who had long understood the Pacific danger, had 5 or 8 months been sending whatever reinforcements he could lay his eager hands on to the Philippines. But he was faced with other fronts,

other foes. He had had to find troops, complete with modern armament and planes, for Alaska, Hawaii, the Panama Canal Zone, and all our newly acquired Atlantic bases from Iceland to Trinidad, to Dutch and British Guiana, not to mention material we had committed ourselves to send to the British in England and Africa and the Russians holding before Moscow. Admiral Stark, commanding a one-ocean navy, committed to safeguarding two oceans and seven seas, was in the same unhappy fix: Too little on one hand, too much in demand everywhere; that was the road to the Far Eastern disaster.

POTENTIAL PLANES WORTHLESS

And where did the Japs get "the stuff" from? The planes, tanks, guns, armaments? From an industry which has been built from the beginning for war output for many years, from the "slave labor" of 101,000,000 people with low living standards, from quantities of hoarded raw materials, scrap, oil, iron, rubber, bought from Great Britain and the United States of America to use in the accomplishment of our very destruction. There can be no argument that potentially America's industrial war output is much greater than Japan's. But MacArthur could not hold the island of Luzon with potential planes or bullets.

And why was help not sent to MacArthur from Singapore and the Netherland East Indies? Because the British and the Dutch were themselves, from the very beginning, in a similar jam. That great baseball-loving nation, Japan, was executing a gigantic series of military squeeze plays on Dutch, American, and British positions. None knew where the main attack would really fall, so none dared leave his base in force to help his neighbors out. In fact, the attack on the Malayan Peninsula began even before the Japs landed at Luzon. And the fall of Hong Kong, the last great European fortress on China's coast which could threaten the flank of Japan's southward march, the nightmare loss of Britain's two great "unsinkable" capital ships, the *Reppule* and the *Prince of Wales*, had left the Jap battle fleet sailing pretty free from danger of any knock-out blow and substantially in control of the China Seas between Manila and Singapore.

While the British, caught with their imperial shorts down, tried to get set with everything they thought they had to stem the invasion that steamed down both sides of the Malayan Peninsula toward the ramparts of Singapore, Dutch submarines and Dutch aviation did what little they could to relieve the heavy pressure on the Philippines until Jap bombers began to drop their visiting cards in the Netherland East Indies, and as a testimonial of greater favors to come, landed troops in both British and Dutch Borneo.

Australia and New Zealand, even before December 7, had sent to North Africa, eastern Asia, and the Malayan Peninsula nearly all the troops they could spare. The sicker Singapore and the Philippines looked, as the Japanese galloping consumption raged to their north, the more wisdom dictated, perhaps, to the Australians and New Zealanders, that they keep the remainder of their manpower to roll with the punch, should the punch land at home.

The Chinese could relieve the Philippines only indirectly by staging offensives on the Sino-Japanese front. Sorely lacking modern armament, ammunition, and airplanes, they had found it impossible even to drive down behind the Japs on the Kowloon Peninsula to relieve the besieged British at Hong Kong. The handful of American planes and pilots (estimated at between 50 and 150) sent before December 7 to their army of 4,000,000 to lick the Japs with could do little more than try to help the British under bombardment at Rangoon—the mouth of their own lifeline, the Burma road.

HANDICAPPED BY DISTANCES

From the beginning MacArthur and his 55,000 troops, facing an invasion by 200,000 men, were on their own. For the British and the Dutch and the Chinese, like MacArthur himself, were also—from the beginning—looking desperately for help. Looking where? Thousands on thousands of miles off across the purple wastes of the Pacific to the U. S. A.

And what was the U. S. A. doing? Reeling from the first few weeks under the shock of the losses in planes and ships at Pearl Harbor. And then taking, for the first time, alas, a good look at the immutable geography of the Pacific Ocean. Realizing that help, ships, guns, planes, tanks, or troops, to reach MacArthur directly had 7,000 miles out of San Francisco, 5,000 miles out of Hawaii to go. But not entirely realizing that these thousands of miles were exceedingly dangerous miles, a reckless highway for ships to sail.

Less than 2,000 miles west of the Hawaiian Islands lie the first nasty little group of Japanese islands, the Marshalls. From there on west to the Pelew Islands, only 500 miles east of Manila, there are nothing but Japanese islands. It is reasonable to suppose that a nation which has been preparing to gain mastery of the Pacific for 25 years has garrisoned, armed, and supplied these like dens of thieves. This explains, no doubt, why Guam and Wake, lying between Honolulu and the Philippines, have both been captured, without naval interference out of Hawaii.

So help sent from the United States must either pick or fight its way through this pirate's nest of Japanese islands—well supplied with submarine and air bases—or else trek far south, below the Equator and from there trek again north to the Dutch East Indies and the Philippines. This reasonably safe route is a piddling matter of 12,000 miles out of Frisco. Meanwhile, remember Tokyo lies only 1,500 miles from Luzon. Simple arithmetic will show that one Jap troop or supply ship, used in the attack on the Philippines, could make almost eight round trips to an American relief ship's one.

OTHER STRATEGIC BASES

Another unpleasant little item on the geographical agenda is Formosa. This island, only 400 miles from northern Luzon, has been Japanese since Japan grabbed it from China after the first Sino-Japanese War in 1895. Well known to military men is that on Formosa's southern tip there are a number of Japanese military bases. Off Formosa, in the Pescadores Islands, is another important Japanese military base which no white man is supposed ever to have visited—but which white men will certainly have to visit yet if this war is to be won.

Expeditions such as those landed in Luzon could be secretly assembled in these bases, sail across the Bashi and Balintang Channels, where there is very little shipping, and suddenly appear in the hot, red, tropical dawn at Aparri, Vigan, the Lingayen Gulf ports, Atimonan, Mauban, and Legaspi. Precisely this unpleasant surprise party began to happen about 7 weeks ago.

Likewise, an expedition could be assembled secretly in the Pelew Islands, sail the 500 miles of lonely waters to Davao, and only make its presence known when it attacked. And that way went Mindanao.

Why didn't our fleet steam at once out of Honolulu to attack the Jap Fleet in, say, the waters between Hawaii and Tokyo? Because much of the American Fleet was, it may be assumed, operating in the Atlantic, and what was in the Pacific, undamaged by the attack at Pearl Harbor, was probably not any stronger than the total Japanese Fleet, and therefore not strong enough to operate in Japanese waters from the base in Hawaii, 3,400 miles from Tokyo. Moreover, all the Japanese Islands, running south and somewhat west to the Japanese Caroline Islands,

form an outer line of Japanese defense. From these islands Japanese airplanes and submarines could operate on the left or southern flank of our fleet, should it attempt to steam 3,400 miles past them to Tokyo. Such an unwise maneuver on our part would have been entirely a Japanese cup of tea.

SURPRISE A BIG ADVANTAGE

Did the treacherous attack on Pearl Harbor greatly change our strategic situation in the Pacific?

First, let us have done with this word "treacherous." "Treachery" in the dictionary is defined as "secret desertion of the cause to which one professes allegiance." On December 8 the Japanese diplomats were not professing any allegiance to our cause at Washington. They were open and full-fledged Axis partners. For 25 years—a fact well known to our military and naval men—they had been preparing for war on us. Gaging that the time had come at last, in the attack on Pearl Harbor, they wisely took the military initiative.

Gen. Homer Lea, American military expert and author of *The Valor of Ignorance*, wrote 35 years ago, "When the rate of speed by which nations move to the point of contact has been ascertained, it devolves upon ministers of state to anticipate any overt act on the part of the enemy and initiate the war."

"When a state does not initiate war, it commits its first error against the principle of military science. When it waits to make ready for war after hostilities have been declared, it only prepares to destroy itself. So essential is this principle of initiation to success in warfare that there is no instance within the last 200 years where sufficient warning has been given that permitted the enemy to undertake military preparation. The necessity of a declaration of war is only a modern illusion. . . . In future it can be considered as an established principle that nations will more and more make war without previous notification, since modern inventions increase their ability to take their opponents by surprise and to strike the first blow as nearly as possible to their main base."

By failing to anticipate Japan's overt act, by failing to build up in the Pacific the army and navy and air force necessary to win and then initiating this inevitable war, by allowing Japan to strike first at our main Pacific base, Pearl Harbor, we most certainly threw away incalculable military advantages in the Pacific. Had we and Britain both acted in time, the Japanese would be on the defensive everywhere today instead of the offensive.

In spite of its victories is Japan still committing *hara-kiri*? If we say so—and make the say-so good—if we fully realize our vast potentialities in armament and manpower, and if we are willing to shed many tears, sweat gallons of salt, and spill a lot of brave American blood—otherwise not.

Mr. DANAHY. Mr. President, in view of the conclusion stated in the report filed by Mr. Justice Roberts and his associates, that the high command in the Hawaiian Territory seemed to conclude that there was no possibility of an attack upon Pearl Harbor, and that the attack would lie entirely in the direction of the East Indies and the Malayan Peninsula, if at all, it is interesting to note in the address by Prime Minister Churchill before the House of Commons yesterday the following statement:

It seemed very unlikely that the Japanese would attempt the distant invasion of the Malayan Peninsula, an assault on Singapore, and an attack on the Dutch East Indies, while leaving behind them on their flank and rear this great American fleet.

I end the quotation at that point, for the contrast is so obvious and direct be-

tween the conclusion reached by the officers in Hawaii and that stated by the British Prime Minister to the House of Commons. In the course of his address, however, he further indicated to the members the problems and questions arising with reference to the deployment of British personnel and matériel. He said:

But this question is serious and, large as it is in itself, it cannot be wholly decided without some attempt to answer a further question.

What was the likelihood of the Far Eastern theater being thrown into the war by Japanese attacks? I will explain how very delicately we walked and how painful it was at times—how very careful I was that every time we should not be exposed single-handed to this onslaught.

He went on to discuss the attitude and the rationale of the Japanese. He continued:

On the other hand, the probability since the Atlantic conference, at which I discussed these matters with President Roosevelt, that the United States even if not herself attacked would come into the war in the Far East and thus make the final victory assured, seemed to allay some of these anxieties, and that expectation has not been falsified by the events.

Mr. President, there has been no more cogent and pregnant utterance for days relating to the historical crisis in which this country finds itself than that of the Prime Minister before the House of Commons yesterday. It seems to me that when the British Parliament is receiving advices of that sort, as reported in today's *New York Times*, they should at least come to the attention of the United States through the medium of the Record.

EXTENSION OF WAR POWERS

The Senate resumed the consideration of the bill (S. 2208) to further expedite the prosecution of the war.

Mr. CLARK of Missouri. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be stated.

The CHIEF CLERK. On page 20, line 11, after the word "only" it is proposed to strike out all down to and including the word "war" in line 13, and to insert in lieu thereof "until December 31, 1944."

Mr. CLARK of Missouri. Mr. President, the effect of this amendment is to strike out in the final section on page 20, lines 11, 12, and 13, the words which define the effective period of the act. I refer to the words "during the continuance of the present war and for 6 months after the termination of the war." I propose to insert in lieu thereof a definite date, December 31, 1944. That date, Mr. President, is arbitrary. It affords nearly 3 years in the future during which this extraordinary power may remain in effect unless earlier terminated by a concurrent resolution or by proclamation of the President.

I have discussed this matter with the Senator in charge of the bill, and I think he is willing to accept the amendment. The only objection to the provision reported by the committee is that it is entirely indefinite. We are now en-

gaged in two or three separate wars. No one can say when any one of those wars may be finally terminated, and the only purpose of my amendment is to fix a definite date at which the power will expire unless it be sooner terminated by one of the other contingencies set forth in the bill as reported by the committee.

Mr. O'MAHOONEY. Mr. President, the Senator from Missouri has correctly stated the situation. The amendment is quite acceptable to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. CLARK].

The amendment was agreed to. Mr. CLARK of Missouri. Mr. President, I also desire to withdraw the motion which I entered yesterday to reconsider the amendment on page 13.

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

Mr. MURDOCK. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Utah will be stated.

The CHIEF CLERK. On page 20, lines 13 and 14, it is proposed to strike out "or until such earlier time as the Congress by concurrent resolution, or the President, may designate."

Mr. MURDOCK. Mr. President, I think the amendment just offered by the Senator from Missouri and adopted by the Senate is a very proper amendment. By adopting his amendment, we fixed a definite date of termination of this legislation. If the date fixed in the amendment of the Senator from Missouri does not provide sufficient time to take care of the situation, what a simple matter it is for Congress to vote, as it has voted time and again, to extend the date and to extend the powers granted by what has been called emergency legislation. I have made on this floor, Mr. President, one speech during consideration of the lease-lend bill pointing out that this Congress has adopted a new procedure in respect to the termination of legislation. That procedure is by granting to the President of the United States, whenever he sees fit to do so—whenever he makes up his mind that the powers created and granted to aid our war program should terminate—the power to terminate them simply by proclaiming the termination of the law. We talk, Mr. President, about granting under the bill unlimited powers to the President of the United States and to others in the executive department, but under this bill the greatest power that we grant to the President is the power to terminate the act whenever he shall see fit to do so.

Mr. Justice Cardozo, in the *N. I. R. A.* case, pointed out that we have the power to delegate certain functions with reference to legislation to the executive and administrative departments of our Government, but in his decision—and in every decision which has been written since then—it is pointed out that in the delegation of such power we must set up standards; to use his language, we must "analyze the delegation of powers"; there must be some limit to them—some

standards set up which must guide the person who finds the facts and arrives at the conclusion.

It is an easy matter here on the floor to disregard the Constitution of the United States. It is an easy matter for Senators to say they have not time to listen to the arguments which may be made on a constitutional question; and I should not detain the Senate today in presenting this matter again, except for the sincerity with which I look at this question and the study I have made of it. It has been said by some of the greatest students who ever studied our Constitution that they did not fear the loss of our constitutional democracy from the outside, but what they did fear was a constant whittling down of the Constitution from the inside until by such a process we lose it. We are spending, or in a short time will be spending, at least \$1,000,000,000 a month—to do what? To preserve the Constitution here in the United States; to preserve and to perpetuate what we call the American system. What is that system? The system is the system which is set up in the Constitution. Some persons like to consider the Constitution as a static thing; something to be framed and hung on the wall; something to be referred to in patriotic speeches. But as I look at the Constitution and as I consider it, it is a dynamic formula of government to guide our every action, and by which we can ably and efficiently meet every emergency which may arise. Nearly a hundred years ago it was pointed out in the Senate Chamber by the great Senator from South Carolina, Calhoun, that the Congress would be frequently tempted to strike down the veto power of the President. We have in this provision, in the last title of this bill, the unconstitutional provision of delegating to the President the power to repeal this act; and side by side with it we have the other unconstitutional provision of reserving to the Congress of the United States the right, by concurrent resolution, to terminate the legislation and thereby deprive the President of the United States of his power of approval or disapproval.

Some Senators, in answering my argument, say, "Why, Senator, we could make the termination of this bill contingent on the falling down of the Washington Monument." They have said, "We could make it contingent on the next eclipse of the moon; we could make it contingent on the arising of any fact or upon the development of any conditions." Yes; for the sake of argument I agree with that proposition. There is no question that we can terminate legislation by the happening of some event in the future; but we cannot invoke the legislative will of Congress, except as provided in the Constitution of the United States.

The argument I am making this afternoon does not involve votes of our constituents, as some amendments have done; it is not a matter in which Senators are interested because someone is going to vote for them or vote against them. But, Mr. President, the proposition I am seeking to lay before you today is, in my

opinion, the most vital proposition that is found in this act, and that is the Constitution itself. When I made my argument during consideration of the lease-lend bill, and following the argument of the Senator from Iowa [Mr. GILLETTE], the majority leader of the Senate, as I understood him, also took the same position that I took then and that I take today.

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

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

Mr. GILLETTE. In connection with the presentation the Senator was just making so ably with reference to the termination of these powers on the happening of a certain contingency—as he suggested had been presented by those—

Mr. MURDOCK. Yes; such suggestions had been made to me during discussion of the bill by the Judiciary Committee.

Mr. GILLETTE. Yes. Is it not a fact that the contingency specified could not be an illegal happening or an unconstitutional happening?

Mr. MURDOCK. I agree with the Senator.

Mr. GILLETTE. It could not rest on such an occurrence, it seems to me.

Will the Senator yield for one further moment?

Mr. MURDOCK. I am glad to yield.

Mr. GILLETTE. As proof and in support of the Senator's assertion of the distance this Congress has gone by passing legislation of this kind, let me point out with respect to the conference report we agreed to yesterday—the conference committee report which was so ably handled by the Senator from Michigan [Mr. Brown]—that the committee considering that proposal had in the original bill a provision that the powers would terminate on a certain date, or could terminate upon the date of the enactment of an act of Congress; and a committee of this body in its wisdom struck out the provision as to termination by an act of Congress, and substituted the words "the passage of a concurrent resolution." But under the constitutional provisions the passage of such a concurrent resolution would be an unconstitutional act, in changing an act of Congress.

Mr. MURDOCK. I am sure the Senator is absolutely correct in his statement.

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

Mr. MURDOCK. I yield to the Senator from Oklahoma.

Mr. LEE. A while ago the Senator said that we could make the termination of this law contingent upon the eclipse of the moon or the rising of the sun. As the bill came in, it was contingent on the setting of the rising sun; was it not? [Laughter.]

Mr. MURDOCK. I thank the Senator for his contribution.

But, Mr. President, suggestions have been made to me that this Congress can terminate the legislation on the hap-

pening of any event that it sets out in the bill. That is true unless the event is prohibited by the Constitution itself.

Now let us look at the Constitution. I know we do not have much time to consider the Constitution of the United States. These are times of emergency. We do not have time to think in terms of that organic law, even though we are spending a billion dollars a month to save it. After providing how a bill shall be passed—that is, it must be passed by a majority of the House, then by a majority of the Senate, and then must be referred to the President of the United States for his approval or disapproval, but if he disapproves it can be passed only by a two-thirds majority of both Houses—the Constitutional Convention did not stop; they went one step further and provided—and I hope Senators will give their attention to this paragraph of the Constitution—

Every order, resolution, or vote to which the concurrence of the Senate and the House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and the House of Representatives, according to the rules and limitations prescribed in the case of a bill.

I ask you, Mr. President, and I ask Senators here present, under the provisions of the title XV, suppose the President should get up some morning 6 months hence or a year hence and make up his mind that the powers created by the pending bill were no longer needed, and he proclaimed that fact, if this provision of the bill is constitutional, would that be the end of it? I wonder if the framers of the Constitution ever contemplated that legislation duly passed by the Congress could be stricken down by the President whenever he made up his mind that it should be.

I suggest for the consideration of Senators the thought that if we can delegate the power to terminate this bill to the President, then there is no reason under the sun or under the Constitution why we cannot write a general provision saying that whenever the President so proclaims all law shall come to an end in the United States.

Is there a Senator who will stand up and say that under the Constitution we could do that? To me it is an absurdity to think that we can delegate power to the President to terminate in such a manner a piece of legislation after it has been adopted by the Congress and approved by the President.

We can delegate the power to the President under certain prescribed standards to find certain facts, and, after having found the facts, to proclaim them and terminate legislation in that way; but are there any standards in this provision of the bill as it now stands? The only thing it says is—

or until such earlier time as the Congress by concurrent resolution, or the President, may designate.

Is there any rule to guide him? Is there any standard to which he can look to guide him as to what the will of Congress is? Absolutely no. Mr. President, read the Cardozo opinion in the *N. R. A.* case and see if you can square it with that kind of delegation of power to the President of the United States. When we delegate that type of power to the President, what is the natural thing for Congress to do? The natural thing for Congress to do is to say, "We have delegated that power to the President; now we reserve to ourselves, we reserve to the two Houses the right to terminate legislation by a concurrent resolution without sending it to the President."

We find three indefinite conditions in this bill under which it may be terminated. One, which has been corrected by the amendment of the Senator from Missouri [Mr. CLARK] that on the cessation of hostilities or the ending of the war the powers under this bill shall terminate. The able Senator from Missouri pointed out that that was too indefinite, too uncertain a guide, because war may cease with Japan and still continue with Germany and Italy, or war may cease with Italy and Germany and we may still be engaged in war in the Pacific with Japan. So, of course, it was correct, right, and proper that the Senate of the United States should strike out that indefinite feature of the bill and put into the bill a definite date on which it would expire.

Why should any legislation leave the Congress of the United States in indefinite form? Why should there be any contingency to which we must look in order to terminate the legislation? That one indefinite feature has been eliminated by putting in a definite date, but there still remain two indefinite and unconstitutional provisions in respect to termination which my amendment would strike.

My amendment does this, and this only: It eliminates the other indefinite and uncertain features of the bill. One is the provision that Congress may determine by concurrent resolution when the powers terminate; the other is the power of the President to terminate it whenever he gets ready to do so.

I have studied everything on which I can lay my hands with reference to concurrent resolutions. I call the attention of the Senate to the fact that some years ago this very question was submitted to the Judiciary Committee of the Senate. The question that was asked of the committee was, "What is the function of a concurrent resolution; when and how and for what purpose may a concurrent resolution be adopted?" The Judiciary Committee of the Senate answered that question in quite a lengthy report. I now read from the Judiciary Committee's report, found in *Hind's Precedents*, volume 4, section 3483, and if there is any doubt in any Senator's mind what the purpose and function of a concurrent resolution are here is the answer submitted after this Government had gone along for over a hundred years:

The committee found that the passage of concurrent resolutions began immediately

upon the organization of the Government, but their use has been, not for the purpose of enacting legislation but to express the sense of Congress upon a given subject, to adjourn longer than 3 days, to make, amend, or suspend joint rules—

Something, of course, peculiarly within the functions and province of Congress and having nothing to do with the President or any legislative matter—

and to accomplish similar purposes, in which both Houses have a common interest, but with which the President has no concern.

Does that answer the question? Does the President have any concern about when his powers under this bill will terminate?

Suppose Congress after the next election should decide that these powers should no longer continue; but suppose the President who is directly charged with the conduct of the war should say, "We are not yet half through with this emergency. We have not half won this great war for the preservation of democracy." Suppose the Congress, by this procedure of the concurrent resolution, should say, by a majority that the powers were no longer needed. Then we should have the President without power to go ahead and conduct the war. Why? Because of a reservation in my opinion, of unconstitutional power in this bill.

There are other paragraphs and other statements here of the great Judiciary Committee which wrote this report that I desire to read to the Senate.

Reading another sentence from the report, we find this language:

They—

Referring to concurrent resolutions—

have never embraced legislative provisions proper, and hence have never been deemed to require Executive approval.

Of course, a concurrent resolution which has to do with an adjournment of either House of Congress for more than 3 days, or a concurrent resolution which has to do with certain joint rules of the two Houses, has nothing to do with the President. Of course, the expenditure by concurrent resolution of moneys appropriated to the contingent funds of the two Houses has nothing to do with the President. In 150 years of Government under our Constitution we never thought of using the concurrent resolution to terminate legislation until the advent of the New Deal. Then some persons—I think the movement was initiated at the other end of the Capitol—who did not like the President, some persons who did not like the New Deal, saw fit to inject the first concurrent-resolution provision into the reorganization bill. I argued in the House at that time that the use of the concurrent resolution for any legislative purpose was absolutely unconstitutional. The seemingly persistent effort to use the concurrent resolution to terminate legislation recalls to my mind statements of James M. Beck, made on the floor of the House time and time again. What were they? That great student of the Constitution said time and again:

I am not fearful of the striking down of the Constitution from the outside; but the thing that I fear is the gradual whitening away of the Constitution by the Congress itself.

Was there any greater student of the Constitution than James M. Beck during his lifetime? My colleague from Michigan, my colleague from Iowa, who sat in the House with me when James M. Beck was a Member of that body, heard those statements made by him. Whenever Mr. Beck spoke, every seat in the House filled up. Why? Because we realized that there were few, if any, men in Congress at that time who so thoroughly and so sincerely had studied and understood the Constitution of the United States.

We are a policy-making body. I ask Senators this afternoon, if and when the time comes that the Congress determines that it wants to take away these powers by concurrent resolution, and the President shall say, "Nay; I need the powers; we must have them to go on," what will happen on the floor of the Senate and on the floor of the House? The question will be debated, will it not, some Members taking the position with the President that the powers should be continued, other Members taking the position that the powers should be stricken down by concurrent resolution? What do we do in such a case? We again debate what the policy of the Government should be—on what question? On the question of whether those powers should be continued or terminated.

Can any Senator stand up here today, in the face of this report of the Judiciary Committee made years ago, and say that the President has no concern, no interest in the termination of these powers? Of course, he cannot say it because striking down the powers given under this bill and others might be the most vital thing in the life of our Republic.

Since the reorganization bill passed I have watched four different measures come to the Congress, all of which have contained in their text this procedure of striking down legislation by the concurrent resolution route. I say, Mr. President, and call the attention of the Senators who are willing to listen to my feeble effort this afternoon to the fact that if we can terminate the life of this bill by concurrent resolution, requiring only a majority vote of the two Houses, without the President having any say about it, then tell me why we cannot this afternoon enact a general bill saying that all legislation now in existence or hereafter enacted may be terminated by concurrent resolution?

Is there any Senator on the floor today who would stand in his place and say that such a general provision of law could be enacted here and that it would be within the Constitution of the United States? Of course, not; because, if he did, what would happen? Every law on the statute books would be in danger. Everything we have done in the past 150 years under the Constitution, if this provision in this bill is constitutional, could be stricken down under a general bill doing that very thing. If such procedure is unconstitutional in a general bill, is it not just as unconstitutional to do it piecemeal?

Senators may say this matter is not important. Senators may say, "Senator MURDOCK, you are talking about a thing that is so technical that it is not worthy

of the attention of the Judiciary Committee or of the Senate." My answer to that statement is that if the Constitution of the United States is technical, if the Constitution of the United States is so unimportant that it cannot be discussed either in committee or on the floor of the Senate, then yes; my efforts here are futile.

I make the further observation that we find the President of the United States concurring in this procedure. Why? I have called his attention to the fact. I said to him in a letter recently written:

Mr. President, the primary duty of protecting the veto power is vested in you; but, on the other hand, Mr. President, that does not excuse me, that does not excuse any Senator, for neglecting his duty—to do what? To keep the oath that he takes before he becomes a Member of this great deliberative body.

What do we do when we take the oath? We say that we will with all the power and influence and vigor at our command, preserve and perpetuate the Constitution of the United States. How do we preserve and perpetuate the Constitution of the United States? Do we do it with a gun? Do we do it with a bomber? No. There is just one way in which we can preserve it. There is just one way in which we can perpetuate this American system of ours. There is just one way in which we can preserve our constitutional democracy, and that is by our voices and our votes right here in this Legislative Chamber.

Mr. BROWN. Mr. President—
The PRESIDING OFFICER. (Mr. BUNKER in the chair.) Does the Senator from Utah yield to the Senator from Michigan?

Mr. MURDOCK. I yield to the Senator.

Mr. BROWN. I am much interested in what the Senator is saying. I should like to know under what circumstances he believes that a concurrent resolution relative to the termination of a law can perform a function.

I recall very well that the Senator from Iowa and I proposed the compromise which finally brought about the enactment of the reorganization law, by which we provided in substance that when the President, under the authority of the act, proposed a shift of authority from one Government agency to another, that Executive order would not be effective, if during a certain period of time stated in the act Congress adopted a concurrent resolution disapproving of the President's Executive order. At that time good lawyers in the Senate seemed to think we were on sound constitutional ground, although there had been an opinion by Attorney General Mitchell sometime previous, during the administration of President Hoover, I believe, that it could not be done in this way. Of course, in that case what we did was to withhold from the President the power of transferring functions or agencies from one department of Government to another until the happening of a certain event, or the passing of the time during which the disapproval could be made. The President's

power was subject to a subsequent condition.

Applying that situation to the bill to which the Senator is now addressing himself, it seems to me that the office of a concurrent resolution with respect to the termination of a law is performed when an event stated in the law which justifies the termination of the law occurs. The resolution determines or finds that the event has occurred. I think the Senator is entirely correct in pointing out that there is nothing in section 1501, title XV, on page 20, which states the circumstances which the concurrent resolution would determine to be in existence.

Perhaps I have not expressed myself very clearly, but what I wish to get at is, What is the office of a concurrent resolution with respect to the termination of a law, as the Senator sees it? I have tried to state my understanding.

Mr. MURDOCK. My position is that the concurrent resolution cannot under our Constitution ever be used to terminate legislation, because the Constitution provides in as concise, in as cogent, in as direct language as can be employed that whenever the concurrence of the two Houses is needed on any vote, any resolution, of the Congress, the measure passed must be submitted to the President.

Early in our history it was determined that matters which had to do with no legislative matters, which in no way were the concern of the President of the United States, did not need to be referred to him, and I read to the Senate a few moments ago from the report of the Committee on the Judiciary of a former Congress what the function of the concurrent resolution is. This is the statement:

But their use has been not for the purpose of enacting legislation but to express the sense of Congress upon a given subject—to adjourn longer than 3 days; to make, amend, or suspend joint rules; and to accomplish similar purposes in which both Houses have a common interest, but with which the President has no concern.

Coming to the question the distinguished Senator asks about, the concurrent-resolution provision in the Reorganization Act, we did not reserve to ourselves in that act the power to terminate legislation. We reserved in that act the right to pass on any reorganization plan which the President might submit.

I do not care to argue the question today as to whether or not that provision with reference to the concurrent resolution is constitutional or not, but I did make the statement, and debated the question on the floor of the House, that that was a reservation of judicial or quasi-judicial power on the part of the Congress to reexamine the action of the administrative department under legislation we passed.

I take the position today that we have no more right to reserve judicial power to the Congress than we have the right to reserve the power to terminate legislation in which the President has some concern by a concurrent resolution. My argument today is not wholly against the concurrent resolution, but it is as well against the delegation by Congress of the

power on the part of the President to terminate legislation without canalizing the authority delegated, without fixing standards.

The Senator from Michigan is right; we can use and we can delegate power to bring a law to termination by saying that the President of the United States, or the Secretary of War, or the Secretary of the Navy, or three or four of such men, whenever they find the fact that the war with Japan has come to an end, whenever they find the fact that hostilities with Germany and Italy have come to an end, and proclaim those facts and make a report to us setting out the facts—then I say we have canalized and we have set up standards under which that delegation of authority can be carried out, and only in that way can it be done.

If the Senator will look at the bill before us today, he will find that all it says is that "titles I to X, inclusive, and title XII of this act shall remain in force only during the continuance of the present war and for 6 months after the termination of the war."

Then comes the particular language to which I refer, the particular language to which I object to as unconstitutional, "or until such earlier time as the Congress by a concurrent resolution or the President may designate."

Is there anything which could be considered as a standard, is there any fact to be found or any proclamation to be made, except that the law is terminated?

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

Mr. MURDOCK. I yield.

Mr. BROWN. My entire thought would be based upon the proposition which I give to the Senator by way of illustration, if on line 13, after the words "until such earlier time" we inserted language to this general effect, "such earlier time when five or six of the countries with which we had theretofore been at war were no longer engaging in hostilities as found by the President or as found by concurrent resolution."

Mr. MURDOCK. I would agree that we could delegate that power to the President under proper standards, but under this prohibition of the Constitution which I have read—and I am not so sure that if I had been in the Constitutional Convention I would have agreed to it, but men far wiser than I wrote it into the Constitution—after telling how a bill, and the only way in which a bill, can be enacted they proceeded with another paragraph, because the only thing referred to in the first paragraph is designated as "bills," "all bills," and then in the next paragraph "every bill."

But perhaps some wise man in the Constitutional Convention thought that some legislator in the future may attempt to get around that by the use of the word "resolution," or some other word which was not covered by the word "bill," and so they wrote this additional paragraph, which I shall read again, even at the expense of boring the Senate with the constitutional provision:

Every order, resolution, or vote—

Is a concurrent resolution a bill? Most certainly. Can it be adopted without a vote? Most certainly not.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by a two-thirds vote of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Mr. President, I ask that section 7 of article I of the Constitution be set out at this point in full.

There being no objection, section 7 was ordered to be set out in full, as follows:

Sec. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with the amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively. If any bill shall not be returned by the President within 10 days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Mr. MURDOCK. Words could not be plainer. Language could not say a thing in more concise terms than that language says it.

As I walked out of the Senate Chamber the other day, I was contacted by one of the great constitutional lawyers of the House. He called me over because of our intimacy, and he said, "Senator, have you examined this bill?" I said, "Yes; especially this one provision." He asked me this question, knowing my position: "Do you not think that a majority of Congress should have the right to do what they want to do?" I said, "I believe, Mr. Representative, that the Congress should have a right by a majority vote to do what it wants to do and what it pleases, but when you are operating under a written constitution, as this Congress is, which provides the way in this plain language, then it behooves me and you, under our constitutional oath, to follow that language."

There is one other provision in this report which was made by a former Judiciary Committee and I am not sure that any member of the present committee, except myself—although I have called it to the Senate's attention—has ever read it, but it is a report made by the same committee in a former Congress which reported this bill. The committee ends its report as follows:

And to avoid incorporating in such resolutions—

Referring to concurrent resolutions—any matter of strict legislation requiring such presentation.

To the President of the United States. Then, again, in another paragraph:

Whether concurrent resolutions are required to be submitted to the President of the United States must depend, not upon their mere form but upon the fact whether they contain matter which is properly to be regarded as legislative in its character and effect.

Some Senators say that this procedure for termination is not the repeal of legislation; that it is merely fixing a procedure by which the legislation is terminated, but certainly the repeal or termination of legislation has exactly the same effect. To repeal or terminate legislation is just as important a legislative function as the enactment of it. The repeal of legislation is the determination of policy by the Congress of the United States. The repeal and termination of legislation will be and should be debated on the floor of the Senate just the same as the enactment of legislation. For that reason, Mr. President, for the Congress to say that we have the right to terminate or the right to repeal by concurrent resolution, simply means that we reserve the unconstitutional right to enact legislation by a majority of the Congress without referring it to the President of the United States.

Mr. President, in conclusion, I desire merely to point out what my amendment does in connection with the amendment adopted by the Senate a few minutes ago and presented by the able Senator from Missouri [Mr. CLARK]. In his amendment he has fixed a definite date for the termination of this legislation. In my opinion all legislation should be as definite and certain when it leaves the Congress as it is possible to make it. By the amendment of the Senator from Missouri we make the termination of this legislation definite. If the time is not long enough, by a joint resolution of Congress, approved by the President, we can extend it for any period we want to.

All my amendment does—and I am acting in the best of faith; I am as sincere as I can be after giving the matter very thorough study—I ask the Senate to eliminate what, in my opinion, are unconstitutional, indefinite provisions, which should not go into the bill.

Mr. O'MAHONEY. Mr. President, I shall content myself merely with saying that this matter was considered in the committee. The Senator from Utah and the Senator from Texas led the discussion in the committee. It was the decision of the committee that since this provision is contained in the first War Powers Act

and is contained in several other temporary measures enacted by the Congress, that it should not be now eliminated, and so I merely want the Senate to know that the issue raised by the Senator from Utah [Mr. MURDOCK] so ably and clearly was discussed by the committee, and the amendment which he now asks the Senate to approve was by the committee rejected.

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

Mr. O'MAHONEY. I yield.

Mr. MURDOCK. In my presentation of the matter to the committee I felt that it was rather futile there to present it at length, but I ask the Senator from Wyoming, who is sponsoring and has charge of the bill on the floor, if he has read the report of the Senate Judiciary Committee on this very question having to do with concurrent resolutions? I have not read it at length today, but I inserted it in the Record during the discussion of the lease land bill, and it seems to me that if Senators now making up the personnel of the present Judiciary Committee of this great body would read what their colleagues of a former Congress reported to the Senate they could not disagree with the position I am taking today.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. MURDOCK] on page 20, lines 13 and 14.

The amendment was rejected.

Mr. McNARY. Mr. President, I offer an amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Oregon will be stated.

The CHIEF CLERK. On page 11, after line 3, it is proposed to insert the following new title:

TITLE IX—PROTECTION OF WAR INDUSTRIES SUBJECT TO SEASONAL HAZARDS OF FOREST FIRES

The President is empowered to direct the Administrator of the Federal Security Agency to assign the manpower of the Civilian Conservation Corps to the extent necessary to protect the munitions, aircraft, and other war industries, municipal water supply, power and other utilities and resources subject to the hazards of forest fires.

Mr. McNARY. Mr. President, I offer this amendment at the request of the American Forestry Association. The military services and war industries have drained the forest regions of our country of available men who are to be found in normal times. With that statement I submit the matter to the able Senator from Wyoming in the hope that he may accept the amendment.

Mr. O'MAHONEY. Mr. President, the Senator from Oregon submitted his amendment and had it printed earlier in the consideration of this measure. After consultation with members of the committee and with others he was good enough to modify it in order to bring it into harmony with the feeling of those in charge of the bill. The amendment is quite satisfactory to the committee.

The PRESIDING OFFICER. Without objection, the amendment offered by the Senator from Oregon [Mr. McNARY] is agreed to.

Mr. McNARY. As a part of my remarks I ask unanimous consent to have printed in the RECORD the letter which I received from the American Forestry Association.

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

THE AMERICAN FORESTRY ASSOCIATION,
Washington, D. C., January 24, 1942.
Hon. CHARLES L. McNARY,
United States Senator,
Washington, D. C.

DEAR SENATOR McNARY: In the interest of guarding resources upon which our war effort is based, this association feels it would be negligent not to warn the Congress of a situation now developing which imperils supply lines in virtually every field of our military endeavor. Due to the growing shortage of employable labor, the present outlook is that forest resources now being heavily drawn on and which must continue to be heavily drawn on in the prosecution of the war may be without adequate protection from fire during the coming spring and summer fire seasons.

Specifically the situation is growing out of the fact that the military services and the war industries are draining our forest regions of men normally available for forest protection during the summer months. Added to this shortage is the curtailment and diversion of the Civilian Conservation Corps which heretofore has provided thousands of men to help local and regional forest protection agencies guard the forests and suppress fires when they occur.

The forthcoming extension of the draft and the current expansion of industry make the outlook progressively more acute. In virtually every major forest region where lumber operations have been speeded up to meet the war demands for wood, alarm is being expressed by forest protection agencies as to where and how manpower is to be obtained to protect our forest sources of essential war material and to maintain uninterrupted the free flow of wood from the forests to meet current war demands. The supply of local men heretofore available for summer employment in fire protection is not only rapidly disappearing, but under present wage conditions local protection agencies cannot compete with the war industries for those men who may still be available when summer comes.

The situation, we believe, is one of imminent danger, first, because forest fires are the most destructive agency of forest resources and of operations in the forest engaged in supplying forest products vital to the prosecution of the war; second, normal forest fire hazards will be heightened this summer, particularly in the heavily timbered regions of the west, by the possibility of incendiary bombing from the air and by ground sabotage. Third, a combination of bad fire weather and forest incendiarism may readily precipitate a reign of forest fires that would prostrate the industrial life of vital sections on the west coast where war industries are so largely concentrated. We have only to remember, for example, the Tillamook forest fire of 1933 in Oregon which in a few days destroyed timber equal to the total cut of the entire United States; or the Matilja Canyon fire of 1932 in Los Angeles County, Calif., that swept over 200,000 acres. The list of such examples might be extended.

Public apathy in respect to the importance of guarding our forest resources as a war measure is a corollary danger of the situation. The use of wood in the production of war material and in military action is not dramatic and there is no present shortage of forests for our war needs to alarm the public or to make it fully alert to the forest-fire danger. Nevertheless, continuing supplies of forest products are vital to our whole war

program, affecting such major fields as the building of training planes, cargo and fighting ships, the construction of training camps and cantonments, the shipping of food and equipment to our soldiers and battle fronts, etc. Already the war has called for 2,500,000,000 feet of lumber from our forests, and the War Department has just let contracts for upward of a billion feet more that will be needed in the months immediately ahead. The military and the war industries will continue to call for wood in these staggering amounts.

Failure to make provision, therefore, to assure adequate protection of these resources during seasons of the year when it is known they will be exposed to critical danger may easily disrupt and delay our all-out plans to win this war. Forest fires do not wait for man to organize after the fire season arrives. They can be dealt with successfully only by advance organization, planning, and preparedness. The question as it now presents itself appears to be primarily one of providing necessary manpower in advance through centralized governmental action instead of leaving it to regional protective agencies to compete with one another for labor and to be short-handed and unprepared when critical forest fires break out.

The situation, in our judgment, is so potentially serious as to warrant forest protection being rated as a war priority. Certainly it challenges the wisdom at this time of permitting continued curtailment of the Civilian Conservation Corps and diversion of its remaining forces to work of less importance than that of guarding resources essential to the maintenance of the war. The present undetermined status of the corps in the face of the imperative forthcoming need of men in the forest protective field seems unrealistic in relation to the war emergency. The corps is an established, operating organization experienced in patrolling the forests and dealing with forest fires. Its camps are already established and distributed throughout the forest areas. It is in a position to occupy them quickly and to shift its men from one forest region to another as critical fire periods develop. Furthermore, its organization being Nation-wide, it can canvass the country from ocean to ocean enlisting young men below the draft age and men rejected by the draft.

These are advantages which local forest protective agencies do not possess. Is it good war strategy to disseminate or liquidate such an organization at probably the most critical time of the war and when the problem of maintaining our supply lines from the forests is pressing and unsolved?

This association shares the belief that non-defense expenditures of the Government should be curtailed, but in view of the situation set forth in this letter it believes that a reappraisal is very much in order of current demands that the Civilian Conservation Corps be liquidated in the interests of economy and because of its declining enrollments. As regards the economy phase, the issue as respects forest protection now appears to be not a question of saving money but of saving war-needed resources at any cost. As to declining enrollment, there are hundreds of thousands of young men below the draft age or rejected by the draft who would like to feel they are helping to win the war, and it is logical to believe that if the Civilian Conservation Corps were streamlined as a mobile protective unit and given the status of an essential war-work agency, it would easily attract the numbers needed to guard our forests and other natural resources.

Other methods of meeting the situation may be known to you. Taking advantage of the Civilian Conservation Corps is mentioned because it seems to us a most concrete, promising, and economical measure under present emergency conditions. The real purpose of this letter is to call the danger to

your attention and to urge that you give it your best effort to see that in the converging pressures from other fields of war, the importance of protecting our forests during the coming fire season is not overlooked but is adequately provided for before it becomes too late to forestall disruption of supply lines so essential to the success of our whole production program.

Very truly yours,

OSVID BUTLER,
Executive Secretary.

Mr. O'MAHONEY. Mr. President, earlier in the day the amendment offered by the Senator from Iowa (Mr. Gillette) striking out title VII was under discussion, and the Senator from Iowa was good enough to agree that it should be temporarily laid aside in order that a substitute could be drafted. A substitute has been perfected, Mr. President, and I offer it. I send it to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Wyoming will be stated.

The CHIEF CLERK. On page 9, under the heading "Title VII—Political Activities" it is proposed to strike out:

Sec. 701. Subsection (a) of section 9 of the act of August 2, 1939 (53 Stat. 1148), entitled "An act to prevent pernicious political activities," is hereby amended by adding in the second sentence after the words "No officer or employee," the words "except a part-time officer or part-time employee without compensation or with nominal compensation."

And in lieu thereof insert:

Sec. 701. Subsection (a) of section 9 of the act of August 2, 1939 (53 Stat. 1148), entitled "An act to prevent pernicious political activities," is hereby amended by adding in the second sentence after the word "thereof" the words "except a part-time officer or part-time employee without compensation or with nominal compensation serving in connection with the existing war effort, other than as a member of a selective service and training board, or other than in any capacity relating to the procurement or manufacture of war material."

Mr. GILLETTE. Mr. President, in connection with the offer of the substitute by the very able Senator from Wyoming I desire to say that we were all convinced that there was no disposition or intent on the part of the Senators in charge of the bill to open the door to the dangers which some of us felt were inherent in the title as presented.

On the other hand, there was no disposition on the part of any of those who were disposed to support my amendment to create a condition of injustice relative to certain minor officials such as air-raid wardens. Having that in mind, the modification was worked out. It still keeps within the provisions of the Hatch Act, selective service boards and Federal employees concerned in any way with the manufacture or procurement of matériel. After consultation with some of the Senators who were active with me and kind enough to support the proposal which I had presented, they have advised me that the substitute is acceptable to them. I am assured, on the word of honor of the Senator from Wyoming, that if the conference is permitted to consider this matter there will be an attempt to frame language which may be

preferable to the language presented here.

With that explanation, and with the assertion that I believe that it makes a poor proposal very much better, I agree to the modification so far as I am personally concerned.

The PRESIDING OFFICER. Does the Senator from Iowa withdraw his amendment?

Mr. GILLETTE. Mr. President, as I understand, the substitute was offered as a substitute for my amendment. I could not very well withdraw my amendment, but, so far as I am personally concerned, I will accept the substitute in lieu thereof.

Mr. BROWN. Mr. President, I was much interested in the subject matter of the proposed amendment to the Hatch Act. I am happy to join with the Senator from Iowa in agreeing to the substitute. I think the general effect is to render a bad amendment to an iniquitous bill less offensive.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] in the nature of a substitute for the amendment of the Senate from Iowa [Mr. GILLETTE].

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. TYDINGS. Mr. President, I should like to ask the Senator in charge of the bill why, on page 8, line 11, under the heading "Title IV—Purchase by Federal Reserve banks of Government obligations," the words "without regard to maturities" are necessary.

Mr. O'MAHONEY. Mr. President, that is the language of the present act. It is not new language. It is the present law. The amendment proposed by the committee and agreed to by the Senate today by a record vote operated to strike out certain language in the present law.

Mr. TYDINGS. As I understand, it strikes out the language "but only in the open market."

Mr. O'MAHONEY. That is correct.

Mr. TYDINGS. If that is the present law, why is it necessary to put in:

Provided, That any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities.

If that is already the law, why is it necessary to put it in now?

Mr. O'MAHONEY. If the Senator will read the language, he will see that what we are doing is saying that this particular section shall be amended "so that the proviso will read as follows."

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

Mr. TYDINGS. I yield.

Mr. TAFT. The answer is that at the beginning of the section there is language dealing with the purchase by the Federal Reserve banks of other kinds of securities, securities having maturities not over 6 months. The proviso is:

Provided, That any bonds, notes, or other obligations which are direct obligations of the United States or which are fully guaranteed by the United States as to principal and interest may be bought and sold without regard to maturities.

Mr. TYDINGS. That explains it. I wondered why it should say, "without regard to maturities."

Earlier in the day we had a vote on striking out the words "but only in the open market." Let me ask the Senator, if those words are stricken from the bill, as was done in the vote earlier in the day, how the Federal Reserve banks are to buy such bonds, notes, or other obligations other than in the open market?

Mr. O'MAHONEY. Directly from the Treasury.

Mr. TYDINGS. What will they use in payment?

Mr. O'MAHONEY. They will purchase the bonds as the Federal Reserve banks purchase any bonds. A credit will be set up on the books.

Mr. TYDINGS. I am asking for information, because I am not very expert in financial matters. As I understand, if the war should continue for 2 or 3 years and the amount of bonds and stamps bought by the public, plus the amount we raise in 2 or 3 years in taxation, should leave a sum of \$100,000,000,000 which would have to be financed other than by borrowing by the orthodox method, the Federal Reserve banks would be in a position to buy the \$100,000,000,000 of Government obligations, or whatever the amount might be, and issue therefor Federal Reserve notes.

Mr. O'MAHONEY. They would have the power to buy them directly from the Treasury in the customary manner.

Mr. TYDINGS. In that case, if I correctly interpret it, the Federal Reserve banks could conceivably buy any amount. If the war should continue for 5 years, they might buy \$200,000,000,000 worth of such obligations.

Mr. O'MAHONEY. I think there is no doubt about it.

Mr. TYDINGS. Is there no better way of financing the war than by having the Federal Reserve banks print Federal Reserve notes?

Mr. O'MAHONEY. I will say to the Senator that the committee was not studying the problem of financing the war. The committee feels, and I personally feel, that the Committee on Finance will devote its talents to that problem. What we were concerned with was the problem of giving to the Federal Reserve Board the authority to buy such obligations directly from the Federal Government. Of course, there could be abuse of any power granted. We do not anticipate it. We feel that this is a power which, in the circumstances which confront the country, it is absolutely necessary to grant. We pray and trust that the power will not be abused.

Mr. TYDINGS. I suppose that the Treasury officials asked for this power. Did they?

Mr. O'MAHONEY. It was asked for by the Federal Reserve Board, but the request was concurred in by the Treasury officials.

Mr. TYDINGS. Let me ask the Senator who appeared for the Federal Reserve Board. Mr. Eccles appeared, I suppose; did he?

Mr. O'MAHONEY. Mr. Eccles did not appear. As I explained at the outset, when the Senator probably was not on the floor—

Mr. TYDINGS. No; I was not then on the floor.

Mr. O'MAHONEY. A special legislative committee is set up in the Government, consisting of representatives of the Department of Justice, the Bureau of the Budget, and the Office for Emergency Management, which is a clearing house for all these various agencies. All bureaus and departments of the Government which felt that there should be changes of law in order to facilitate the conduct of the war were requested to submit their recommendations to this clearing-house committee.

Mr. TYDINGS. I understand.

Mr. O'MAHONEY. Then the matter having been thereby reviewed, it was submitted to the Attorney General; and the Attorney General submitted a report to the Committee on the Judiciary, in which report each of these matters was at length discussed. So in every instance what the committee has brought in represents the request of the proper department and the concurrence in view upon the part of the committee.

Mr. TYDINGS. Of course, I can appreciate, as does the Senator from Wyoming, that there has to be a safety valve so that the continuous financing of the war will always be possible, no matter how long it may last or how much it may cost. I think this power may be very judiciously used, and I express the hope and belief that it will be so used. However, it seems to me to be about the widest power we have yet given because, if the war should last 2 or 3 years, at the present rate of expenditure there would be, after we reach a certain point, absolutely nothing back of the notes except the faith and credit of the Government.

Mr. O'MAHONEY. Mr. President, I think it is only fair to say that, in the first place, the power of the Federal Reserve Board to purchase the securities of the United States in the open market today is without limit; there can be no question about that. Furthermore, when the Federal Reserve Act was passed, in the first instance, the Federal Reserve System had the authority to buy obligations directly. The limitation was not put on until 1935. So, in effect, what we are doing now is restoring the power which previously existed. Perhaps I should add that originally the power extended only to direct obligations, and now it includes indirect obligations.

Mr. TYDINGS. I suppose that the words "in the open market" had to be limited—

Mr. O'MAHONEY. That is correct.

Mr. TYDINGS. For the obvious reason that the public might not be able to buy the bonds as fast as the Government might need money.

Mr. O'MAHONEY. The Senator is quite correct.

Mr. TYDINGS. In which case there would be a hiatus in the financing, and the Government would need a stop-gap to cover the situation.

Mr. O'MAHONEY. With his usual grasp of the situation, the Senator from Maryland is entirely correct in his understanding of it.

Mr. TYDINGS. I appreciate the Senator's good will and his courtesy, but I do not happen to have expert knowledge

of financial matters. However, I suppose that is the best provision which could be adopted.

I should prefer to have seen compulsory buying of bonds by the banks, rather than to have had such an indirect way of controlling purchasing, my fear being that when we do that we are getting away from the money standard and are getting into the note standard on both sides of the transaction. I am somewhat at a loss to understand why our financial advisers could not set up something better than a wide-open "I will give you my note if you will give me your note" system, and have back of the transactions no money, as there must be when one buys potatoes or beef.

Mr. O'MAHONEY. Mr. President, as a matter of fact, this provision actually stands between the Government and the adoption of fiscal policies which some Members of the Senate and of the House regard as utterly unsound.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. JOHNSON of Colorado. Mr. President, a short while ago the Senator from Washington (Mr. BONE) embarrassed all historians in the Senate Chamber by asking a question about the postal regulations in effect during the Civil War.

I desire to read section 7 of chapter 9 of the regulations contained in the law passed in 1861, as follows:

Be it further enacted, That all letters written by soldiers in the service of the United States may be transmitted through the mails without prepayment of postage, under such regulations as the Post Office Department may prescribe, the postage thereon to be paid by the recipients.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment and third reading of the bill.

The bill (S. 2208) was ordered to be engrossed for a third reading, read the third time, and passed.

SUPPLEMENTAL DEFENSE APPROPRIATIONS

Mr. MCKELLAR. Mr. President, I move that the Senate proceed to the consideration of House bill 6448, Calendar No. 1029.

The PRESIDING OFFICER. The bill will be stated by title, for the information of the Senate.

The CHIEF CLERK. A bill making supplemental appropriations for the national defense for the fiscal years ending June 30, 1942, and June 30, 1943, and for other purposes.

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

There being no objection, the Senate proceeded to consider the bill (H. R. 6448) making supplemental appropriations for the national defense for the fiscal years ending June 30, 1942, and June 30, 1943, and for other purposes.

The bill is as follows:

Be it enacted, etc., That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the national defense for the fiscal years ending June 30, 1942, and June 30, 1943, and for other purposes, namely:

TITLE I—WAR DEPARTMENT

MILITARY ACTIVITIES

Sec. 101. For additional amounts for the Military Establishment, fiscal year 1942, to remain available until June 30, 1943, to be supplemental to, and merged with, the appropriations under the same heads in the Military Appropriation Act, 1942, including the objects and subject to the limitations and conditions specified under these heads, respectively, in such act, as follows:

OFFICE OF THE SECRETARY OF WAR

Expediting production: For expediting production of equipment and supplies for national defense, \$933,000,000: *Provided*, That the third proviso under the head "Expediting Production" in the Military Appropriation Act, 1942, as amended by the act of July 16, 1941 (Public Law 179, 77th Cong.), is repealed and shall not apply to any unexpended balances under this head nor to the funds herein appropriated.

SIGNAL CORPS

Signal Service of the Army: For Signal Service of the Army, \$680,242,180.

AIR CORPS

Air Corps, Army: For Air Corps, Army, \$9,041,373,090.

ORDNANCE DEPARTMENT

Ordnance Service and Supplies, Army: For Ordnance Service and Supplies, Army, \$1,547,043,529.

CHEMICAL WARFARE SERVICE

Chemical Warfare Service, Army: For Chemical Warfare Service, Army, \$323,308,675.

DEFENSE AID

Sec. 102. Whenever the President deems it to be in the interest of national defense, he may authorize the Secretary of War to sell, transfer title to, exchange lease, lend, or otherwise dispose of, to the government of any country whose defense the President deems vital to the defense of the United States, any defense article procured from funds appropriated in this title, in accordance with the provisions of the act of March 11, 1941 (Public Law 11): *Provided*, That the total value of articles disposed of under this authority shall not exceed \$4,000,000,000.

Sec. 103. This title may be cited as "Title IV, Military Appropriation Act, 1942."

TITLE II—GENERAL APPROPRIATIONS

INDEPENDENT AGENCIES

TENNESSEE VALLEY AUTHORITY

Tennessee Valley Authority Fund: For an additional amount for the Tennessee Valley Authority fund, fiscal year 1942, for (1) the construction of a hydroelectric project on the French Broad River near Dandridge, Tenn., (2) the purchase or building of transmission facilities needed to connect this project to the existing transmission system of the Authority, and (3) the acquisition of land necessary for and the relocation of highways in connection with the accomplishment of the above project; \$30,000,000, to be available for the administrative objects of expenditure and subject to the conditions specified under this heading in the Independent Offices Appropriations Act, 1942.

DEPARTMENT OF STATE

Transportation, Foreign Service: For an additional amount for Transportation, Foreign Service, fiscal year 1942, including the objects specified under this head in the Department of State Appropriation Act, 1942, \$500,000.

TITLE III—GENERAL PROVISIONS

Sec. 301. No part of any appropriation contained in this act shall be used to pay the salary or wages of any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided*, That for the purposes hereof an affidavit shall be considered prima facie evi-

dence that the person making the affidavit does not advocate, and is not a member of an organization that advocates, the overthrow of the Government of the United States by force or violence: *Provided further*, That any person who advocates, or who is a member of an organization that advocates, the overthrow of the Government of the United States by force or violence and accepts employment the salary or wages for which are paid from any appropriation in this act shall be guilty of a felony and, upon conviction, shall be fined not more than \$1,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penalty clause shall be in addition to, and not in substitution for, any other provisions of existing law.

Sec. 302. This act may be cited as the "Fourth Supplemental National Defense Appropriation Act, 1942."

Mr. MCKELLAR. Mr. President, the bill now under consideration has been reported by the Committee on Appropriations exactly as the House passed it. The House passed the bill providing appropriations in the sum of \$12,556,672,474, and it is composed of three general items. The first is under the heading "War Department, military activities," \$12,525,872,474 for airplanes. That item is for the purpose of carrying out the program with reference to airplanes, and perhaps I cannot better express it than as it was expressed by General Arnold, who gave a very short and succinct account of what is proposed to be done.

The report of the committee states:

The amount included in the bill for the Military Establishment is \$12,525,872,474, which is also the Budget estimate, and is available exclusively for the airplane program, including procurement of airplanes, facilities for production, communications and signaling equipment, armor, armament, and ammunition and other devices for their operation in combat or in training.

It is further stated:

The funds contemplate the procurement of 33,000 completed airplanes, of which 23,000 are tactical—

Or, in other words, are to be used in warfare— and 10,000 are training types.

I now come to the statement of General Arnold in regard thereto:

The estimates before you, amounting to \$12,525,872,474, represent a rounded procurement program of approximately 33,000 airplanes, their armament, equipment, related munitions, and the necessary funds for facilities to permit accomplishment of the program within the time limits desired.

Former airplane procurement programs have authorized numbers in excess of those necessary to implement the second aviation objective or B4-group program. The present airplane program had its inception before December 7, 1941, and was designed to continue without interruption aircraft manufacture at present levels of production. Immediately after December 7, however, the heavy-bomber program was increased to raise production of that type of aircraft to a level of 1,000 per month, and to provide the facilities necessary to accomplish this objective.

While the program in its inception was purely to continue production, and provided aircraft over and above the tactical needs of the Air Force, the declaration of war has caused profound changes in our productive as well as in our tactical objectives. Plans for the expansion of the Air Corps now under study indicate that by the time the aircraft

in this program are delivered, a large portion of these planes will be required to equip tactical units in our air forces. In fact, in some types they may not meet our requirements.

The object of the program is to continue present production levels of aircraft until June 30, 1943, for training airplanes; through December 31, 1943, for tactical airplanes (except heavy bombers); through June 30, 1944, for heavy bombers; and to increase the level of production of heavy bombers to 1,000 per month after June 30, 1944.

The program includes airplanes, and the related spare parts, spare engines, weapons, equipment, and munitions. In order to increase the heavy-bomber production and in order to keep the munitions program in step with the delivery of planes, additional facilities are required for manufacture of airplanes, subassemblies, raw materials, and munitions.

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

Mr. MCKELLAR. Yes. I yield to the Senator from Connecticut.

Mr. DANAHER. I am sure the Senator will be able to help me understand that statement. If he will look at section 101 of the pending bill he will observe, according to lines 9 and 10 on page 1 and line 1 on page 2, that the amounts are to remain available until June 30, 1943. There is no corresponding language in lines 7 to 20, inclusive, on page 2, which include the airplane program to which the Senator has just referred. Will the Senator please reconcile those two statements?

Mr. MCKELLAR. Where is the Senator reading?

Mr. DANAHER. Section 101 starts at the bottom of the first page. Now go over to page 2, lines 7 to 20. There is no corresponding language in lines 7 to 20 making the amounts available through 1943. I have no doubt there is a reasonable explanation for the omission; and, if the Senator will make it, I shall be thankful.

Mr. MCKELLAR. Mr. President, the first paragraph is the key paragraph, and all these things follow it. That is provided for in the language which the Senator finds on pages 1 and 2 of the bill.

Sec. 101. For additional amounts for the Military Establishment, fiscal year 1942, to remain available until June 30, 1943.

That takes in all of them.

Mr. DANAHER. So it covers all the items?

Mr. MCKELLAR. It covers all the items.

Mr. DANAHER. I thank the Senator.
Mr. MCKELLAR. I thank the Senator from Connecticut for calling attention to it.

I continue reading the statement of General Arnold:

This program does not take into consideration, except for heavy bombers, the speed-up in industry which may be obtained by use of the 7-day week and 24-hour day. This speed-up is being carefully studied, and when plans are entirely coordinated, an additional program will be submitted for the number of planes necessary to implement it.

The program is the result of extensive planning and coordination with the Office of Production Management. The program accomplishes the objects sought of maintaining airplane production. It can be accomplished by the industry, and funds are needed immediately in order that industry may be

continued at these levels without a break which, if funds were not now appropriated, would occur sometime in August 1942.

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

Mr. MCKELLAR. In a moment I will yield. The Senate committee were of the opinion, and so were the House committee, and so were the House of Representatives, that bombers were the most important part of our program in this war, and that it was absolutely necessary to continue that program; and this amount has been provided exactly as asked by our Army authorities.

I now yield to the Senator from Maryland.

Mr. TYDINGS. Mr. President, I served on the committee with the Senator from Tennessee, and support what he has just said. What I rose to ask him was about something which was not brought out in the committee. Does the Senator know how much, up to this time, including this sum, we have appropriated for the Army air force during the past 2 years?

Mr. MCKELLAR. I cannot say off-hand.

Mr. TYDINGS. Can the Senator give us an approximation of the amount?

Mr. MCKELLAR. My recollection is that the appropriation last year was about \$5,000,000,000.

Mr. TYDINGS. So that, with this \$9,000,000,000, the total is \$14,000,000,000?

Mr. MCKELLAR. Yes; that is correct.

Mr. TYDINGS. I will not ask the Senator how many planes have been provided.

Mr. MCKELLAR. This particular appropriation provides for 33,000 planes, of which 23,000 will be planes used in warfare.

Mr. TYDINGS. What I was wondering was, how many planes the preceding appropriations would produce.

Mr. MCKELLAR. It is difficult to say. As a matter of fact, I think there was a larger percentage of training planes in the preceding appropriation than is contemplated in this appropriation.

Mr. TYDINGS. As I recall, in the first appropriation a great deal of the money went for training planes, and some of this money will go for that purpose; but as we proceed further with the program, the number of training planes diminishes in proportion to the number of bombers or fighting planes.

Mr. MCKELLAR. That is my understanding.

Mr. TYDINGS. The chart which was before our committee, I believe, showed that to be the case.

Mr. MCKELLAR. Yes.

Mr. President, I do not see how there really can be any difference of opinion about the passage of this bill. It seems to me that probably all the Senators would be willing to vote this amount as requested by the Army. There are only two other items in the bill, and they are comparatively very small. One is an item of \$30,000,000 for a dam known as the Douglas Dam. This is the statement made by our committee on the subject:

Our country is now at war, and, notwithstanding previous opposition to this project,

the committee feel that, inasmuch as the President has again requested the construction of this dam in the name of national defense, it should grant this repeated request of the President.

As we all know, both Houses of Congress have twice turned down, practically unanimously, the building of this dam; and yet, after war was declared, the President asked for it a third time, and out of abundance of caution the committee has reported it.

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

Mr. MCKELLAR. I yield to the Senator from Maryland.

Mr. TYDINGS. Am I correct in my recollection that a portion of the \$9,000,000,000 for the Army Air Corps is to go for plants and machinery necessary for the manufacture of planes?

Mr. MCKELLAR. No; the whole amount.

Mr. TYDINGS. I mean of the \$9,000,000,000.

Mr. MCKELLAR. Not of the \$9,000,000,000.

Mr. TYDINGS. If that sum is to be used to build 33,000 planes, the average cost is less than \$270,000 a plane.

Mr. MCKELLAR. I have not figured it out, but I accept the Senator's figures.

Mr. TYDINGS. While, of course, no one is going to question how much a plane costs, because we need them very badly, it is true that as we go into the mass-production schedule, the cost of individual planes should be materially reduced. As I recall, the cost of a medium bomber sometime ago was about \$125,000, so that if all this money were used for medium or smaller bombers, it would probably build a hundred thousand planes.

Mr. MCKELLAR. In the first place, it will not all be used for bombers, because heavy bombers, as we know—

Mr. TYDINGS. Cost more.

Mr. MCKELLAR. They not only cost more, but they are more desirable in certain aspects of the present contest.

Mr. TYDINGS. My inquiry was not with any idea of being parsimonious, but I believe that in future appropriations we should expect some reduction in the cost of producing standardized planes. After all, if it cost \$300,000 a year ago to build these planes, after the machinery and the plants have been put in motion the cost should be considerably less. My recollection is that the contracts are pretty generally on a set figure, notwithstanding facilities are available to produce the planes with less labor and more speed, but while every one wants to provide for the Army every dollar necessary to produce the planes, it seems to me, looking at an airplane and considering mass production, that \$270,000 is a pretty high unit figure for the production of a big bomber.

Mr. MCKELLAR. The Senator is a member of the committee, and he probably recalls, because he was present during the hearings, that the question he has raised was discussed very freely and very fully with General Arnold, the head of the Air Corps who, let me say, in my judgment, is a very efficient head of the Air Corps.

Mr. TYDINGS. I concur absolutely in that statement.

Mr. McKELLAR. He said every effort would be made to bring down the cost, if it were possible, through mass production.

Mr. TYDINGS. I know that General Arnold will do all he can, and it is my opinion that we can reduce the unit cost of producing the medium and heavy bombers considerably, and thereby put that much less strain on the Treasury, which is already called on to bear a very heavy load.

Mr. McKELLAR. I very much hope that can be done.

The only other item in the bill is the appropriation of \$800,000 for Transportation, Foreign Service. Due to conditions abroad, it has been necessary to transfer many diplomatic and consular employees out of the Axis countries, move families and effects from danger areas, increase the number of employees temporarily detailed to other posts, and make many special trips which could not possibly have been foreseen. At the present time, less than \$17,000 remains in the original appropriation for this purpose for the fiscal year 1942.

We all know this is a perfectly reasonable request, and it seems to me to be an exceedingly modest one.

Unless there are some questions Senators desire to ask, I should be very glad indeed to have a vote on this important bill, which should be passed at the earliest possible moment.

Mr. LA FOLLETTE. Mr. President, I am not a member of the Committee on Appropriations, nor am I a member of the Committee on Military Affairs, so I have never had any opportunity to make a detailed study of the questions involved in the bill now before the Senate. I should like to call attention to the fact that the report of the hearings before the House committee on this \$12,500,000,000 bill, at least, the copies made available to the Members of Congress not on the committee or the subcommittee, covers 62 printed pages, and we do not have any printed testimony as a result of the hearings before the Senate subcommittee.

Mr. McKELLAR. The proceedings were taken down but have not yet been printed.

Mr. LA FOLLETTE. The fact is that we are to pass the bill before the proceedings are printed. I merely wish to say that, so far as I am personally concerned, like every other Member of the Senate, I wish to vote every necessary power for the prosecution and conduct of the war, but I desire to point out that these appropriations are already reaching astronomical figures. There was a controversy this afternoon over a title in the second war-powers bill to give the Federal Reserve banks the right to buy bonds directly from the Treasury. We all know the implications of that measure. The House Ways and Means Committee will soon be in the throes of efforts to formulate a program alleged to have as its objective the extraction of another \$9,000,000,000 of additional taxes from the people of the United States.

Mr. President, I also realize that in time of war it becomes essential for the legislative branch of the Government to surrender many powers to the Executive which it would not under any circumstances consider surrendering or conferring on the Executive in time of peace. I realize that that is necessary in the total modern war in which we are now engaged.

I wish to say, however—and this is not intended in any wise as a criticism of any member of the subcommittee or of the Committee on Appropriations itself—that the only power which the Congress does not have to surrender is its control over the purse strings. However, its control over the purse strings will become nothing but an empty phrase if we appropriate more money than can be expended in the fiscal year, or within any reasonable length of time. If we build up huge backlogs of appropriations, in other words, which, despite the fact that they may be contracted, cannot be expended, we are stripping ourselves of power which we do not need to yield in time of war, and we are placing the legislative branch of the Government in a position where it will not be able to call for an accounting of the expenditure of the funds, or to ascertain, as suggested by the Senator from Maryland, whether the costs have been held within reason, or whether the expenditures have been well made.

In making this statement I wish to make it perfectly clear that I am not reflecting upon the character of anyone in the armed services or anyone connected with the executive branch of the Government who will be charged with the responsibility of the expenditure of these vast, huge sums of money; but I do say that, in my humble opinion, Congress has a share of responsibility in this matter, and it cannot divest itself from the inevitable accounting which the people will demand of their public servants in the conduct of the war and in the cost of the war, simply by saying that this amount of money was asked for by this branch of the Government or that branch of the Government, and we yielded it up after testimony comprised in the 62 pages of the House committee hearing, and, so far as I am aware, there was no greater amount of testimony before the Senate committee, although I have not had the advantage of reading the testimony adduced before the Senate committee.

So, Mr. President, while I shall support the bill, I wish to express the hope that in the future there will be every effort made upon the part of the Appropriations Committee to probe all the facts and to reveal to the Congress and to the country such facts as can be revealed in view of the military exigencies, so that we may feel absolutely certain that, insofar as humanly possible, the Congress has fully discharged its responsibility in connection with the vast expenditures we are making and shall continue to make in the future.

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

Mr. LA FOLLETTE. I yield.

Mr. McKELLAR. In reply to what the Senator has said, I am quite sure that the very able and splendid Senator from Wisconsin, had he been a member of our committee, and especially of the subcommittee, would have come to exactly the same conclusion we did. The records of both the House committee and the Senate committee hearings are very short. I do not think the Senate committee record will be any larger than the House committee record. About nine-tenths, or probably fifteen-sixteenths, of the testimony that was heard was off the record. It was testimony which could not very well be made public at this time.

There was testimony especially with regard to airplanes, and supply and production, and everything of that sort in connection with this particular bill. Those matters were gone over very carefully by the committee with the officers who appeared before the committee, and who very frankly and very fully explained the whole situation to the committee. I am perfectly sure, knowing the Senator from Wisconsin as I know him, that he would have voted exactly as the committee did to report the bill, and the action of the committee was unanimous.

Mr. President, I will say that I went a little further than the Senator has suggested, and I hope what I did will meet the approval of the Senate. I asked General Arnold if he would object to making a report to our committee every 2 weeks, giving the committee full information in respect to what is being done and what is proposed to be done. I believe such information will aid us very materially in dealing with the war requirements. General Arnold very promptly replied that he would do so, and since the hearings were concluded he has called my office to know when these appointments are desired, and as soon as our committee meets we will undertake to give him that information.

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

Mr. McKELLAR. I yield.

Mr. NYE. The Senator has spoken of an understanding relative to a meeting with the committee every 2 weeks. As a member of that committee, I was impressed with the thought that the plan was for a meeting every week.

Mr. McKELLAR. That is true, but not with respect to the airplane activity under General Arnold. In connection with that activity it was proposed that meetings should be held every 2 weeks. But there are other departments in which vast sums are expended, and it is also proposed to have the heads of those departments come before the committee.

Mr. NYE. I did not so understand, but I can see why it would be quite satisfactory to have the meetings once every 2 weeks.

Mr. McKELLAR. The Senator will bear witness, I am sure, to the fact that much of the testimony was not on the record.

Mr. President, I hope the Senate will pass the bill.

The **PRESIDING OFFICER.** The question is on the third reading and passage of the bill.

The bill (H. R. 6448) was ordered to a third reading, read the third time, and passed.

Mr. **BARKLEY.** Mr. President, now that the bill is passed I wish to take occasion to express my personal and official appreciation to the distinguished Senator from Tennessee for the ability, promptness, skill, and consideration with which he has brought this bill before the Senate and secured its prompt passage. It is proof of the fact that the Senator from Tennessee is devoted to the national welfare, and while, of course, in a bill of this size there might arise controversial matters, I congratulate the Senator from Tennessee and express to him my deep appreciation for the statesman-like way in which he has handled every item of this great appropriation. I wanted the **RECORD** to show my appreciation.

Mr. **McKELLAR.** I thank the Senator.

TEMPORARY NATIONAL ECONOMIC
COMMITTEE MONOGRAPHS

Mr. **BARKLEY.** Mr. President, while I am on my feet I wish to place a certain

matter in the **RECORD.** Before I have it inserted in the **RECORD** I wish to make a statement. The Temporary National Economic Committee, of which the Senator from Wyoming [Mr. O'MAHONEY] was the very able chairman, as we all know, held exhaustive hearings and made a report to the Senate of the United States. During the consideration of the matters before the Temporary National Economic Committee there was, of course, under the appropriation of the Senate, a considerable sum of money expended.

The committee went out of existence on the 3d day of April 1941. The chairman of the committee, the Senator from Wyoming, tells me that since the committee was dissolved and made its report, there has not been a day on which he has not received letters of inquiry and requests for the publications which were issued by the committee under the authority of the Senate.

I have before me a list of the various subjects discussed in monographs issued by the committee. There are 44 items involved. I might say that 124,175 copies of these monographs were sold for cash, bringing in to the Treasury \$46,474.

In addition to that, copies of hearings which were conducted by the committee dealing with various subjects, have been sold, 41,401 copies of various parts of the hearings have been sold for cash at a price of \$20,423.95.

So the Temporary National Economic Committee has sold to those interested in the subjects which were inquired of and reported upon by the committee, a total number of publications of 165,576, which have brought in cash to date, that is, as of January 6, 1942, a total sum of \$66,898.15. I think that is a remarkable record of recovery to the Treasury and toward the expenses involved in the investigation, through the sale of documents published and issued by this important committee.

Mr. President, I ask that the list in detail be inserted at this point in the **RECORD** as a part of my remarks. I think the Senate and the country is entitled to the report from the committee showing what it has done in respect to the sale of these documents.

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

Condition of stock of Temporary National Economic Committee monographs as of Jan. 6, 1942

[NOTE: These figures were supplied by the Superintendent of Documents, Government Printing Office]

Monograph	Received	On hand	Sold	Unit price	Unit total
1. Price Behavior and Business Policy	4,751	244	4,507	\$0.45	\$2,028.15
2. Families and Their Life Insurance	4,292	1,037	3,255	.25	806.25
3. Who Pays the Taxes	4,827	1,772	3,055	.10	305.50
4. Concentration and Composition of Individual Incomes, 1918-37	3,350	370	2,980	.15	447.00
5. Industrial Wage Rates, Labor Costs, and Price Policies	2,762	379	2,383	.25	595.75
6. Export Prices and Export Cartels (Webb-Pomeroy Associations)	3,523	1,131	2,392	.35	837.20
7. Measurement of the Social Performance of Business	2,337	983	1,354	.30	406.20
8. Toward More Housing	2,338	228	2,110	.60	1,266.00
9. Taxation of Corporate Enterprises	4,302	1,819	2,483	.35	869.05
10. Industrial Concentration and Tariffs	2,757	220	2,537	.30	761.10
11. Bureaucracy and Trusteeship in Large Corporations	2,228	1,131	1,097	.35	383.95
12. Profits, Production Activities, and New Investments	5,258	2,141	3,117	.60	1,868.20
13. Relative Efficiency of Large, Medium-sized, and Small Business	4,330	1,550	2,780	.15	417.00
14. Hourly Earnings of Employees in Large and Small Enterprises	2,901	898	2,003	.40	801.20
15. Financial Characteristics of American Manufacturing Corporations	4,428	1,078	3,350	.20	670.00
16. Antitrust in Action	4,314	1,367	2,947	.40	1,178.80
17. Problems of Small Business	3,292	10	3,282	.50	1,641.00
18. Trade Association Survey	2,223	382	1,841	.35	644.35
19. Government Purchasing—An Economic Commentary	4,259	1,449	2,810	.35	983.50
20. Taxation, Recovery, and Defense	5,776	2,091	3,685	.40	1,474.00
21. Competition and Monopoly in American Industry	3,266	608	2,658	.35	930.35
22. Technology in Our Economy	5,218	1,855	3,363	.10	336.30
23. Agriculture and the National Economy	3,780	1,029	2,751	1.00	2,751.00
24. Consumer Standards	3,780	1,413	2,367	.30	710.10
25. Recovery Plans	10,340	5,081	5,259	.25	1,314.75
26. Economic Power and Political Pressures	3,254	997	2,257	1.00	2,257.00
27. The Structure of Industry	8,907	1,887	6,420	.50	3,210.00
28. Study of Legal Reserve Life Insurance Companies	3,110	668	2,442	.15	366.30
29. A	2,673	697	1,976	2.00	3,952.00
30. Survey of Shareholdings in 1,710 Corporations With Securities Listed on a National Securities Exchange	2,223	252	1,971	.35	689.85
31. Patents and Free Enterprise	3,275	573	2,697	.25	674.25
32. Economic Standards of Government Price Control	2,190	316	1,874	.65	1,218.70
33. Geographical Differentials in Prices of Building Materials	2,217	769	1,448	.65	951.20
34. Control of Unfair Competitive Practices Through Trade Practices Conference Procedure of the Federal Trade Commission	2,223	153	2,070	.10	207.00
35. Large-Scale Organization in the Food Industry	3,311	464	2,847	.20	569.40
36. Reports of the Federal Trade Commission	2,217	343	1,874	.35	655.90
37. Saving, Investment, and National Income	3,238	877	2,361	.20	472.20
38. A Study of the Construction and Enforcement of the Federal Antitrust Laws	3,225	757	2,468	.15	370.20
39. Control of the Petroleum Industry by Major Oil Companies	5,247	1,504	3,743	.60	2,245.80
39-A	3,000	1,315	1,685	.15	252.75
40. Regulation of Economic Activities in Foreign Countries	2,223	140	2,083	.20	416.60
41. Price Discrimination in Steel	2,207	368	1,839	.10	183.90
42. The Basing Point Problem	2,216	188	2,028	.30	608.40
43. The Motion Picture Industry—A Pattern of Control	5,299	2,380	2,919	.15	437.85
S. Doc. 35, 77th Cong., 1st sess.	4,078	440	3,638	1.00	3,638.00
Total			124,175		46,474.20

1 The following publications are being reprinted: Monograph 12 (with corrections), number ordered, 750; Monograph 18, number ordered, 750; Monograph 40, number ordered, 750.

The following publication has been ordered printed: 500 copies, Index-Digest of Hearings, Monographs and Reports, 1939-41, Temporary National Economic Committee.

Condition of stock of Temporary National Economic Committee hearings as of Jan. 6, 1942

Part	Received	On hand	Sold	Unit price	Unit total
1. Economic Prologue	2,780	425	3,255	\$0.25	\$813.75
2. Patents	1,575	125	1,445	.75	1,083.00
3. Patents	1,034	(0)	1,034	.35	361.90
3. Patents (extract)	6,213	(0)	6,213		50.00
4. Life Insurance	2,039	105	1,843	.50	921.50
5. Monopolistic Practices in Industries, Development of the Beryllium Industry	1,833	37	966	.75	724.50
5-A. Federal Trade Commission Report on Monopolistic Practices in Industries	1,613	0	1,013	.16	151.95
6. Liquor Industry	1,600	157	843	.40	337.20
7. Milk Industry, Poultry Industry	1,070	39	971	.75	728.25
8. Problems of the Consumer	2,000	663	1,152	.25	288.00
9. Savings and Investment	1,042	(0)	1,042	.75	781.50
10. Life Insurance	1,004	52	952	.75	714.00
10-A. Life Insurance	4,602	389	4,213	.35	1,474.55
11. Construction Industry	1,000	453	547	.75	410.25
12. Industrial Insurance	1,000	203	797	.75	597.75
13. Life Insurance	1,127	379	748	.75	561.00
14. Petroleum Industry	1,003	246	757	.75	567.75
14-A. Petroleum Industry	1,039	201	838	.75	628.50
15. Petroleum Industry	1,000	287	713	.75	534.75
15. Petroleum Industry (extract)	405	(0)	405		105.00
15-A. Petroleum Industry	1,000	315	685	.85	582.25
16. Petroleum Industry	1,024	390	701	1.00	701.00
17. Petroleum Industry	1,034	329	675	.65	438.75
17-A. Petroleum Industry	1,600	253	767	.30	230.10
18. Iron and Steel Industry	1,000	267	433	.30	129.90
19. Iron and Steel Industry	1,028	555	473	.35	165.55
20. Iron and Steel Industry	1,012	540	472	.35	165.20
21. War and Prices	1,000	414	586	.65	380.90
22. Investment Banking	1,000	557	403	.50	201.50
23. Investment Banking	1,022	601	421	.65	273.65
24. Investment Banking	720	324	396	.75	297.00
25. Articles	1,020	721	438	1.50	657.00
26. Iron and Steel Industry	1,002	418	384	.65	249.60
27. Iron and Steel Industry	1,024	466	355	.75	266.25
28. Life Insurance	1,078	453	625	1.25	781.25
29. Interstate Trade Barriers	1,059	247	542	.55	298.10
30. Technology and Concentration of Economic Power	1,019	501	518	1.75	907.50
31. Investments, Profits, and Rates of Return for Selected Industries	1,049	540	470	.40	188.00
31-A. Supplemental Data Submitted to the Temporary National Economic Committee	1,019	307	712	.50	356.00
Final report of the executive secretary, Temporary National Economic Committee	3,145	693	2,452	.55	1,348.60
Total			41,401		20,423.85

1 Exhausted.
 Total number of Temporary National Economic Committee publications sold, 165,576.
 Total income from same, to date, \$66,898.15.
 Income since Sept. 25, 1941: Publications sold, 14,576; total revenue, \$5,398.15.

**REGISTRATION OF PROPAGANDISTS—
 CONFERENCE REPORT**

Mr. HUGHES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6269) to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate to the said bill and agree to the same.

JAMES H. HUGHES,
 HARLEY M. KILGORE,
 JOHN A. DANAHY,

Managers on the part of the Senate.

HATTON W. SUMNERS,
 CHARLES F. McLAUGHLIN,
 C. E. HANCOCK,

Managers on the part of the House.

The report was agreed to.

**ATTENDANCE OF ARMY PERSONNEL AS
 STUDENTS AT EDUCATIONAL INSTITU-
 TIONS**

Mr. REYNOLDS. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 1027, Senate bill 2217, which has just been called to my attention by the Senator from Missouri. I took the liberty of speaking to him with regard to the matter, and he said that he would be very glad to accommodate us by permitting the bill to be brought to the attention of Members of this body.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The CHIEF CLERK. A bill (S. 2217) to authorize the attendance of personnel of the Army of the United States as students at educational institutions and other places.

Mr. REYNOLDS. Mr. President, the bill would permit the commanding officers of the various divisions of the armed forces to detail a certain percentage of enlisted men and officers to attend private schools for instruction, in view of the fact that the facilities in the Army schools and camps are not sufficient. The Senator from West Virginia [Mr. KILGORE], who was designated by the committee to report the bill, is present.

Mr. KILGORE. Mr. President, the present act permits officers and enlisted men from the Regular Army to be detailed for attendance as students at private educational institutions. The bill would increase the percentage from all components of the Army, and permit selectees to go along with the Regular Army enlisted personnel for technical training for short periods of time in various colleges throughout the United States.

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

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

Be it enacted, etc., That during the present war and notwithstanding other provisions of

existing law, personnel of all components of the Army of the United States may be detailed as students at technical, professional, and other educational institutions, or as students, observers, or investigators at industrial plants, hospitals, and other places, with the restriction that not to exceed 2 percent of the officers and 3 percent of the enlisted men of the Army may be detailed to this duty at any one time, but otherwise under the same conditions as are now or may hereafter be prescribed by law for personnel of the Regular Army.

**AMORTIZATION OF CERTAIN FACILI-
 TIES UNDER THE INTERNAL REVENUE
 CODE**

Mr. BARKLEY. I move that the Senate proceed to the consideration of Calendar 1025, House Joint Resolution 257, dealing with the question of an amendment to section 124 of the Internal Revenue Code, on the subject of amortization. I have no intention of proceeding with consideration of the joint resolution this afternoon, but I wish to have it made the unfinished business so that the Senate may proceed with it tomorrow.

Mr. McNARY. Mr. President, I have no objection to that procedure. Am I to assume that that will be the only business for tomorrow?

Mr. BARKLEY. No; the Senator from Montana [Mr. WHEELER] desires to take up a gas bill which is on the calendar and which has been reported from the Committee on Interstate Commerce. There will be perhaps one or two other measures of a routine character tomorrow. I hope that when we have disposed of the business for tomorrow the Senate may adjourn until Monday.

The **PRESIDING OFFICER**. The joint resolution will be stated by title for the information of the Senate.

The **CHIEF CLERK**. A joint resolution (H. J. Res. 257) to amend section 124 of the Internal Revenue Code to simplify the procedure in connection with amortization of certain facilities.

The **PRESIDING OFFICER**. The question is on the motion of the Senator from Kentucky.

The motion was agreed to; and the Senate proceeded to consider the joint resolution.

EXECUTIVE SESSION

Mr. **BARKLEY**. I move that the Senate proceed to the consideration of executive business.

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

EXECUTIVE MESSAGES REFERRED

The **PRESIDING OFFICER** (Mr. **BUNKER** in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

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

EXECUTIVE REPORTS OF A COMMITTEE

Mr. **REYNOLDS**, from the Committee on Military Affairs, reported favorably the nominations of several officers for temporary appointment as brigadier generals in the Army of the United States, under the provisions of law.

The **PRESIDING OFFICER**. If there be no further reports of committees, the clerk will state the nominations on the calendar.

SECURITIES AND EXCHANGE COMMISSION

The legislative clerk read the nomination of Robert H. O'Brien to be a member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1945.

The **PRESIDING OFFICER**. Without objection, the nomination is confirmed.

NOMINATIONS IN ARMY PERSONNEL IN THE PHILIPPINES

Mr. **REYNOLDS**. Mr. President, at this time I report favorably sundry nominations from the Military Affairs Committee relating to officers in the Philippines at the present time. A number of colonels, majors, and lieutenant colonels have been recommended for promotion to the rank of brigadier general. These nominations have been passed upon by the subcommittee of which the Senator from Kentucky (Mr. **CHANDLER**) is chairman. That subcommittee has charge of all nominations. In view of the fact that these men are now in the Philippines and are now fighting, I ask unanimous consent for the present consideration of the nominations.

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

Mr. **McNARY**. Mr. President, I think the nominations should go to the calendar and be taken up tomorrow.

The **PRESIDING OFFICER**. The nominations will be placed on the calendar.

Mr. **CHANDLER**. Mr. President, I should like to add to the statement made by the chairman of the Military Affairs Committee that these men are now serving actively on the Bataan Peninsula, directly under the command of General MacArthur. All the people of the United States have rejoiced in the magnificent showing which General MacArthur and his men are making. I do not know whether the promotions will mean anything. Some of the men may be dead before they are notified, or may never have the advantage of the rank proposed to be conferred upon them. I wish the able Senator from Oregon would not object, because the promotions are meritorious. General MacArthur has asked that the men be promoted because of their service to the people of the country. I wish the Senator from Oregon would not object.

Mr. **McNARY**. Mr. President, I have nothing but commendation for the glorious work being done by General MacArthur and those under him; but frequently requests are made toward the close of the day to rush through nominations. There is no particular hurry. A matter of 24 hours would not make any difference. For that reason I think the nominations should go to the calendar.

Mr. **CHANDLER**. Mr. President, while any Senator has a right to object, there is no disposition on the part of the Military Affairs Committee or its chairman, or the Senator from Kentucky, to take advantage of the late hour to rush anything through the Senate. We took hurried action on the nominations because we were requested to do so. So far as we are concerned, we have done the best we could to have the matter speedily handled.

Mr. **McNARY**. I appreciate that. The lateness of the hour is due to the fact that that is when we take up for consideration the Executive Calendar.

Mr. **CHANDLER**. I have nothing to do with the lateness of the hour.

Mr. **McNARY**. Mr. President, I am not basing my objection on any personal grounds. I simply object.

Mr. **CHANDLER**. The Senator has a right to object.

Mr. **McNARY**. I certainly have.

Mr. **CHANDLER**. I still have the floor, and I still have the right to discuss the matter. At some time in the future I shall have the right to object. If it is the disposition of Senators to object to a proposal which it seems ought not to be objected to at this time, objection can be made by more than one Senator.

Mr. **McNARY**. Mr. President, I have heard the same statement before.

The **PRESIDING OFFICER**. Objection is heard. The nominations will be placed on the calendar.

The clerk will state the next nomination on the calendar.

NATIONAL MEDIATION BOARD

The legislative clerk read the nomination of George A. Cook to be a member of the National Mediation Board for the term expiring February 1, 1945.

The **PRESIDING OFFICER**. Without objection, the nomination is confirmed.

UNITED STATES PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Clovis E. Martin to be passed assistant dental surgeon, to rank from February 13, 1942.

The **PRESIDING OFFICER**. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. **McKELLAR**. I ask that the nominations of postmasters be confirmed en bloc and that the President be immediately notified.

The **PRESIDING OFFICER**. Without objection, the nominations are confirmed en bloc, and the President will be notified forthwith.

THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

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

THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

The **PRESIDING OFFICER**. Without objection, the nominations in the Marine Corps are confirmed en bloc.

Mr. **BARKLEY**. I ask that the President be immediately notified of all confirmations today.

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

RECESS

Mr. **BARKLEY**. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 38 minutes p. m.) the Senate took a recess until tomorrow, Thursday, January 29, 1942, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received January 28 (legislative day of January 23), 1942:

DIPLOMATIC SERVICE

Patrick J. Hurley, of Oklahoma, to be Envoy Extraordinary and Minister Plenipotentiary of the United States of America to New Zealand.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE BRIGADIER GENERAL

Col. Hugh John Casey (major, Corps of Engineers), Army of the United States.

Col. Clinton Albert Pierce (lieutenant colonel, Cavalry), Army of the United States.

Col. Arnold John Funk (lieutenant colonel, Infantry), Army of the United States.

Col. William Frederic Marquat (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Harold Huston George (lieutenant colonel, Air Corps), Air Corps.

Col. Carl Herndon Seals, Adjutant General's Department.

APPOINTMENT, BY TRANSFER, IN THE REGULAR ARMY OF THE UNITED STATES
TO QUARTERMASTER CORPS

Lt. Col. Charles Royal Lehner, Field Artillery (temporary colonel, Army of the United States), with rank from July 1, 1940.

PROMOTIONS IN THE REGULAR ARMY OF THE UNITED STATES

To be colonel with rank from January 11, 1942

Lt. Col. William Henry Wahmsley Youngs, Cavalry (temporary colonel, Army of the United States).

To be lieutenant colonels with rank from February 4, 1942

Maj. Newton Longfellow, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Lloyd Barnett, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps), subject to examination required by law.

Maj. John Arthur Laird, Jr., Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Charles William Steinmetz, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. John Myrddin Davies, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. William Norris White, Field Artillery (temporary lieutenant colonel, Army of the United States).

Maj. Walter Thomas Meyer, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Wendell Brown McCoy, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. James Edward Duke, Jr., Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Martinus Stenseth, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Rex Kirkland Stoner, Air Corps.

Maj. James Bernard Carroll, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Thomas Lounie Gilbert, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. James Douglas Givens, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Oliver Williams DeGruchy, Finance Department (temporary lieutenant colonel, Army of the United States).

Maj. Harold DeLancey Stetson, Quartermaster Corps.

Maj. William Cushman Farnum, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. William Turnbull, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Joseph Williams Benson, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Frederick Dan Lynch, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. James Atwater Woodruff, Air Corps (temporary lieutenant colonel, Army of the United States; temporary lieutenant colonel, Air Corps).

Maj. Robert Wallace Burke, Infantry (temporary lieutenant colonel, Army of the United States).

To be lieutenant colonel with rank from February 12, 1942

Maj. Lester James Maitland, Air Corps. To be lieutenant colonel with rank from February 15, 1942

Maj. John Andrews MacLaughlin, Chemical Warfare Service (temporary lieutenant colonel, Army of the United States).

MEDICAL CORPS

To be major

Capt. Matthew Corell Pugsley, Medical Corps (temporary major, Army of the United States), with rank from February 6, 1942.

To be captains

First Lt. John Randolph Hall, Jr., Medical Corps (temporary captain, Army of the United States), with rank from February 11, 1942.

First Lt. Lucie Ernest Gatto, Medical Corps (temporary captain, Army of the United States), with rank from February 12, 1942.

First Lt. David Harry Nalmark, Medical Corps (temporary captain, Army of the United States), with rank from February 14, 1942.

First Lt. Jerome Dudley Textor, Medical Corps (temporary captain, Army of the United States), with rank from February 24, 1942, subject to examination required by law.

First Lt. William Leroy Vogt, Medical Corps (temporary captain, Army of the United States), with rank from February 24, 1942.

First Lt. Robert H. Looney, Jr., Medical Corps (temporary captain, Army of the United States), with rank from February 24, 1942.

DENTAL CORPS

To be colonels

Lt. Col. Lee Stanley Fountain, Dental Corps, with rank from February 23, 1942.

Lt. Col. John Lloyd Schock, Dental Corps (temporary colonel, Army of the United States), with rank from February 24, 1942.

Lt. Col. Charles Walter Lewis, Dental Corps, with rank from February 25, 1942, subject to examination required by law.

To be captain

First Lt. George Henry Parrot, Jr., Dental Corps (temporary captain, Army of the United States), with rank from February 23, 1942.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Brig. Gen. Thomas Matthews Robins (colonel, Corps of Engineers), Assistant to the Chief of Engineers.

Brig. Gen. Brehon Burke Somervell (lieutenant colonel, Corps of Engineers), Army of the United States.

Brig. Gen. Carl Spaatz (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Assistant to the Chief of the Air Corps.

Brig. Gen. Sherman Miles, United States Army.

TO BE BRIGADIER GENERAL

Col. David McCoach, Jr., Corps of Engineers.

Col. James Arthur Code, Jr. (lieutenant colonel, Signal Corps), Army of the United States.

Col. Roger Baldwin Colton, Signal Corps. Col. Robert McGowan Littlejohn (lieutenant colonel, Quartermaster Corps), Army of the United States.

Col. Henry Spies Aurand (lieutenant colonel, Ordnance Department), Army of the United States.

Col. Hugh Chapman Minton (lieutenant colonel, Ordnance Department), Army of the United States.

Col. Alexander Wilson, Chemical Warfare Service.

Col. Paul Xavier English (lieutenant colonel, Chemical Warfare Service), Army of the United States.

Col. Charles Clark Hillman, Medical Corps. Col. Frederick William Browne, Finance Department.

Col. Halg Shekerjian, Chemical Warfare Service.

Col. Isaac Spalding (lieutenant colonel, Field Artillery), Army of the United States. Col. Leven Cooper Allen (lieutenant colonel, Infantry), Army of the United States.

Col. Edwin Colyer McNeill, Judge Advocate General's Department.

CONFIRMATIONS

Executive nominations confirmed by the Senate January 28 (legislative day of January 23), 1942:

SECURITIES AND EXCHANGE COMMISSION

Robert H. O'Brien to be a member of the Securities and Exchange Commission.

NATIONAL MEDIATION BOARD

George A. Cook to be a member of the National Mediation Board.

UNITED STATES PUBLIC HEALTH SERVICE

Claude E. Martin to be a passed assistant dental surgeon, to rank from February 13, 1942.

POSTMASTERS

MINNESOTA

Mathew T. Huss, Fairmont.
Amelia M. Eddy, Orr.
Mike J. Leonard, Plainview.
Maurice A. Marchand, Rice.
Evelyn A. Swenson, Warren.

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE BRIGADIER GENERALS

Earl Larue Nalden
Philip Ries Faymonville
Arthur Riehl Wilson
Patrick Jay Hurley

TO BE A MAJOR GENERAL

Julian Francis Barnes

PROMOTIONS IN THE NAVY

MARINE CORPS

To be a lieutenant colonel

William L. McKittrick

To be a major

Robert B. Luckey

To be captains

Malcolm O. Donohoo
Ellsworth G. Van Orman

To be second lieutenants

Elbert S. Maloney, Jr.
Harold "K" Throneson
Quintin A. Bradley

HOUSE OF REPRESENTATIVES

WEDNESDAY, JANUARY 28, 1942

The House met at 12 o'clock noon. The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Lord of life and King of glory, we thank Thee for Thy guidance and strength when our own wisdom and understanding fail. How wonderfully Thou hast led us as a people; in war and in pestilence, in loss and in panic Thou hast saved and blest us. When the darkness clouded Thee and Thy hand seemed heavy, in Thy providence Thou didst

temper the storm and didst bring us into the harbor of unity and security.

We praised Thee for the men of old who dreamed dreams and saw visions and cast their light far into the future to lead us on to grander and larger achievements, that our country might go forward with a safe and unfaltering step. Our Father in heaven, grant that we may see eye to eye and stand shoulder to shoulder and with singleness of heart and purpose forge out of the assaults of evil the shield and breastplate of national brotherhood. We pray Thee to lead us to surrender all dreams of appetite and greed that the purple dawn of everlasting day shall not break upon us in vain. While kindled with a sublime and mighty enthusiasm, do Thou continue to inspire us that we may fulfill our destiny without haste and without pause. In the name of our Saviour and our Elder Brother. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5990) entitled "An act to further the national defense and security by checking speculative and excessive price rises, price dislocations, and inflationary tendencies, and for other purposes."

SELECT COMMITTEE TO INVESTIGATE AIR ACCIDENTS

Mr. COCHRAN. Mr. Speaker, by direction of the Committee on Accounts, I submit a privileged resolution (H. Res. 422), and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That further expenses of conducting the investigation and study authorized by House Resolution 125 of the Seventy-seventh Congress, first session, and continued by House Resolution 403 of the Seventy-seventh Congress, second session, incurred by the Select Committee to Investigate Air Accidents, acting as a whole or by subcommittee, not to exceed an additional \$10,000, including expenditures for the employment of clerical, stenographic, and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee or subcommittee thereof conducting such investigation and study or any part thereof, signed by the chairman of the committee and approved by the Committee on Accounts.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a short newspaper article on the price-control bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PVT. ROBERT H. BROOKS, NEGRO SOLDIER, FIRST AMERICAN TO FALL IN PHILIPPINES DECEMBER 8

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to address the House

for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

[Mr. MITCHELL addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. WILSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the Record and include therein an editorial written by Mr. M. E. Garber, editor of the Madison Courier, on the Roberts report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. JONES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. JONES]?

There was no objection.

[Mr. JONES addressed the House. His remarks appear in the Appendix.]

EXTENSION OF REMARKS

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a speech I delivered in Milwaukee.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin [Mr. THILL]?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?

There was no objection.

[Mr. CELLER addressed the House. His remarks appear in the Appendix.]

THE FEDERAL COMMUNICATIONS COMMISSION

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. Cox]?

There was no objection.

Mr. COX. Mr. Speaker, Mr. Fly, of the Communications Commission is using a good law to a bad end. He is guilty of a monstrous abuse of power and is rapidly becoming the most dangerous man in the Government. He maintains an active and ambitious Gestapo and is putting shackles on the freedom of thought, press, and speech without restraint.

In the pretended regulation of the broadcasters, which needs regulating, he is breaking down those freedoms which guard all others. He is taking advantage of the stress of the moment to federalize all means of communication.

I have heretofore opposed the investigation of executive departments of the Government, but the Communications Commission, as now operating under Mr. Fly, must be stopped, and I intend offering a resolution for House investigation.

TRANSFER OF ADMINISTRATION OF NAVAL SUPPLY DEPOT TO COMMANDANT, TWELFTH NAVAL DISTRICT

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2028) to amend section 3 (a) of the act entitled "An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes," approved June 2, 1939 (53 Stat. 800), so as to transfer the administration of the Naval Supply Depot, Oakland, to the commandant, twelfth naval district.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Georgia explain just what this bill does?

Mr. VINSON of Georgia. Mr. Speaker, under the law the commandant of the Mare Island Navy Yard has jurisdiction of what is known as the supply depot at Oakland, Calif. This transfers that to the commandant of the twelfth naval district. That is all it does.

Mr. MARTIN of Massachusetts. He is in better position to exercise authority?

Mr. VINSON of Georgia. He is in a better position, because a navy yard is a different operation from a supply depot.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. VINSON]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 3 (a) of the act entitled "An act to authorize the Secretary of the Navy to proceed with the construction of certain public works, and for other purposes," approved June 2, 1939 (53 Stat. 800), is hereby amended by striking out the first proviso and inserting in lieu thereof the following: "Provided, That such land shall be used only as a naval supply depot and for no other purpose, and such depot shall be a part of the Naval Operating Base, San Francisco, and shall be so administered by the commandant, twelfth naval district."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF CERTAIN LANDS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1133) to authorize the transfer of lands from the United States to the Maryland-National Capital Park and Planning Commission under certain conditions, and to accept title to another tract to be transferred to the United States.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. VINSON of Georgia. Mr. Speaker, the purpose of this bill is to permit the Secretary of the Navy to transfer to the Maryland-National Capital Park and Planning Commission about 18 acres of land the Navy does not need out here in the Bethesda neighborhood, where the

naval hospital has been constructed. In lieu thereof, the Maryland highway authority will transfer to the Government a road that runs through the property on which the naval hospital has been built.

Mr. MARTIN of Massachusetts. For what will they use this land?

Mr. VINSON of Georgia. This land the Government is transferring will be used by the Maryland-National Capital Park and Planning Commission as a continuation of the Rock Creek Park system. It is between Chevy Chase, Md., and Kensington, Md.

Mr. MARTIN of Massachusetts. When the Navy acquired this property, how much did it pay for it?

Mr. VINSON of Georgia. I forget, but I think it was, as in the case of all land purchased around here, a very large price. However, I do not recall.

Mr. MARTIN of Massachusetts. What did the Navy purchase it for?

Mr. VINSON of Georgia. They purchased it for constructing a naval hospital and medical center. It is beyond the town of Bethesda in Montgomery County, Md.

Mr. MARTIN of Massachusetts. Will they ever have occasion to use this land for that purpose?

Mr. VINSON of Georgia. They will never have occasion to use it for that purpose, because they have some 200 acres, and this is one end of it that is on the continuation of Connecticut Avenue that runs out to Kensington.

Mr. MARTIN of Massachusetts. For this very valuable land we get a road?

Mr. VINSON of Georgia. That is all. A road runs through this property which the Government has bought. We will take that road and give them this property.

Mr. MARTIN of Massachusetts. And relieve the State of paying the upkeep of that road, I presume.

Mr. VINSON of Georgia. I imagine we will keep up our own road or do away with the road.

Mr. MARTIN of Massachusetts. Is the Department in favor of this bill?

Mr. VINSON of Georgia. Yes. This was a Department request and the bill is recommended by the Budget.

Mr. DITTER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. I yield to the gentleman from Pennsylvania.

Mr. DITTER. Is the gentleman prepared to say that we are getting value from the State of Maryland for the joint conveyances that are being made?

Mr. VINSON of Georgia. I would say that the land we are giving is probably worth more in dollars and cents than the roadway and its right-of-way, but it is a part of the planning program and the public will have the benefit of it as a continuation of the Rock Creek Park system.

Mr. DITTER. The point I am making is that this results in the purchase of too much land by the Navy.

Mr. VINSON of Georgia. That is probably true.

Mr. DITTER. And the expenditure of a greater sum than should have been required?

Mr. VINSON of Georgia. That is right.

Mr. DITTER. By way of compensation, we are now going to be bountiful to the State of Maryland and give them something for which we are not getting a return of equal value.

Mr. VINSON of Georgia. I would say that as far as dollars and cents are concerned the land we are transferring is worth more than the road and the right-of-way.

Mr. MARTIN of Massachusetts. What is the urgency of this legislation?

Mr. VINSON of Georgia. The urgency is that the Maryland-National Capital Parks and Planning Commission wants to carry on their work out there.

If there is any objection, let somebody object, because it does not make any difference to me.

The SPEAKER. The Chair recognized the gentleman from Georgia on the theory that the bill would pass by unanimous consent and there would be no controversy about it.

Does the gentleman from Georgia wish to withdraw the bill?

Mr. VINSON of Georgia. I withdraw the bill, Mr. Speaker.

SALVAGE FACILITIES FOR THE NAVY

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6256) to amend the act approved October 24, 1941, entitled "An act to authorize the Secretary of the Navy to provide salvage facilities, and for other purposes"—Public Law Numbered 280, Seventy-seventh Congress—so as to remove the limitation on the sum authorized to be appropriated annually to effectuate the purposes of the act.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of the act approved October 24, 1941, entitled "An act to authorize the Secretary of the Navy to provide salvage facilities, and for other purposes" (Public Law No. 280, 77th Cong.), be, and the same is hereby, amended to read as follows:

"Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such funds as may be necessary to effectuate the purposes of this act."

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, will the gentleman explain the bill?

Mr. VINSON of Georgia. Mr. Speaker, the purpose of this bill is to remove the limitation of \$3,000,000 which may be appropriated for salvage work. Under a bill we passed in October, a limitation of \$3,000,000 was placed on salvage work. Since an enormous amount of salvage work will have to be done at Pearl Harbor, the Navy Department requests that no limitation be imposed, but that it be left to the Committee on Appropriations as to how much shall be appropriated.

Mr. RICH. Reserving the right to object, Mr. Speaker, will the Navy go ahead and do this work until the Committee on

Appropriations appropriates the money for that purpose?

Mr. VINSON of Georgia. I do not know that they will do any of this work, but I presume the Committee on Appropriations will handle the matter immediately inasmuch as the salvage work must go forward. The limit now is \$3,000,000.

Mr. RICH. If this bill is passed, can they go ahead without any limit?

Mr. VINSON of Georgia. Yes.

Mr. RICH. Action must first be taken by the Committee on Appropriations.

Mr. HOFFMAN. Reserving the right to object, Mr. Speaker, I notice the gentleman has several bills in his hand. I assume he is going to ask unanimous consent for the consideration of all of them?

Mr. VINSON of Georgia. I am.

Mr. HOFFMAN. Is there anything in any of them that will grant any annuity or added compensation to any Congressman or Senator?

Mr. VINSON of Georgia. No.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADVANCEMENT ON THE RETIRED LIST OF CERTAIN OFFICERS OF THE NAVY AND MARINE CORPS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 1630) to provide for the advancement on the retired list of certain officers of the United States Navy and Marine Corps.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That all officers of the Navy and Marine Corps, retired prior to June 23, 1938, and all staff officers of the Navy who have been or shall be retired on or subsequent to that date, who have been specially commended for their performance of duty in actual combat by the head of the executive department under whose jurisdiction such duty was performed, and who have not been advanced on the retired list under any other provision of law, shall be advanced on the retired list to the rank of the next higher grade with three-fourths of the active-duty pay of the grade in which serving at the time of retirement: *Provided,* That no increased retired pay shall be held to accrue to any such officer prior to the date of approval of this act.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman explain the purpose of the bill?

Mr. VINSON of Georgia. Mr. Speaker, the purpose of this bill is to extend to 18 officers of the Navy and 21 officers of the Marine Corps the privilege of retiring when they do retire with one rank higher than that which they now hold, due to the fact they have been commended or cited for service in combat with the enemy. Under the act of June 23, 1938, every officer from that time on who is commended by an executive head is

entitled to retire at one rank higher. These 18 officers of the Navy and 21 officers of the Marine Corps were commended prior to the enactment of the law. This is all that the measure does, and it is nothing more than right.

Mr. RICH. Reserving the right to object, Mr. Speaker, the gentleman's committee has given consideration to this bill?

Mr. VINSON of Georgia. The committee has; yes.

Mr. RICH. And you are going to grant these officers compensation that is higher than they would receive if they retired with the rank they now hold?

Mr. VINSON of Georgia. No; it is simply a matter of rank.

Mr. RICH. They will receive the higher pay.

Mr. VINSON of Georgia. No; because all the pay is based on longevity. Pay is not based on rank but the length of service, and these 18 men were commended for outstanding service before the law went into effect. The rule applies to everybody from June 28, 1938, down to date, but these 18 men were commended before the enactment of the law, and we are simply doing for them what we are doing for others from now on.

Mr. RICH. And it will not cost the taxpayers any more money?

Mr. VINSON of Georgia. I hope it will not.

Mr. RICH. If it does, I shall object, because I think we have gone too far in granting compensation to certain men, and especially Members of Congress, as well as other people in this country, and I shall object—

Mr. VINSON of Georgia. It will cost annually \$1,463.75.

Mr. RICH. Then I object. You cannot go on further, you have got to stop somewhere.

The SPEAKER. Objection is heard.

AMENDMENT OF THE SPEED-UP LAW

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 6355) to amend the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940.

The Clerk read the title of the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 12 of the act entitled "An act to expedite national defense, and for other purposes," approved June 28, 1940 (54 Stat. 681), as amended, is amended by striking out, in line 2 the date "June 30, 1942", and inserting in lieu thereof the date "June 30, 1944", so that the section shall read as follows:

"Sec. 12. The provisions of all preceding sections of this act, as heretofore or hereafter amended or modified, shall terminate June 30, 1944, unless the Congress shall otherwise provide."

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentleman from Georgia explain this bill?

Mr. VINSON of Georgia. Mr. Speaker, under the language of what is known as the speed-up law, the act expires 2 years from its date, which was June 1942. The purpose of this bill is to extend the speed-up law from June 1942 to June 1944.

Mr. MARTIN of Massachusetts. For the information of the House, what is the speed-up law?

Mr. VINSON of Georgia. The speed-up law was enacted to permit negotiated contracts and permit the Navy to do certain things for the rapid development of its national defense program. This bill merely extends the life of the restrictions we put on that measure.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADVANCEMENT ON RETIRED LIST OF CERTAIN OFFICERS OF THE UNITED STATES NAVY AND MARINE CORPS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (S. 2139) to provide for performance of the duties of chiefs of bureau and the Judge Advocate General in the Navy Department, and the Major General Commandant of the Marine Corps, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That during the absence, disability, or a temporary vacancy in the office of the chief of any bureau of the Navy Department or the Judge Advocate General of the Navy, when the assistant to such chief of bureau or the Judge Advocate General is absent or disabled, the heads of the major divisions of such bureau or office shall, unless otherwise directed by the President, perform the duties of the chief of bureau or the Judge Advocate General, in such order as the Secretary of the Navy may direct.

Sec. 2. A line officer on the active list of the Marine Corps may be detached as assistant to the Major General Commandant of the Marine Corps and shall, while so serving, receive the highest pay of his rank. Such assistant to the Major General Commandant, and then the line officers of the Marine Corps on duty at the headquarters of the Marine Corps in the order of seniority, shall, unless otherwise directed by the President, perform the duties of the Major General Commandant during his absence, disability, or in the event of a temporary vacancy in that office.

Mr. VINSON of Georgia. Mr. Speaker, under the law today the head of the bureau and his assistant are permitted to sign official documents. If he is away, then they are signed by the Chief Clerk. This permits an officer, for instance, in the third rank to sign the papers. The bill is very important.

Mr. MARTIN of Massachusetts. I have no objection, Mr. Speaker.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROHIBITING PAYMENT OF CERTAIN ALLOWANCES TO RETIRED OFFICERS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1589) to prohibit payment of money allowance for subsistence and rental to retired officers of the Navy or Marine Corps for any period when not employed on active duty, which I send to the desk.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter money allowances for subsistence and rental shall not accrue to any officer of the Navy or Marine Corps on the retired list for any period during which any such officer is not employed on active duty.

Sec. 2. All laws and parts of laws, insofar as they are in conflict with the provisions of this act, are hereby repealed.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. Will the gentleman explain the bill?

Mr. VINSON of Georgia. Mr. Speaker, and I particularly invite the attention of the gentleman from Pennsylvania (Mr. RICH) to this, this bill is in the interest of economy. There are six officers who, on account of the wording of the law, are entitled, when on retired pay, to draw pay and allowances and pay emoluments. We are taking that away from them.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection.

Mr. RICH. That might be a good thing to do.

Mr. SABATH. Mr. Speaker, I reserve the right to object. I did not hear just what the gentleman said.

Mr. VINSON of Georgia. I stated that under the law today, due to certain wording, six retired officers are permitted to draw subsistence and allowance, and pay emoluments and this is taking that away from them and putting them in the same category with retired officers from now on, who are not permitted to draw this pay.

Mr. SABATH. But this bill applies only to six, and we have a hundred or more of them.

Mr. VINSON of Georgia. Oh, no; we have not. It applies only to six and that is all there are.

Mr. SABATH. But we have many others who are drawing high compensation.

Mr. VINSON of Georgia. That is a different thing.

Mr. SABATH. Men who have accepted positions with large corporations, and who are receiving from \$25,000 to \$50,000 a year. They should be taken off the pay roll also.

Mr. VINSON of Georgia. But that is an entirely different matter. This is for the rent of his house. The matter that the gentleman is talking about is a different thing.

Mr. SABATH. I think they should be taken off the list.

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

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

OVERTIME PAY FOR CERTAIN EMPLOYEES, NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2112) authorizing overtime pay for certain employees for the National Advisory Committee for Aeronautics, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That compensation for employment in excess of 40 hours in any administrative workweek computed at a rate of one and one-half times the regular rate is hereby authorized to be paid, under such regulations as the President may prescribe, to those employees in the field service of the National Advisory Committee for Aeronautics

whose overtime services are essential to the national defense program and whose duties are determined by the President to be comparable to the duties of those employees of the War Department, the Navy Department, and the Coast Guard, for whom overtime compensation is authorized under existing law and regulations: *Provided*, That in determining the overtime compensation of per annum employees the base pay for 1 day shall be considered to be one three-hundred-and-sixtieth of the respective per annum salaries.

Sec. 2. The provisions of this act shall be effective during the national emergency declared by the President on September 8, 1939, to exist, and shall terminate June 30, 1943, unless the Congress shall otherwise provide.

The SPEAKER. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. What does this bill do?

Mr. VINSON of Georgia. Under the law today what is known in the Navy service as field employees—architects, engineers, who are engaged in work outside of the District of Columbia—are permitted to draw pay and a half overtime. This bill extends the same privilege to that group of about 125 very highly skilled men who are connected with the National Advisory Committee in the testing work down here at Langley Field. The representatives of Langley Field said that, on account of the high compensation being paid by industry, their skilled men, who work in making their laboratory tests, are being drawn away from them and going to industry, and the result will be that that great laboratory work that is being carried on by this high scientific force in the development of aviation will materially suffer as they lose their personnel because they cannot meet the condition of industry. That is the whole bill.

Mr. DITTER. Mr. Speaker, will the gentleman yield?

Mr. VINSON of Georgia. Yes.

Mr. DITTER. The gentleman is aware there are certain differences with respect to men connected with the Naval Establishment, by which certain ones have privileges of overtime.

Mr. VINSON of Georgia. Yes.

Mr. DITTER. And time and a half, and others do not.

Mr. VINSON of Georgia. That is correct.

Mr. DITTER. Rather than just legislate for this group connected with Langley Field, might it not be better for the Naval Affairs Committee to go into this problem as a whole in respect to these technical employees, many of whom are connected with the Bureau right here in Washington, and see whether we cannot work out an equitable program which would apply to all?

Mr. VINSON of Georgia. May I say to the gentleman from Pennsylvania that when this subject matter was first broached in the committee I stated that I am very much opposed to paying to any Government worker who has a permanent job, together with sick leave and a vacation period, time and a half overtime, because the principle of time and a half overtime is to be applied to a person who labors and not to one who may be engaged in what is known as white-collar work. However, we were confronted there, just as we are confronted here, with the fact that industry is taking away

these skilled people on account of the fact that they are paying higher wages, and we must meet the competition and lessen the evil of time and a half to a limited number of places.

Mr. DITTER. If the gentleman will yield further, the very point that the gentleman now emphasizes is the reason for the suggestion that I make. There are men of the same type identified particularly with the Bureau of Yards and Docks who today are giving the type of service that private enterprise might be glad to get. Yet those men in the Bureau here are discriminated against if this inequitable—and I charge it as inequitable—program of compensation prevails. It seems to me we ought to establish a standard of equity to all.

Mr. VINSON of Georgia. That may be, but I certainly hope the gentleman from Pennsylvania will not insist on establishing as a uniform rule that all Government clerks who work over a certain number of hours shall get time and a half overtime.

Mr. DITTER. Such a suggestion was not included in the statement I made.

Mr. VINSON of Georgia. That is where it leads to. We are trying to hold it down. There are certain people, such as architects, who may have to have time and a half overtime because no one can step in and take up where his mind has left off. Therefore, he should have time and a half overtime. But certainly no clerk or stenographer, who can stop at any time, should be put on a time-and-a-half overtime basis. If the gentleman is going to object, I trust he will do so immediately, because the Speaker will not permit any further interruption of the day's calendar.

Mr. DITTER. I will not object, but I certainly hope the gentleman will use his influence and endeavor to have technical workers in the Bureau placed on the same basis.

Mr. VINSON of Georgia. I will say to the gentleman that I will give it proper consideration.

The SPEAKER. Is there objection?

Mr. HOFFMAN. Mr. Speaker, I object.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to withdraw the bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

SESSION OF THE COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

Mr. LANHAM. Mr. Speaker, I ask unanimous consent that the Committee on Public Buildings and Grounds be permitted to sit during the session of the House tomorrow.

The SPEAKER. Is there objection?

There was no objection.

WOMEN'S AUXILIARY CORPS FOR THE ARMY

Mr. MAY. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs may have until midnight to file a report on the bill (H. R. 6293) relating to women's auxiliary corps for the Army.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MARTIN of Massachusetts. Reserving the right to object—and I am not going to object—is there any minority report on that bill?

Mr. MAY. No; it is a unanimous report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING THE FOREIGN AGENTS' REGISTRATION ACT

Mr. SUMNERS of Texas. Mr. Speaker, I call up the conference report on the bill (H. R. 6269) to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. DIES. Mr. Speaker, reserving the right to object, I wonder if we can have some agreement about the division of time upon the consideration of this conference report? I should want at least 30 minutes to discuss the matter with the House, if I may have it. I thought perhaps we could get unanimous consent for an extension of the 1 hour, in order to cover whatever time may be required by the committee and also by others.

The SPEAKER. Under the rule the gentleman from Texas [Mr. SUMNERS] has 1 hour and it is under his control. He can yield to whomever he pleases.

Mr. DIES. We can extend that by unanimous consent. I was wondering how much time the gentleman from Texas [Mr. SUMNERS] would require?

Mr. SUMNERS of Texas. May I say to the gentleman that in view of the fact that the responsibility rests upon the managers on the part of the House to assume the burden with reference to this report, I do not see how we can get along with less than 40 minutes.

Mr. DIES. Can the gentleman yield me 20 minutes?

Mr. SUMNERS of Texas. Yes.

Mr. DIES. Then, Mr. Speaker, I ask unanimous consent that the time be extended 10 minutes, making it 1 hour and 10 minutes. That will be only 10 minutes more than is provided under the rule.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. All of the time is under the disposition of the gentleman from Texas [Mr. SUMNERS] to yield as he pleases.

Mr. DIES. The gentleman has agreed to yield me 20 minutes. Then, of course, there will be 10 additional minutes. I am asking for 30 minutes altogether. That will enable the gentleman to yield me 30 minutes.

The SPEAKER. The gentleman can do that if he desires.

Is there objection to the request of the gentleman from Texas [Mr. SUMNERS]?

Mr. MICHENER. Mr. Speaker, what is the request?

The SPEAKER. The request is that the statement be read in lieu of the report.

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6269) to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows: That the House recede from its disagreement to the amendment of the Senate to the said bill and agree to the same.

HATTON W. SUMNERS,
CHARLES F. McLAUGHLIN,
C. E. HANCOCK,
Managers on the part of the House.

JAMES H. HUGHES,
HARLEY M. KILGORE,
JOHN A. DANABER,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 6269) to amend the act entitled "An act to require the registration of certain persons employed by agencies to disseminate propaganda in the United States, and for other purposes," approved June 8, 1938, as amended, submit the following explanation of the effect of the action agreed upon in conference and recommended in the accompanying conference report.

The bill passed by the Senate is identical with the bill as reported by the Committee on the Judiciary to the House.

The bill as reported to the House contained a definition of the word "person" as follows:

"(a) The term 'person' includes an individual, partnership, association, corporation, organization, or any other combination of individuals"—

to which was added, by floor amendment, the words: "Including, but not limited to, the Communist Party of the United States, the German-American Bund, and Kyffhauserbund;"

The bill as reported to the House contained a definition of "agent of a foreign principal" to include:

"(1) any person who acts or agrees to act, within the United States, as, or who is or holds himself out to be whether or not pursuant to contractual relationship, a public-relations counsel, publicity agent, information-service employee, servant, agent, representative, or attorney for a foreign principal"—

to which was added, by floor amendment, the following:

"(1A) The term 'agent of a foreign principal' includes, but not limited to, Communist Party of the United States, the German-American Bund, and the Kyffhauserbund;"

The bill as reported to the House contained a requirement that the registration statement shall include:

"(1) Registrant's name, principal business address, and all other business addresses in the United States or elsewhere, and all residence addresses, if any;

"(2) Status of the registrant; if an individual, nationality; if a partnership, name, residence addresses, and nationality of each partner and a true and complete copy of its articles of copartnership; if an association, corporation, organization, or any other combination of individuals, the name, residence addresses, and nationality of each director and officer and of each person performing the functions of a director or officer and a

true and complete copy of its charter, articles of incorporation, association, constitution, and bylaws, and amendments thereto; a copy of every other instrument or document and a statement of the terms and conditions of every oral agreement relating to its organization, powers, and purposes; and a statement of its ownership and control;

"(3) A comprehensive statement of the nature of registrant's business; a complete list of registrant's employees, and a statement of the nature of the work of each, unless, and to the extent, this requirement is waived in writing by the Attorney General; the name and address of every foreign principal for whom the registrant is acting, assuming or purporting to act or has agreed to act; the character of the business or other activities of every such foreign principal, and, if any such foreign principal be other than a natural person, a statement of the ownership and control of each; and the extent, if any, to which each such foreign principal is supervised, directed, owned, controlled, financed, or subsidized, in whole or in part, by any government of a foreign country or foreign political party;"

The third floor amendment inserted the words "members, officers, directors" in the paragraph next above, immediately after the word "employees".

The managers on the part of the Senate were of the opinion that its bill, identical with the House bill without the floor amendments, includes every individual, partnership, association, corporation, organization, or any other combination of individuals sought to be included within the scope of the bill by the floor amendments, assuming they are agents of a foreign principal. The managers on the part of the House were compelled to recognize the correctness of that position.

HATTON W. SUMNERS,
CHARLES F. McLAUGHLIN,
C. E. HANCOCK,
Managers on the part of the House.

The SPEAKER pro tempore (Mr. COOPER). The gentleman from Texas is recognized for 70 minutes.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska (Mr. McLAUGHLIN).

Mr. McLAUGHLIN. Mr. Speaker, the matter before the House is the conference report on the bill H. R. 6269. This bill came before the House, under a rule, on December 19, 1941. Extensive hearings had been held and it had been carefully considered by the Committee on the Judiciary and had been unanimously reported favorably by the Committee on the Judiciary. The bill amends, expands, and clarifies the so-called McCormack Act of 1938, which required the registration with the Department of State of agents in the United States of foreign principals.

The existing law worked quite satisfactorily, but the Department of State, the Department of Justice, and the Post Office Department all reported that, in order to make the law more effective, it is desirable, if not indeed necessary, that the bill be amended so as to put into it more effective provisions to carry out its intents and purposes. As I have indicated, hearings were held before a subcommittee of the Judiciary Committee, of which subcommittee I happen to be chairman, and a very complete record was made and printed and was available to the membership. When the bill came before the House on the 19th day of December there was no opposition to the bill itself, there was no opposition to the objectives of the

bill, there was no opposition to the minutia of the bill save and except that the gentleman from Texas (Mr. DRES) proposed three amendments. Those three amendments, to which I will presently refer, were adopted by the House; and I might say parenthetically that there was a very meager attendance on the floor at that time and the amendments were adopted, as shown by the vote, by a very small number of Members.

The bill was passed in the Senate in the identical form in which it had been unanimously reported favorably to the House by the Committee on the Judiciary. In other words, it was passed by the Senate without the amendments which had been proposed by the gentleman from Texas and which had been adopted in the House. The bill went to conference and the conferees had before them a disagreement between the Senate and the House on only three amendments. The managers on the part of the House appointed by the Chair, were the distinguished chairman of the Judiciary Committee, the gentleman from Texas (Mr. SUMNERS), the gentleman from New York (Mr. HANCOCK), and myself. We held a meeting with the conferees on the part of the Senate and after careful consideration and after a full presentation by the managers on the part of the House of the views of the House, and after a presentation to the conference of the request which is implicit in the action of the House that the amendments be consented to, we considered the question and came to the conclusion unanimously that the amendments should not be agreed to. The conference report therefore comes before the House today with a report and a statement in which the managers take the position and recommend to the House that the amendments agreed to in the House and not agreed to in the Senate should not be kept in the bill.

In the bill, under the caption "Definition," there is set forth the characterization of the word "person." A statement of what the word "person" means follows:

(a) The term "person" includes an individual, partnership, association, corporation, organization, or any other combination of individuals.

In other words, wherever the word "person" appears in the bill it includes all of the designations I have mentioned. So the word "person" is all inclusive, and it is generally agreed that it is all inclusive.

Under the definition "agent of a foreign principal," there are four extensive paragraphs setting forth the definitions, and in each of these paragraphs the word "person" is used. As an example the first paragraph provides:

Any person who acts or agrees to act, within the United States, as, or who is or holds himself out to be whether or not pursuant to contractual relationship, a public-relations counsel, publicity agent, information-service employee, servant, agent, representative, or attorney for a foreign principal.

This bill is so inclusive that it is not possible to conceive of any individual, organization, association, corporation, or any other combination of individuals which would not be included in the term "person." There is not any

necessity to extend or enlarge the definition of the word "person." In fact, it would not be possible, by any alleged purported or attempted amendment of the definition of the word "person" to enlarge or extend such definition. The fact is that the definition is all embracing and all inclusive.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. McLAUGHLIN. I yield to the distinguished majority leader.

Mr. McCORMACK. It also includes any foreign government or any foreign political party.

Mr. McLAUGHLIN. Oh, yes. The bill specifically provides that the term "foreign principal" includes "a government of a foreign country and a foreign political party."

Mr. McCORMACK. I know, because I am the author of the original law. It is all-embracing, all-inclusive. There are absolutely no exemptions. That is so under existing law, and these amendments strengthen existing law.

Mr. McLAUGHLIN. That is entirely true. In other words, to repeat, the word "person" wherever used as designation of an agent of a foreign principal in this bill is all-inclusive. If you would designate any number of individual persons or organizations as a part of the definition of "person," you would not add a single thing to this bill, because the word "person," as defined in the bill, is so all-inclusive and comprehensive that nothing which might be added could possibly add to the term "person."

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. McLAUGHLIN. Mr. Speaker, the gentleman from Texas [Mr. Dies] proposed and the House adopted an amendment to the definition of the word "person," as follows: After a statement of the definition of the term "person" to which I have referred, the gentleman from Texas [Mr. Dies] suggested this amendment: "including but not limited to the Communist Party of America, the German-American Bund, and the Kyffhauserbund."

Regardless of how we may feel about these organizations, there is no necessity to put these names in. It adds nothing to the bill. The same is true of the definition of an agent of a foreign principal, where the amendment proposed by the gentleman from Texas [Mr. Dies], and adopted by the House, provided it shall include but not be limited to the Communist Party of the United States, the German-American Bund, and the Kyffhauserbund.

There is no addition made by the gentleman from Texas [Mr. Dies] in his amendment. Regardless of how we may feel toward any of these organizations, the bill as it appeared before his amendments were adopted and as it will be enforced if enacted into law without these amendments includes these various organizations, and there is no necessity for the inclusion of them by specification. Their inclusion would add nothing whatever to the bill.

The same argument applies to the third amendment.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 20 minutes to the gentleman from Texas [Mr. Dies].

Mr. DIES. Mr. Speaker, at the proper time I shall offer a motion to recommit the conference report, with instructions to the House managers to insist upon the amendments which the House adopted and which specifically require the Communist Party of the United States, the German-American Bund, and the Kyffhauserbund to register under the terms of this act and to furnish the names of their officers and members. The House and Senate conferees struck these amendments from the pending bill.

If the House passes this bill without the amendments which were adopted when the bill was before the House, the bill will fail to reach the large class of foreign agents in this country. When I offered these amendments they were opposed on the ground that they constitute a violation of the constitutional provision against bills of attainder. I have carefully briefed the question, and I am certain that these objections are not valid. I do not believe that any Member who will examine the question will conclude that there is any question of bills of attainder involved in the wording of these amendments. However, I suggested to the chairman of the Judiciary Committee that if the conferees objected to the language of the amendments because the Communist Party, the Kyffhauserbund, and the German-American Bund were mentioned by names that I would agree to an amendment which merely provides that any organization which teaches or advocates communism, fascism, or nazism shall be required to register under the terms of the bill and furnish the names of their officers and members. I assume that this did not meet with the objection of the conferees.

The bill as it now stands, after my amendments were stricken from it, will not include these foreign-controlled political organizations. The bill adds nothing to the Voorhis Act and the McCormack Act insofar as these organizations are concerned. To avoid the provisions of the Voorhis Act, the Communist Party, at its national convention, passed a resolution pretending to separate itself from the Communist International in Moscow. The insincerity of this resolution was demonstrated by the fact that previous to its adoption the Communist Party had always vigorously denied its control by the Communist International. However, the Special Committee on Un-American Activities has conclusively shown, not only by independent testimony and evidence but also by admissions of the Communist leaders that the Communist Party of the United States is dominated and controlled by the Communist International. It was because of this evidence and the unanimous findings of our committee that the Communist Party resorted to the subterfuge of a formal resolution of separation to escape any legislative requirement that would compel them to disclose the names of their members.

These foreign-controlled political organizations will, of course, resist every effort to compel them to disclose the names of their members because they know that many of their members hold key positions in the Government, in labor unions, in defense industries, and in numerous other organizations. The disclosure of their membership would embarrass many of these people and destroy the effectiveness of their subversive work. The recognition of this fact no doubt inspired the campaign of opposition to my amendments which the Communist Party has carried on so strenuously in the past few weeks. Several days ago I inserted in the CONGRESSIONAL RECORD a front-page article from the Daily Worker, the official publication of the Communist Party. This article recited the activities of the Communists in opposing my amendments and the Communist front organizations that had joined them in the effort.

There seems to be a sincere belief on the part of some that my amendments will antagonize the Soviet Union and, to some extent, embarrass our war efforts. While I respect the opinions of those who sincerely hold this view, I am compelled to disagree with them with all the force at my command. If the Communist Party is sincere in its formal declaration that there is no connection between it and the Soviet Union, or any agency of the Soviet Union, why should the Soviet Union be offended when we require the Communist Party of the United States to register and furnish certain information? The majority of Communist members are citizens of the United States and the organization exists in our own country. Have we come to the time when we dare not legislate with reference to a domestic organization that is made up of our citizens and operating on our own shores, and which claims to have no connection with a foreign government, because someone fears that our action may displease some foreign dictator? There are those who feel that it has become indelicate even to speak of the Communist "fifth column." Such persons seem to think that the Russians' heroic fight against the invading Nazi hordes is good ground for closing our eyes to the nature and ultimate aims of the Communist Party of the United States. Such a view is, in my opinion, wholly devoid of logic. Hitler's complete annihilation at the hands of the Russian armies would not make communism one iota more compatible with the American way of life. Now is the time to look that fact squarely in the face. In concert with many and varied peoples and governments throughout the world, we have undertaken the task of destroying Hitlerism. It is no part of that enterprise that we embrace communism. Neither is it any part of that enterprise that we permit Communists to entrench themselves more deeply in our life and institutions, or to fail to take adequate measures against their subversive activities and propaganda.

The determination of the Russian people to drive Hitler's armies from their soil is a thing which we applaud wholeheartedly. The assistance of the Russian armies in destroying Hitlerism is a

matter which we welcome unreservedly. But these things have nothing whatever to do with our firm conviction that the spread of communism to new territories would be in the nature of unmitigated tragedy. Communism as an international movement reaching its tentacles into our land is a thing which we condemn as much in 1942 as we did in 1938.

The whole matter may be viewed with the frankest realism. Stalin is not fighting Hitler because he has been converted from communism to democracy. He is fighting Hitler because Hitler invaded Russia. That is Stalin's interest in the destruction of Hitlerism. We, too, have staked everything upon the destruction of Hitlerism, but for reasons which are strictly our own and not Stalin's. The destruction of Hitlerism is the one and only point on which the interests of the Soviet Union and the interests of the United States converge, and we may be sure that Stalin himself views the matter in this light.

All that my amendments require is that these foreign-controlled political organizations be required to register and furnish the names of their members and officers and certain other information required by the act. This is certainly a very moderate and reasonable provision when we consider that other democracies, such as Canada, have either outlawed the Communist Party altogether or drastically restricted its activity. England is in much graver peril than the United States and yet England suspended the publication of the London Daily Worker, the official publication of the Communist Party of England, and practically outlawed the Communist Party of England by restrictive measures. When we contrast this attitude in the interest of the English people with our own we find a remarkable difference of policy. The Communist Party of the United States certainly has no right to complain. It has been coddled in this country as in no other country on earth with the exception of Russia. Communists have been exposed by our committee in key positions in the Government and in certain labor unions. We have shown by incontrovertible evidence that members of the Communist Party have repeatedly violated the laws of our land with impunity. We have shown that the Soviet government, through its diplomatic representatives and agents, has violated every provision of the agreement under which we recognized Russia. We have proved beyond any dispute that many strikes in our defense industries have been instigated and engineered by members of the Communist Party of the United States for the purpose of sabotaging our preparedness program.

Out of all the mass of detailed evidence which has been presented to the Committee on Un-American Activities in 4 years of its existence, there has emerged one fact the importance of which probably exceeds that of all others—the Communist Party is an agency for the planning and perpetration of misdemeanors and high crimes. The crimes and misdemeanors of the Communist Party belong in a special class. Behind the Communist violations of our statutes there is a special motive which requires a special

kind of understanding. The Communist criminal is not an ordinary criminal even when he is committing ordinary crimes. The extraordinary thing about a Communist is that it rests upon an elaborate philosophy which is summed up in the doctrine that the end justifies the means. Lenin himself made this perfectly clear when he said:

Revolutionaries who are unable to combine illegal forms of struggle with every form of legal struggle are very poor revolutionaries.

What I have said explains why, as the result of our exposure, Earl Browder has been convicted and sentenced for obtaining a United States passport through fraud. It explains why William Weiner, head of the International Workers' Order and financial secretary of the Communist Party, has been convicted and sentenced for fraudulently representing himself as an American citizen. It explains why Nicholas Dozenberg, agent of Stalin's secret military intelligence service, has been convicted and sentenced for perjury in obtaining an American passport. It explains why Dr. Valentine Burton, Communist agent for Stalin's counterfeiting ring, is now serving a sentence in the Federal prison in Lewisburg, Pa. It explains why the Communist Party practices fraud on a large scale in obtaining signatures for its election petitions.

As a result of our exposure many of them have been indicted and convicted for this offense. It explains why Communists defied our laws to recruit 4,000 American boys to send them to fight in Spain.

For 4 years I have tried to bring home to all Government officials the criminal character of the Communist Party. The Special Committee on Un-American Activities has found unanimously that the Communist Party is a "foreign conspiracy masked as a political party." This means that the Communist Party members who are subject to a strict party discipline in all their activities are foreign conspirators who cannot honorably or honestly serve the American Government.

Whether a dictator-controlled political organization has a million dues-paying members or only 10,000 is relatively unimportant when we consider what havoc a single act of treason committed by a single individual may work under the conditions of modern civilization. And yet the Communist Party, the Kyffhauserbund, and the German-American Bund have put themselves on record again and again with respect to their intentions of disloyalty to the American Government and with respect to their actual loyalty to foreign states.

If I had my way I would outlaw these organizations, because I do not believe that any foreign-controlled political organization which serves as a smoke screen for fifth-column activities should be permitted to exist in America. But I know, as you know, that there is not the slightest chance of getting this done now. But it does seem to me that the least we can do is to require these organizations to register and furnish pertinent information.

Does anyone think for a moment that Stalin would tolerate on Russian soil an American organization to promote the

principles of Americanism? Does anyone think for a moment that Stalin would permit Americans or people who believe in Americanism to occupy positions of importance in his government, in labor unions, and in his defense industries? It is ridiculous to even propound such questions.

President Roosevelt in his memorable address to Congress said that we cannot compromise with evil. The Communist Party in this country is an evil organization, preaching atheism, contempt for all authority, and the overthrow of our Government by force and violence. Nazism as represented by the German-American Bund and the Kyffhauserbund is equally bad. All of them represent organized treason, actual or potential. In our natural desire to conciliate all forces that are opposing Hitlerism and to unite in a common struggle to defeat the Axis Powers, let us not forget that our first duty is to America. Let us be as vigilant and zealous in the protection of the American way of life as Stalin is in the protection of his Communist way of life. Stalin is not fighting for America to help America; he is fighting against Hitlerism to save Russia.

A fear of displeasing foreign powers and a maudlin attitude toward fifth columnists was largely responsible for the unparalleled tragedy at Pearl Harbor. The lives of more than 2,000 American boys were snuffed out and we suffered a set-back which may require the lives of thousands of American boys to overcome. It would seem that this tragic experience would produce prompt and vigorous measures against our internal enemies.

In a few weeks our committee will release a full report on Japanese espionage and sabotage. This report will contain many official letters and it will disclose that if our committee had been permitted to reveal the facts last September the tragedy of Pearl Harbor might have been averted.

Mr. Speaker, I was amazed when I heard the gentleman from New York suggest that if the F. B. I. had had the power to tap telephones it could have gotten the information and prevented the tragedy at Pearl Harbor. May I say that our committee had all the information in its files as long ago as last September, and when we file our report containing photostat copies of exhibits, showing what a commercial attaché was reporting to us, and what we in turn reported to our officials, when we make public the letters and communications of some top-ranking officials, the American people, in my opinion, will have a true picture of the official attitude in Washington toward the whole fifth column in this country.

The letters and documents in our possession may shed more light on the true situation than anything that has yet been made public. It will reveal the true attitude of official Washington toward the whole fifth-column question in all of its aspects. That, of course, is water over the dam. What is important, however, is that there be an immediate end to this suicidal policy of coddling the tools and dupes of foreign powers. No nation can defeat the uniformed soldiers of the enemy unless it first defeats the

un-uniformed and secret soldiers of the enemy in its midst. The history of every country in Europe has demonstrated this simple truth.

Mr. SUMNERS of Texas. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. DIES. Mr. Speaker, it is important to defend ourselves against the un-uniformed soldiers of the enemy from without, but it is equally important to defend ourselves against the un-uniformed and secret armies of dictator countries that are within.

I now make this prediction, Mr. Speaker, and I do so deliberately, that unless this Government adopts an alert attitude toward this whole question there will occur on the west coast a tragedy which will make Pearl Harbor sink into insignificance compared with it. I speak with all of the sincerity that is in my heart when I urge this Congress and this administration to view this question not from an attitude of coddling people or of maudlin sentiment, but to view it from the standpoint of the preservation of America and American institutions.

Mr. WALTER. Will the gentleman yield?

Mr. DIES. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Nearly everyone agrees generally with what the gentleman has to say. I would like to know what his answer is to the argument that this language is surplusage.

Mr. DIES. That is easy to answer. The answer is very obvious.

Mr. WALTER. It is not obvious.

Mr. DIES. You passed the Voorhis Act and the McCormack Act. The Communist Party in order to get around those acts adopted a formal resolution when they met in national convention that stated, "We have separated ourselves from the Communist International."

If you strike out my first amendment, including these organizations by name, still there is nothing in the bill requiring any organization to file the names of its officers and members.

Mr. WALTER. I disagree with the gentleman. The term "person" in the act includes an individual, partnership, association, corporation, organization, or any other combination of individuals.

Mr. DIES. I am familiar with that, but I have given the gentleman the answer that even if that includes the Communist Party—and, of course, it will never be enforced against them unless you mention them by name—still it does not require them to furnish the names of their officers and members.

Nothing in the bill does that in the absence of my amendment.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield to the gentleman from Kentucky.

Mr. MAY. The gentleman states that it may happen that after this war we shall strike another depression, when disaster and distress are all over the country. If we permit these persons to continue to extend their tentacles into our society and lay their foundations, will they not have a better chance after the war is over than they have now?

Mr. DIES. We have the illustration that less than one-half of 1 percent of the people of Russia belonged to the Communist Party, yet they seized control of the nation in a moment of chaos. Hitler's Nazi Party never had over 2,000,000 members, but by strong-arm methods and by appeal to racial hatred he was able to seize control of the government during the chaotic conditions in the last days of the republic.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield to the gentleman from Georgia.

Mr. COX. If this language be merely surplusage, then why the opposition of the Communist sympathizers to its going into the bill?

Mr. DIES. I think frankly that—well, I shall not say why I think the opposition is there.

Mr. SABATH. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield to the gentleman from Illinois.

Mr. SABATH. The gentleman stated that he and his committee had information in September which, if it had been acted upon, would have meant that the the disaster at Pearl Harbor would have been avoided.

Mr. DIES. That is right.

Mr. SABATH. Has the gentleman given that information to the War Department and the Navy Department?

Mr. DIES. Every day for months representatives of every agency have been in our office at our invitation making copies of our records and of our files. The Military Intelligence have gotten it all. We make our records available to everyone.

Mr. SABATH. So they did have that information; and notwithstanding that, this disaster occurred?

Mr. DIES. It occurred because the proper measures were not put into effect in Hawaii to prevent a series of acts of espionage and sabotage which enabled the Japanese to know definitely when our ships were in the harbor, to know our patrol range, and to have possession of all pertinent information so they could successfully attack us and bring about the destruction of part of our fleet.

Mr. SABATH. The gentleman's amendments do not relate to the Japanese in any way, shape, nor form.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield to the gentleman from California.

Mr. SHEPPARD. Does not the gentleman believe it would be well that we place in the language he is now proposing the word "Shintoism," which applies to a particular Japanese organization, just as Communist and bund refer to the other organizations, and that organization is just as detrimental to this Nation's welfare as they are.

Mr. DIES. The gentleman will find that in our report.

Mr. CELLER. Mr. Speaker, will the gentleman yield?

Mr. DIES. I yield to the gentleman from New York.

Mr. CELLER. Is the gentleman familiar with the series of statutes which

were passed by various States after the Civil War which precluded priests and ministers from preaching and lawyers from practicing, as a class, unless they took an oath that they had not participated in the rebellion? The Supreme Court held that legislation against a class was a bill of attainder. Would not that be in the same class as the gentleman's amendment?

Mr. DIES. What has that to do with an organization that is controlled from abroad?

Mr. CELLER. Yes; but the gentleman would legislate against a class, not against individuals.

Mr. DIES. A bill of attainder is the imposition of punishment without trial or without any provision for a trial. Of course, my amendments do not attempt to do this.

In conclusion, Mr. Speaker, permit me to say that I have cooperated in every way possible with the Secretary of State and the administration in our war efforts and our defense program. But in this instance I am convinced that the Secretary of State and the administration are wrong. In a short time we will find out who is right and who is wrong. If, as the Judiciary Committee contends, this bill applies to the Communist Party, the Kyfferhauserbund, and the German-American Bund, the Department of Justice will proceed without delay to prosecute these organizations under the terms of the act. If they fail to prosecute these organizations, it will mean that either the act as written does not apply to the organizations or that the Department of Justice refuses to enforce the act against them.

It is my prediction that the Communist Party will never be prosecuted under this act if the House permits the conferees to take my amendments out of the bill. As for me, I dare not relax my vigilance. I have already had one experience which is enough. Last September our committee subpoenaed a number of witnesses to appear in Washington to expose Japanese fifth-column activities in the United States. The Secretary of State, the Department of Justice, and the President strenuously opposed the exposure of these activities. I told the Secretary of State that the situation was very serious and that prompt and effective measures should be taken. I refused to take the responsibility for calling off the hearings until I received a letter from the Department of Justice advising me that the President, the Department of Justice, and the Secretary of State were opposed to the hearings. I now regret that I called off the hearings. If those hearings had gone ahead according to schedule I am convinced that the Pearl Harbor tragedy never would have occurred, because we would have made public the plans of the Japanese to seize control of the Pacific. The administration did not want these hearings because it feared that they might offend the Japanese Government. In my anxiety to cooperate with the administration and not do anything that might embarrass it in the conduct of international affairs I yielded to the judgment of our leaders. Subsequent events

proved that they were wrong and that I would have been right had I gone ahead with the hearings.

I am convinced that there are thousands of members of these fifth-column organizations who hold key positions in the Government, defense industries, and in some labor unions. It is of the greatest importance that their identities be established. My amendments will bring about the exposure of these people and enable the Government to protect the country from them. If I should weaken in my efforts to bring about that exposure and another tragedy should occur I would blame myself. Even if these amendments are rejected this debate will accomplish some good purposes. It will show why we have been unable to get effective action against fifth-column organizations in America. It will also make a permanent record of the intention and belief of the House and Senate Judiciary Committees that this bill does apply to the Communist Party, the Kyfferhauserbund and the German-American Bund. If prompt action is not taken to prosecute these organizations under the terms of the act, the people and the Congress will know the truth. I believe it has been stated by proponents of the bill that the Department of Justice helped to write the bill. I have heard it said that, as a matter of fact, they wrote the bill. Undoubtedly the Department of Justice advised the Senate and House conferees that the bill does apply to these organizations, otherwise these committees would not make the statement that these organizations come within the meaning of the act.

The issue is, therefore, made so clear that there can be no further alibis or excuses. Either these organizations will be prosecuted immediately or the people will have a right to believe that there is no official disposition to prosecute fifth columnists in this country. It is my personal opinion that no action will be taken under this act against these organizations. The McCormack Act has been on the statute books for a long time. The Voorhis Act has been on the statute books for several years. The language of those two acts are just as strong and clear with reference to these organizations as is the language of the pending bill. Years ago I asked the Department of Justice to enforce the law against these fifth-column organizations. I submitted our evidence showing that these organizations are agents of foreign powers. At that time Stalin was not fighting Hitler. During part of that period Stalin was fighting with Hitler, and yet no action was taken to enforce this law against the Communist Party. How can I believe, therefore, that the present attitude is caused by our participation in the war when it is no different than the previous attitude during the very time that Stalin was Hitler's ally. At any rate, the immediate future will prove whether I am right or wrong in this matter. For the sake of our security I hope that I am wrong and that constant exposure by our committee and the fight we are making will bring about a change in official attitude while there is still time.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. McCORMACK],

Mr. McCORMACK. Mr. Speaker, I think I can claim with a little modesty, and I am sure it will not be construed as a boastful expression, to have some knowledge of the law which the present bill undertakes to amend. I drafted, in conjunction with the other members of the special committee, the law that is on the statute books. I see here my good friend the gentleman from Kansas [Mr. GUYER], who was a member of the special committee as well as the gentleman from New York [Mr. DICKSTEIN]. This law followed the recommendation of the special committee of several years ago, of which I was chairman, that investigated communism, nazi-ism, and all other subversive "isms," as well as bigotry, which to me is almost as repulsive as a direct subversive activity, because the results of bigotry bring about a division of the people and are subversive in their nature. That law covers everyone. The bill under consideration, to amend the existing law, is intended to strengthen the existing law.

When I introduced the bill as a result of the recommendations of the special committee, we had powerful opposition. It took quite a long while to get that bill through. The Committee on the Judiciary reported it out in one Congress and we could not get a rule out of the Rules Committee. I know because I tried. I could not get a rule from the Rules Committee. I could not get a hearing. That shows how much opposition there was to the bill that is now on the statute books which means so much to our country.

In any event, the present law, with the proposed amendment, covers everybody. It covers the very organizations that my friend from Texas talks about. Certainly no one is more vigorous in his opposition to subversive activities in this country than I am, or more vigorous in opposition to intolerance in any form, no matter where it emanates, and I agree with everything my friend from Texas has said along such lines. So far as I am concerned, I am for the extension of his committee. That is where I stand. The committee can do a lot of effective service even in war. They can go in and get records and papers that departments of government cannot get without the necessity of a search warrant, and so forth, and they can permit other departments of government to examine those records and get evidence upon which to make their own independent investigations.

We all agree with everything the gentleman from Texas has said, but that is not the point here today. We are at war and we have got to be practical. The existing law covers the organizations that the gentleman attempts to put into the present bill by specifically referring to them. The present or pending bill covers them. The present bill strengthens the McCormack Act. I was experimenting at that time, and, naturally, when you are experimenting you cannot go as far as you can after you have had experience, and in the light of the experience gained from the administration of the McCormack Act, these amendments are necessary to strengthen the act for the best interests of our country.

These amendments were submitted to me by the Department. I would have gladly introduced the bill; but, coming from the Department, I said the regular procedure must be followed of taking it up with the chairman of the committee, and I knew that the gentleman from Texas, Judge SUMNERS, would introduce the bill. But I stated that if for some reason he could not see his way clear to do so, I would gladly introduce a bill such as we are considering here today.

Reference has been made here to the registration or the list of names. If you will read the McCormack Act and this bill, there is broad power to issue rules and regulations, and if they cannot do it under the broad power to issue rules and regulations the Dies amendment does not call for the filing of the names of these organizations, and therefore my friend from Texas will not meet that situation by his amendment.

Mr. DIES. The gentleman is wrong.

Mr. McCORMACK. That has got to be done by other language.

Mr. DIES. One of the amendments we have here that the House adopted does require the filing of the names of the officers and members.

Mr. McCORMACK. I will accept that correction. But, in any event, the argument the gentleman made is beside the point under consideration today. But the bill covers everything when considered in connection with existing law. We are at war and you and I know that when the law meets the situation the gentleman complains of, without compelling me to make specific reference to the existing world situation, this is not the time to inflame the international situation, particularly that part of the international situation that is beneficial to our own beloved country. Not only should we respect the efforts of the gentleman from Texas [Mr. Dies] because his amendments are not necessary, the bill already covering the same, but at this time necessity and sound and practical judgment calls for the defeat of his efforts. I therefore hope the conference report will be agreed to.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, this bill is aimed at agents of foreign principals. Under the bill they are required to register, to identify themselves, and to label their propaganda. If you will read the bill, which is 26 pages long, you will find that an agent is very broadly defined. It may be an individual, partnership, association, corporation, organization, or any other combination of individuals. It is all-inclusive language. Foreign principal is likewise defined in broad general terms. The bill applies not only to Bundists and Communists, but it applies to everybody—Japs, Germans, Frenchmen, Italians—everybody who spreads propaganda for a foreign principal. There is no more sense in specifying Communists and Bundists in this bill than there would be in a statute against murder to say "this includes the Odd Fellows, the Masons, and the Elks."

It is bad form, it is bad legislation, when you are passing a general law, of

universal application, to specify any particular individual or group. It is not only faulty draftsmanship, but it weakens rather than strengthens the legislation. Some good lawyers believe it raises a question of constitutionality. This is the unanimous opinion of the confereer and I may say also of the Judiciary Committee of the Senate and the Judiciary Committee of the House.

I think this is a rather significant fact. It is something that we should not dwell upon too much for diplomatic reasons, but the Department of Justice and the Department of State, and I emphasize that, are opposed to the Dies amendments. There is no reason whatever, unless it is demagoguery, to include the Dies amendments in this bill. They add absolutely nothing to it. The bill covers the ground which we are shooting at in this particular legislation. It is not a bill to prevent sedition or subversive activities. Those subjects are taken care of in other legislation. It is merely a bill to require agents of foreign principals to let us know who they are, and when they send out propaganda to label it as such. That is all there is to it.

I appeal to you gentlemen to give weight to the unanimous opinion of the Committee on the Judiciary of both House and Senate, the Department of State, and the Department of Justice.

Mr. KEAN. Mr. Speaker, will the gentleman yield?

Mr. HANCOCK. Yes.

Mr. KEAN. In the gentleman's opinion, the adoption of the Dies amendment would hinder rather than help win the war?

Mr. HANCOCK. It would be embarrassing to our Government.

Mr. SUMNERS of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Alabama [Mr. Hobbs].

Mr. HOBBS. Mr. Speaker, this is not a debating society. It is the Congress of the United States, and it is not only the Congress of the United States but the Congress of the United States in wartime. No one disputes the ability, the transcendental ability, of the distinguished gentleman from Texas [Mr. Dies] to make a speech. He always makes a good one, and he has made a good one here today. We agree with every single word that he has said in advocacy of the most alert and active protection against fifth columnists and all such enemies of the Republic, whether foreign or domestic. That is the sole purpose of this bill.

The distinguished gentleman virtually admits that there is no reason to mention by name the Kyffhauserbund, nor the Communist Party of the United States, nor the German-American Bund. The mudsill and basis of his argument is that the bill which the Committee on the Judiciary reported does not require the listing of the names of the members of offending organizations. That is not so. I read from page 10 of the bill where, if the agent of a foreign government is an individual, he is required to give his name, principal address, and so on; and if the registrant be a partnership, then the name, residence, addresses, and nationality of each partner must be set

forth; and if a corporation, then, it must not only give the names of the directors for the current year, but those active in the direction and management, and, listen to me, also to file a true and complete copy of its charter, or certificate of incorporation. The law of every State requires such certificate to set forth the names and addresses of the incorporators, or members. Hence, if each corporate registrant must file its certificate of incorporation, we would have a list, verified by affidavit, of the original incorporators or members.

Mr. DIES. But that is not the members of the organization.

Mr. HOBBS. That is the members of the organization, and the gentleman's State requires the charter to disclose the membership of any group seeking a charter.

Mr. DIES. But that includes the stockholders, and here is an organization with hundreds of thousands of members, and you do not require that. That is what my amendment requires.

Mr. HOBBS. The gentleman has just evidenced his intimate knowledge of the subject, and his powers of discernment, because that is exactly what I do mean to contend. I call attention to the chapter of the law of the State of the gentleman from Texas. He is a distinguished member of the bar of that State, which says that corporations without capital stock must file in their charter application the names of all of the members composing the organization, and that is the law of every State in the Union that has legislated on the subject. This bill does not require the list of members of a corporation at the time of registration as a propagandist of a foreign authority, but it does require the names of the current managers and directors.

Mr. STARNES of Alabama. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. Yes, sir. I am always happy to yield to my distinguished and lovable colleague from Alabama.

Mr. STARNES of Alabama. Is it the contention of my distinguished and lovable colleague that this bill as recommended by the Judiciary Committee in this conference report will require the listing of the officers and the members of the Communist Party and the German-American Bund and the Kyffhauserbund?

Mr. HOBBS. Yes, sir; the officers and directors of every corporation, but only of the original members. In cases of partnerships, the name and address of every partner.

Mr. STARNES of Alabama. This does not require the members of those organizations to be brought up to date.

Mr. HOBBS. No, sir; not of corporations.

Mr. STARNES of Alabama. I wanted to get that clear, because I was afraid the gentleman was leaving that impression.

Mr. HOBBS. I quoted from page 10 what the requirements are.

Mr. MARCANTONIO. Mr. Speaker, will the gentleman yield?

Mr. HOBBS. Yes, sir; but I have only a very short time.

Mr. MARCANTONIO. What is the gentleman's opinion with regard to the

constitutionality of the act if an organization is mentioned by name? Does that not raise a question as to the constitutionality of the law, by specifying the particular person or group by name? Are we not thereby enacting a bill of attainder? The correct and constitutional procedure is for us to make definitions here and for the courts to interpret those definitions. That is the proper way to legislate.

Mr. HOBBS. I thank the gentleman for his question. I tried to cover that in my former speech on this subject in opposing the amendments when they were offered. I do not go so far as to say the Constitution would be violated. I think there is a very serious question as to that. Of course, a bill of attainder means more than the distinguished gentleman from Texas [Mr. Dies] intimated.

A bill of attainder is a legislative act which inflicts punishment without a judicial trial. "Bills of this sort," says Mr. Justice Story, "have been most usually passed in England in times of rebellion, or of gross subservience to the Crown, or of violent political excitements, periods in which all nations are most liable, as well the free as enslaved, to forget their duties and to trample upon the rights and liberties of others." These bills are generally directed against individuals by name, but they may be directed against a whole class. *Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 323, 18 L. Ed. 355.)

The term "bill of attainder" within the meaning of the Federal Constitution, included a general statute passed after the Civil War, which required all attorneys at law to take an oath that they had never voluntarily borne arms against the United States, or given aid, countenance, counsel, or encouragement to persons engaged in armed hostilities thereto, as a condition to their right to practice in the Supreme Court of the United States. In this leading case the majority opinion was written by Justice Field, and was based to a large extent upon a prior decision in the same term of *Cummings v. State of Missouri* (4 Wall. 277), in which the statute of Missouri, requiring ministers of the gospel to take a similar oath as a condition to their right to exercise the privileges of their profession, was held unconstitutional. Mr. Justice Miller on behalf of himself, the Chief Justice, and Justices Swayne and Davis delivered a dissenting opinion in *Ex parte Garland*, which is expressly made applicable not only to that case but to the case of *Cummings v. State of Missouri*, in which he says "the word 'attainder' is derived by Sir Thomas Tomlins, in his law dictionary, from the words 'attineta' and 'attinctura,' and is defined to be 'the stain or corruption of the blood of a criminal capitally condemned; the immediate inseparable consequence of the common law on the pronouncing the sentence of death. The effect of this corruption of the blood was that the party attainted lost all inheritable quality, and could neither receive nor transmit any property or other rights by inheritance. Upon an attentive examination of the distinctive features of this kind of legislation, I think it will be found that the following comprise those essential elements of bills of attainder, in addition to the one already mentioned, which distinguish them from other legislation, and which made them so obnoxious to the statesmen who organized our Government: (1) They were convictions and sentences pronounced by the legislative department of the Government instead of the judicial. (2) The sentence pronounced and the punishment inflicted were determined by no previous law or fixed rule. (3) The investigation into the guilt of the accused, if

any such were made, was not necessarily or generally conducted in his presence or that of his counsel, and no recognized rule of evidence governed the inquiry." The conclusion of the majority of the Court was denied by the dissenting judges on the ground that the laws in question did not contain the essential requirements, in the definition of "bill of attainder," of working a corruption of blood, or in describing any person or class of persons by name or description. (*Ex parte Garland*, 71 U. S. (4 Wall.) 333, 387, 18 L. Ed. 368.)

A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, it is a bill of pains and penalties. As the term "bill of attainder" is used in the Federal Constitution, it includes both bills of attainder particularly, and bills of pains and penalties. *Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. Ed. 358); *Drehman v. Stifle* (75 U. S. (8 Wall.), 595, 601, 19 L. Ed. 508); *Pierce v. Carskadon* (83 U. S. (16 Wall.) 234, 239, 21 L. Ed. 278.)

Quoting further from the dissenting opinion in *ex parte Garland*:

It is no cause for wonder that men who had just passed successfully through a desperate struggle in behalf of civil liberty should feel a detestation for legislation of which these were the prominent features. The framers of our political system had a full appreciation of the necessity of keeping separate and distinct the primary departments of the Government. Mr. Hamilton, in the seventy-eighth number of the *Federalist*, says that he agrees with the maxim of Montesquieu, that "There is no liberty if the power of judging be not separated from the legislative and executive powers."

And others of the ablest numbers of that publication are devoted to the purpose of showing that in our Constitution these powers are so justly balanced and restrained that neither will probably be able to make much encroachment upon the others. Nor was it less repugnant to their views of the security of personal rights that any person should be condemned without a hearing and punished without a law previously prescribing the nature and extent of that punishment. They therefore struck boldly at all this machinery of legislative despotism by forbidding the passage of bills of attainder and *ex post facto* laws, both to Congress and to the States.

The dissenting opinion in the *Garland* case attempts to justify its contention by saying that the act of Congress there in question did not contain the name of any designation of a person or persons, and that the barring of attorneys from the practice of their profession who had not taken a prescribed oath was not a punishment for a criminal offense. But the prevailing opinion of the Supreme Court of the United States swept aside these contentions and held the act to be unconstitutional and void, saying:

The statute is directed against parties who have offended in any of the particulars embraced by these clauses, and its object is to exclude them from the profession of the law, or at least from its practice in the courts of the United States. As the oath prescribed cannot be taken by these parties, the act, as against them, operates as a legislative decree of perpetual exclusion, and exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and, instead of lessening, increases its objectionable character. All enactments

of this kind partake of the nature of bills of pains and penalties, and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included.

But aside from the question of constitutionality, we are not children. We are not making faces. We are writing law. The traditional, time-honored, and the only acceptable way to write law is to define the class of violators that you are shooting at. This bill does it. It does it abundantly. There is no legitimate criticism.

Mr. McCORMACK. Will the gentleman yield?

Mr. HOBBS. I am so happy to yield to the distinguished majority leader.

Mr. McCORMACK. I just wanted to make this observation also, that we are all actors in a serious game today.

Mr. HOBBS. I thank the gentleman. I want to drive this point home in conclusion; Let us look at this, if you specify by name you may run afoul of the constitutional inhibition against the passage of bills of attainder, but you also provide an easy mode of evasion by a mere change of name.

CALL OF THE HOUSE

Mr. McKEOUGH. Mr. Speaker, I raise the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Roll No. 15

Andrews	Hook	Ramspeck
Baldwin	Jensen	Rees, Kans.
Bland	Johnson,	Romjue
Boehne	Lyndon B.	Schaefer, Ill.
Boggs	Johnson,	Scott
Buck	W. Va.	Sheridan
Buckley, N. Y.	Kramer	Somers, N. Y.
Carlson	Lambertson	Sweeney
Clinton	Landis	Thomas, N. J.
Fenton	Larrabee	Vreeland
Ford,	Magnuson	Ward
Leland M.	Nichols	Wene
Gavagan	O'Day	Whelchel
Haines	O'Hara	Winter
Hébert	Osmer	Worley
Hinshaw	Pierce	Youngdahl
Holbrook	Rabaut	

The SPEAKER. On this roll call 383 Members have answered to their names, a quorum.

By unanimous consent, further proceedings, under the call, were dispensed with.

AMENDING THE FOREIGN AGENTS' REGISTRATION ACT

Mr. SUMNERS of Texas. Mr. Speaker, I yield 1 additional minute to the gentleman from Alabama [Mr. HOBBS].

Mr. HOBBS. Mr. Speaker, I just want to conclude with this statement: If you mean business about doing the job that this bill will do, this is the only chance to do it. To vote down the motion that will be made by the gentleman from Texas [Mr. Dress] is the only hope for legislation on this subject by this Congress. The Senate conferees are just as adamant and just as unanimously against it as our conferees have been.

Therefore, no matter what instructions you give our conferees, you will never get the Senate to yield; and, therefore, were you to adopt the Dies motion, you would be killing the only chance to get any bill passed.

Our Nation is at war. We need this bill to become law. It does everything without the Dies amendments that it could possibly do with them. Both Judiciary Committees and all conferees unanimously urge the defeat of the Dies amendments. We must do so.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Speaker, as this matter comes before the House in the conference report on the bill H. R. 6269, may I say at the outset of the brief statement which I will have an opportunity to make, this matter was carefully heard and considered by a subcommittee of the Judiciary Committee of the House, of which I was a member; after full and complete hearings by the subcommittee, and after careful consideration, the bill was reported out of that subcommittee unanimously. This matter then went before the entire Judiciary Committee. After the Judiciary Committee had carefully considered the proposed legislation, a bill was reported unanimously by the committee for passage. It was in the same form that it was passed by the other body, and in the same form as the bill was reported out of the Judiciary Committee. Now the matter comes before us on the conference report, as to whether or not the three amendments, with which you are all familiar, should be inserted in the proposed legislation. These proposed amendments specifically mention the Communist Party of the United States, the German-American Bund, and the *Kyffhauserbund*.

The question is, at the moment, whether or not this proposed legislation, as it was reported out of the Judiciary Committee, and as it was passed by the other body, is broad enough to embrace all organizations. I am firmly convinced it is. I call your attention, just briefly, to the phraseology of the bill itself which we passed out of the Judiciary Committee and as it was passed by the other body. Listen to this language:

SECTION 1. As used in and for the purposes of this act, (a) the term "person" includes any individual, partnership, association, corporation, organization, or any other combination of individuals.

Pray tell me how much broader that phraseology should have been made? Tell me how much broader the terms of this act could have been made? The language which I have just read and which is a part of the bill itself as it comes before us, is all-inclusive. That language embraces every organization. It includes the very groups which the gentleman from Texas has mentioned.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. SPRINGER. I am happy to yield to the distinguished chairman of my subcommittee.

Mr. McLAUGHLIN. During the debate on this bill the gentleman stated:

It is my opinion that the language contained in section 2 of the pending bill is sufficient to embrace the organizations mentioned by the gentleman from Texas.

And again the gentleman stated:

I cannot conceive of any broader language, and it is my firm belief that the language employed in the bill is all-inclusive.

I take it that is the gentleman's view now in discussing the conference report. Am I correct?

Mr. SPRINGER. The gentleman is entirely correct. That is my view of this legislation because I feel convinced that the language employed is all-inclusive.

These suggested amendments, Mr. Speaker, are mere surplusage. If we were arguing this question before a court we would refer to these proposed amendments as redundant matter. They are not necessary. The language employed in this bill is so broad and so all-inclusive that it embraces the various organizations my distinguished friend from Texas [Mr. DIES] has mentioned and which he desires incorporated by way of amendment in this bill.

There is another point I want to call to your attention very briefly in the statement.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield 1 additional minute to the gentleman from Indiana.

Mr. SPRINGER. It is a dangerous undertaking, Mr. Speaker, when we begin to name one, two, or three particular organizations in legislation of this character, and omit naming all of the organizations which we seek to reach. We are advised there are fifty or more organizations of the same complexion, and of the same character, as those to which the distinguished gentleman from Texas refers, but they are not named in this bill. He just seeks to name three—the Communists, the German-American Bund, and the Kyffhauser Bund. We are treading upon dangerous ground when we attempt to name a part of those organizations to which we desire the legislation to apply. Under the construction of statutes by the courts if we name one organization, or more, we are presumed to have named all to which the act will apply. If that course is pursued those which are not named are deemed to be excluded from the provisions of the bill.

We do not wish to pass a bill today which is a mockery and a subterfuge. We must legislate as legislators. While I have ever supported the Dies committee and its splendid service to our Nation—yet we are now in war. We must win this war. We must not knowingly insult any nation which is now engaged in this war as an ally of our own. We must aid our boys, we must aid our cause, and we must encourage every nation which is now engaged in the all-out effort to defeat Germany, Italy, and Japan. I am convinced my distinguished friend the gentleman from Texas [Mr. DIES] desires to aid in the prosecution of this war to the end that the Axis Powers will suffer ultimate defeat. When we concur in the report of the conferees on this bill I am convinced we will do just that. Let us face this issue as Americans.

[Here the gavel fell.]

Mr. SUMNERS of Texas. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Texas is recognized for 11 minutes.

Mr. SUMNERS of Texas. Mr. Speaker, very soon you are to cast a vote that may or may not be one of the most important votes ever cast in the House of Representatives, and I should like to begin with the attention of the Members of the House. This is no time for child's play, this is no time to play to the galleries. Today your Nation and my Nation faces the greatest fighting machine of all time. Your Committee on the Judiciary, undertaking to deal with a recognized situation, as your agent brought in a bill here which nobody questions covers every possible agency that could be covered if the Dies amendment were incorporated. Now, think about it. Think about it as sensible people. We have a little partisanship once in a while in our committee, but I compliment the Committee on the Judiciary by saying that whenever they feel the challenge which comes to them as statesmen that committee has never failed to stand together for what they believed to be the best interests of their country.

The Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House are unanimous in their judgment that these amendments ought not to be incorporated in this bill. What have you got us for? What have you got a Committee on the Judiciary for, or any other committee? It studies a question deliberately, contacts the responsible agencies of government, like the Secretary of State. The Secretary of State tells you—and you know it is true, there is not anybody in this House so dumb he does not know it is the truth, we are in no position to be flirting with the situation—the Secretary of State tells you that it is a dangerous thing to incorporate these amendments now. And what do you get out of it? I am talking to you as man to man. What do you get out of it? You do not broaden by one single iota the scope of this bill. You just do what the Secretary of State, the diplomatic representative of the Nation in this crucial time, tells you is against the best interests of the United States to do. What do you mean? I mean it exactly as I say it: What do you mean, individual Members of the House of Representatives, incorporating in a bill every possible agency that could be required and your diplomatic representative, Cordell Hull, the only man you have got to deal with the most delicate diplomatic situation that ever challenged or endangered this country says: "Don't do it"? Do you mean to tell me that you will take the responsibility individually?

Your committee has covered every possible agency that could be covered, and your Secretary of State tells you not to do it. What are you going to do it for? Now, as a matter of just plain practical horse sense, what are you going to do it for? We are not dealing with an ordinary situation. You and I face the responsibility this minute when your Nation and my Nation confronts the greatest danger it has confronted since

our ancestors put their feet on American soil. We are playing with the job, acting like children. Suppose we turn down the Secretary of State, suppose you turn down your Committee on the Judiciary, the unanimous judgment of those persons whom you put on the Committee on the Judiciary. I do not like to interfere with my committee; I would not do it if I did not appreciate the stupendous question that is now pending in this House.

My distinguished colleague from Texas just said:

We have shown that the Soviet Government through its diplomatic representatives and agents has violated every provision of the agreement under which we recognized Russia.

I ask you, as a matter of horse sense, is this any time to be dealing with that sort of a question? They are fighting side by side with America and doing the best fighting of anybody in our crowd just now.

Where are you trying to get to? Suppose we put these amendments in the bill or leave them in the bill at the request of the gentleman who has just spoken those words on the floor of this House, which I have quoted, does anybody mean to tell me that the difficulties of Cordell Hull would not be greater? What are we trying to do? That is what I would like to ask, What are we trying to do? Are we trying to protect this country and make it necessary for every person and every agency that ought to file its name and its principle to be recorded? We do it under the bill. If we are seeking to kick Russia, and that is what we are trying to do—if that is the objective—there is mighty good sense in these amendments, sustained by the language of my distinguished friend from Texas, who said:

We have shown that the Soviet Government, through its diplomatic representatives and agents, has violated every provision of the agreement under which we recognized Russia.

Do you think this is the time to bring up issues like that?

Mr. DIES. Will the gentleman yield?

Mr. SUMNERS of Texas. I yield to the gentleman.

Mr. DIES. At the beginning of our discussion it was agreed that 70 minutes would be devoted to debate.

Mr. SUMNERS of Texas. I do not yield for that.

Mr. DIES. The gentleman has used 40 minutes. I have only had 25 minutes. As I understand, the gentleman requires some more time. Will he permit me to ask unanimous consent for 5 additional minutes?

The SPEAKER. The Chair will not entertain that request.

Mr. DIES. I thought maybe we could have a little fairness.

The SPEAKER. The gentleman from Texas has 5 minutes remaining.

Mr. HARE. Will the gentleman yield?

Mr. SUMNERS of Texas. For a very brief question.

Mr. HARE. At the conclusion of the gentleman's remarks I get the idea that the passage of this amendment would involve a new enemy.

Mr. SUMNERS of Texas. I cannot go into that.

Mr. HARE. If the passage of this amendment will involve us with Russia, is that calculated to have a new enemy in this war?

Mr. SUMNERS of Texas. I am trying to make it pretty clear and it seems to me I ought not to have to do it again, that any American citizen, whether in this House or anywhere else, who has got really good old-fashioned horse sense, and whose boy is wearing the uniform of our country, whose country is now under attack by the Axis Powers against whom Russia is fighting, should not want to include this language. I cannot for the life of me see why anybody should have any hesitancy in stripping this bill down to the language that deals fully with the situation without embarrassing Cordell Hull in what he is trying to do for us.

Mr. Speaker, I have seen partisanship in this House. I was here during the other war. But when Members have the challenge that comes to you this minute, I have yet to see this center line dividing Democrats and Republicans divide the patriots in this House. Your Republican boy is in uniform, just like the boys of the folks over here on the Democratic side. There is not a human being who can look at this picture, this bloody picture, today and be certain what is going to happen. We do know that we have not one iota of support to throw away. Is that right? Have we any more people fighting on our side or with us than we need?

What are you going to do with these amendments? What do you want them in the bill for? Let us be sensible. What do you want them in there for if we have not something to slough off? Does anybody pretend to believe that if we put those amendments in there, associated with the language of the gentleman from Texas: "We have shown that the Soviet Government through its diplomatic representatives and agents has violated every provision of the agreement under which we recognized Russia," it would make Russia disposed to take a stronger stand against a separate peace? I mean, where is there horse sense in that?

We are not just playing to the galleries. We are faced with the vital interests of this great Nation, at the high peak of human history. When people ask you what of the night, you cannot tell them. You cannot see through the curtain of battle smoke that shrouds the world today.

I appeal to you on behalf of my country and your country that you love as well as I do. The Committee on the Judiciary has studied this thing. We went back into a reexamination of the matter after these amendments were agreed to by the House, and it was the unanimous determination of the Committee on the Judiciary of the House of Representatives, Democrats and Republicans, that we could not afford to incorporate these amendments in this bill.

[Here the gavel fell.]

The SPEAKER. All time has expired.

Mr. DIES. Mr. Speaker, we had an understanding that I was to have 30 min-

utes and the gentleman from Texas [Mr. SUMNERS] 40 minutes. I have had 25 minutes. The gentleman from Texas has consumed 45 minutes. I ask unanimous consent to answer the gentleman for 5 minutes.

The SPEAKER. The Chair is informed that all time agreed upon, 1 hour and 10 minutes, has expired. Does the gentleman from Texas desire to offer a motion?

Mr. DIES. No.

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question.

The previous question was ordered.

Mr. DIES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DIES. Yes; I am opposed to the bill.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. DIES moves to recommit the conference report with instructions that the House managers insist on the provisions of the House bill relating to the Communist Party of the United States, the German-American Bund, and the Kyffhauserbund and the requirements that these organizations furnish the names of their members and officers.

Mr. SUMNERS of Texas. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. DIES. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

The question was taken; and on a division (demanded by Mr. DIES) there were—ayes 40, noes 228.

So the motion to recommit was rejected.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the Record on the bill and the conference report just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record and include therein a newspaper editorial from the St. Louis Argus on the subject I spoke on this morning.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

RELIEF FOR CERTAIN AGRICULTURAL PRODUCERS IN STRICKEN AREAS

Mr. SABATH. Mr. Speaker, I call up House Resolution 419, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 6359) granting relief to certain agricultural producers in stricken areas who suffered crop failures in 1941 because of adverse weather conditions, insect pests, or other uncontrollable natural causes. That after general debate, which shall be confined to the bill and continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion, except one motion to recommit.

Mr. SABATH. Mr. Speaker, after I have briefly explained the rule and the bill I shall yield 30 minutes to the gentleman from New York [Mr. FRISH].

Mr. Speaker, this rule makes in order the consideration of the bill H. R. 6359. This is a broad and liberal rule, permitting 2 hours of general debate and providing that at the conclusion of the general debate the bill will be considered under the 5-minute rule and open to amendment.

Originally the Committee on Agriculture reported a bill known as H. R. 6120, but the Committee on Rules, after questioning the chairman and the members of the Committee on Agriculture, felt that that committee should bring in a bill that would embody amendments which the chairman and the various members appearing before our committee agreed be included in the bill.

The bill the consideration of which this rule makes in order, as we have been informed, will cost the Government from \$5,000,000 to \$10,000,000. Personally, I am of the opinion, after making investigations, that it will cost a great deal more; in fact, I believe it may reach the sum of \$20,000,000.

Real demand has been made for this proposed legislation by gentlemen representing States which have actually suffered crop failure in the year of 1941 because of adverse weather conditions. I feel that relief should be given to these agricultural producers in the stricken areas.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. SABATH. I yield to the gentleman from Pennsylvania.

Mr. RICH. If it is right to assist the farmer because his crop failed to grow due to a lack of rainfall or for other reasons, would it not be quite as justifiable to assist the automobile dealers, who are not permitted to have tires and who have had to close down their shops? The Government stopped the automobile dealers from doing business but the Lord stopped the crops from growing. Which is the more to blame? If a payment by the Federal Government to one is justifiable, should not payment by the Government to the other also be justifiable?

Mr. SABATH. There is a great deal to what the gentleman states. That question was uppermost in the minds of