

arctic Service expedition's east base, Antarctica, on March 21, 1941, and for other purposes; to the Committee on Claims.

By Mr. RAMSPFCK:

H. R. 1725. A bill to authorize heads of departments and agencies to delegate to subordinates the authority to employ persons for duty in departments or the field service; to the Committee on the Civil Service.

By Mr. STEAGALL:

H. R. 1726. A bill to amend the National Housing Act, and for other purposes; to the Committee on Banking and Currency.

By Mr. WARD:

H. R. 1727. A bill to provide for the payment of a wartime bonus for employees of the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. FULMER:

H. R. 1728. A bill to increase the supply of farm labor during the calendar year 1943; to the Committee on Military Affairs.

By Mr. JOHNSON of Oklahoma:

H. R. 1729. A bill providing that in determining need of individuals claiming old-age assistance only income and resources in excess of \$240 shall be considered; to the Committee on Ways and Means.

By Mr. KILDAY:

H. R. 1730. A bill to amend paragraph (1) of section 5 (e) of the Selective Training and Service Act of 1940, as amended; to the Committee on Military Affairs.

By Mr. LARCADE:

H. R. 1731. A bill granting the consent of Congress to the State of Louisiana to construct, maintain, and operate a free highway bridge across the Calcasieu River at or near Lake Charles, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. MARCANTONIO:

H. R. 1732. A bill to prohibit discrimination in employment because of race, color, creed, religion, national origin, or citizenship; to the Committee on the Judiciary.

By Mr. RANDOLPH:

H. R. 1733 (by request). A bill to provide a night differential for employees of the Government of the United States and of the government of the District of Columbia; to the Committee on the Civil Service.

By Mr. JARMAN:

H. R. 1741. A bill to incorporate the Military Order of the Purple Heart; to the Committee on the Judiciary.

By Mr. SADOWSKI:

H. J. Res. 78. Joint resolution authorizing the President of the United States of America to proclaim October 11, 1943, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

By Mr. SMITH of Virginia:

H. Res. 102. Resolution establishing a select committee to investigate acts of executive agencies beyond the scope of their authority; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CARLSON of Kansas:

H. R. 1734. A bill for the relief of Maj. Wilbur Rogers, United States Army, retired; to the Committee on Military Affairs.

By Mr. HOFFMAN:

H. R. 1735. A bill for the relief of Leon Frederick Ruggles; to the Committee on War Claims.

By Mr. KLEIN:

H. R. 1736. A bill for the relief of Max Geissler; to the Committee on Claims.

By Mr. McMILLAN:

H. R. 1737. A bill for the relief of the Saunders Memorial Hospital; to the Committee on Claims.

By Mr. MOTT:

H. R. 1738. A bill for the relief of Hazel M. Lewis; to the Committee on Claims.

By Mr. POULSON:

H. R. 1739. A bill granting a pension to Freda Boy; to the Committee on Pensions.

By Mr. REECE of Tennessee:

H. R. 1740. A bill granting a pension to Zola O. Honeycutt; to the Committee on Pensions.

PETITIONS ETC.

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

81. By Mr. FOGARTY: Memorial of the General Assembly of the State of Rhode Island, urging passage of Senate bill 35, authorizing the use for war purposes of silver held or owned by the United States; to the Committee on Banking and Currency.

82. By Mr. FORAND: Memorial of the General Assembly of the State of Rhode Island, asking the Congress of the United States to pass Senate bill 35, authorizing the use for war purposes of silver held or owned by the United States; to the Committee on Interstate and Foreign Commerce.

83. By Mr. ROLPH: Assembly Joint Resolution No. 9 of the State of California, relative to memorializing Congress to request the Jefferson Bicentennial Commission, Senator CARTER GLASS, chairman, to invite the nations and people of the world to join with the people of the United States of America in observing and celebrating the bicentennial of Jefferson's day of birth, April 13, 1943; to the Committee on Rules.

84. Also, Assembly Joint Resolution No. 12 of the State of California, relative to memorializing the Secretary of Agriculture, the War Manpower Commission, and the Director of Selective Service in relation to grapes and raisins as essential farm products; to the Committee on Agriculture.

SENATE

MONDAY, FEBRUARY 8, 1943

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

Our Father God, apart from Thee all is vanity and vexation of spirit. Thou hast taught us that our lives are the temples of Thy holy presence. Made in Thy image no despot may enslave our conscience. Against the defilement by impious hands of that sacred inner shrine we pledge a sacrifice from which no Gethsemane or Calvary can hold us back. Strengthen our will to halt the designs of the tyrants, who would bring us and other nations under their evil domination.

Give courage to our stalwart men who on the far-flung battle lines of freedom are baring their breasts to the fire of the foe and putting their lives a living wall between threatening danger and our destiny. Stir up in the whole body of the people an adventurous willingness, even as they pour out the crimson cost of war, so also for international good will to dare bravely; that on the ruins of man's hate we may build a new and fairer home for humanity worthy to house all the children of Thy love and care—as glorious from the heavens above shall come the city of our God. We ask

it in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 4, 1943, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON ALIEN REGISTRATION

A letter from the Attorney General, transmitting, pursuant to law, a report of the Commissioner of Immigration and Naturalization on alien registration under date of February 1, 1943 (with an accompanying report); to the Committee on Immigration.

REPORT OF ATTORNEY GENERAL ON CERTIFICATES

FILED REQUISITE TO THE PROSECUTION OF THE WAR—WAIVING OF CIVIL ACTIONS UNDER ANTI-TRUST AND OTHER LAWS

A letter from the Attorney General, transmitting, pursuant to law, a report of certificates filed by the Chairman of the War Production Board, for the period October 1, 1942, through January 31, 1943, as to the doing of any act or thing or the omission to do any act or thing requisite to the prosecution of the war by any person or persons for which no prosecution or civil action shall be commenced under the antitrust laws or the Federal Trade Commission Act (with accompanying papers); to the Committee on Banking and Currency.

THE PUBLIC DOMAIN

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation declaring certain lands to be a part of the public domain and providing for the administration thereof (with an accompanying paper); to the Committee on Indian Affairs.

DISPOSITION OF EXECUTIVE PAPERS

A letter from the Archivist of the United States, transmitting, pursuant to law, two lists of papers and documents on the files of the Federal Works Agency which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. BARKLEY and Mr. BREWSTER members of the committee on the part of the Senate.

PETITIONS AND MEMORIALS

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

By the VICE PRESIDENT:

A joint memorial of the Legislature of Idaho, dealing with the hospitalization of veterans; to the Committee on Finance.

(See joint memorial printed in full when presented by Mr. CLARK of Idaho on the 4th instant, p. 567, CONGRESSIONAL RECORD.)

By Mr. CAPPER:

A petition of sundry citizens of Fort Scott, Kans., praying for the enactment of legislation to prohibit liquor sales in the vicinity of military camps and naval establishments; ordered to lie on the table.

By Mr. JOHNSON of Colorado:

A joint memorial of the Legislature of the State of Colorado; to the Committee on Post Offices and Post Roads:

"Whereas a great highway is now being constructed from the Province of Alberta, Canada, to Fairbanks, Alaska, and the Pan American Highway from Mexico through Central America into South America is now being extended and these roads now being built and planned will, when completed, in conjunction with the connecting system of major highways in the United States, constitute a great inter-American transportation system linking the two continents and affording arteries for commerce and travel; and

"Whereas the Rocky Mountain States lie in the shortest and most direct line between the Canadian and Mexican border terminals of this international route; and

"Whereas four of our great national parks with splendid roads systems connect directly with this alignment, being Glacier, Yellowstone, Rocky Mountain, and Carlsbad Caverns National Parks, as well as Jasper and Banff National Parks of Canada; and

"Whereas completed major highways in the Rocky Mountain States constitute the greater portion of the route traversed, conveniently connecting these national parks and making accessible the entire scenic and recreational area of the Mountain States; and

"Whereas the improvements and construction of a great master highway between the Canadian and Mexican terminals of this international route will afford an opportunity for gainful employment during the post-war adjustment period and provide an activity for these States which do not possess normal industrial facilities to employ their population in the post-war period; Now, therefore, be it

Resolved by the Senate of the Thirty-fourth General Assembly of the State of Colorado (the House of Representatives concurring herein), That it respectfully memorialize the Congress of the United States to now take such steps as will provide plans, ready for immediate execution upon the termination of the war, and the necessary appropriations, so that road improvements needed to create a great master highway north and south through the States of Montana, Wyoming, Colorado, New Mexico, and Texas may be undertaken with the least delay, thus providing employment in the post-war adjustment period and an inter-American transportation system as in this memorial outlined: Be it further

Resolved, That certified copies of this joint memorial be forwarded at once to the Vice President and the Speaker of the House of Representatives, as the presiding officers of the Congress of the United States, and to Hon. EDWIN C. JOHNSON and Hon. EUGENE D. MILLIKIN, Senators, and Hon. LAWRENCE LEWIS, Hon. WILLIAM S. HILL, Hon. J. EDGAR CHENOWETH, and Hon. ROBERT F. ROCKWELL, Representatives, from the State of Colorado.

(The VICE PRESIDENT laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on Post Offices and Post Roads.)

By Mr. GREEN:

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Banking and Currency:

"Whereas the jewelry and silversmith industries have made for many years one of the most important contributions to the economic structure in the State of Rhode Island and Providence Plantations and in New England; and

"Whereas in the past, thousands of citizens of this State and of the other New England States have depended upon these industries for livelihood, and will do so in the future; and

"Whereas, at the present time there are certain restrictions upon the use of silver that affect the said industries to the extent that, if remedial measures are not taken, it may mean certain economic collapse, not alone in said industries but in a far-reaching effect upon certain other manufactured goods that are depending upon the silver industry; and

"Whereas United States Senator THEODORE FRANCIS GREEN, of Rhode Island, had introduced into the United States Congress at its seventy-seventh session, a bill to provide increased authority for the use of Government-owned silver in furtherance of the war effort which authorized the President of the United States of America, upon the recommendation of the chairman of the War Production Board, to sell or lease any silver held or owned by the United States, upon such terms as the Secretary of the Treasury deemed advisable and which, among other things, would have permitted the use of silver in the making of munitions, the supplying of civilian needs in connection with the war effort, and the conversion of existing jewelry plants for such purposes, so that consumptive as well as non-consumptive uses of silver might have been provided; and

"Whereas, since this bill was not reported out favorably, United States Senator THEODORE FRANCIS GREEN, having the welfare of our country in mind, the industry of our State and all its employees, has reintroduced a similar bill into Congress at this Seventy-eighth Session, namely Senate bill 35, entitled 'A bill to authorize the use for war purposes of silver held or owned by the United States,' which bill has the endorsement of the War Production Board and the Treasury Department: Now, therefore, be it

Resolved, That the General Assembly of the State of Rhode Island and Providence Plantations be and it hereby does approve Senate bill 35, as presented by United States Senator THEODORE FRANCIS GREEN, and urges the Members of the Seventy-eighth Congress of the United States of America to pass said proposed legislation; and, be it further

Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States be and they hereby are respectfully requested to work for the passage of said Senate bill 35 and to express to the proper authorities the feeling of the General Assembly of the State of Rhode Island and Providence Plantations that this proposed measure is essential, particularly in view of the present war emergency; and be it further

Resolved, That the secretary of state be authorized to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States: to the Chairman of the War Production Board, the Secretary of the Treasury, and the chairman of the Senate Committee on Banking and Currency."

By Mr. GERRY:

A resolution of the General Assembly of the State of Rhode Island; to the Committee on Finance:

"Whereas the primary aim of the Ruml plan is to put both the Government and all individual taxpayers on a current basis of tax payment on income, with the purpose of getting every taxpayer out of debt to the Government, without future income-tax claims against estates, a living man's wages or savings: Now, therefore, be it

Resolved, That the General Assembly of the State of Rhode Island and Providence Plantations now places itself on record as approving the Ruml plan now before Congress or any similar, genuine pay-as-you-go tax plan so that both the Government and all individual taxpayers may be placed upon a current basis of tax payment on income; and be it further

Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States be, and they hereby are, requested to use every effort to have the Ruml plan, so-called, or any similar genuine pay-as-you-go tax plan enacted into Federal law; and the secretary of state is hereby authorized and directed to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States."

(Mr. GREEN presented a resolution identical with the foregoing, which was referred to the Committee on Finance.)

RESOLUTIONS OF SOUTH CAROLINA LEGISLATURE

Mr. MAYBANK, Mr. President, I present and ask to have appropriately referred a concurrent resolution of the General Assembly of the State of South Carolina introduced by the aviation committee of the assembly.

The concurrent resolution was referred to the Committee on Commerce, and, under the rule, ordered to be printed in the RECORD, as follows:

Whereas the Congress of the United States has before it for consideration House bill H. R. 1012 and Senate bill 246 affecting air commerce; and

Whereas air commerce (air lines) represents a part of civil aviation and private flying and fixed-base operations represent a major part of civil aviation whose operations are not interstate in character and therefore are of no concern of the Federal Government, the pending legislation would deny to the States their inherent rights to govern within their own State and would seriously jeopardize private flying and fixed-base operations; and

Whereas by applying the intent of this legislation to other forms of transportation our national economy would be seriously affected; and

Whereas there is no immediate need for this legislation as the President of the United States is vested with full power under the Defense Act to regulate all aircraft, civilian or otherwise, if necessary; and

Whereas those men who are serving their country in the various branches of service are unable to voice their sentiments or opinions on this proposed legislation at this time, and they are the persons who have contributed more to the development of aviation and are entitled to their place in aeronautics when and if they return from active duty; and

Whereas there is ample time for such legislation to be considered in the future since consideration has not been given future developments and improvements which will change methods now used in the regulation of aircraft: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the State Legislature of South Carolina respectfully requests that no action be taken on the above-mentioned bills or any similar bill or bills by Congress until the present war is over and peace is established; be it further

Resolved, That a copy of this resolution be forwarded to the clerk of the United States Senate, the Clerk of the United States House of Representatives, the clerk of the Interstate and Foreign Commerce Committee of Congress, and to each of the South Carolina Senators and Representatives in Congress.

The VICE PRESIDENT laid before the Senate a resolution identical with the foregoing, which was referred to the Committee on Commerce.

Mr. MAYBANK, I also present and ask to have appropriately referred another concurrent resolution adopted by

the General Assembly of South Carolina introduced by Hon. B. D. Harrelson.

The resolution was referred to the Committee on Agriculture and Forestry, and, under the rule, ordered to be printed in the RECORD, as follows:

Whereas it has been the experience of the tobacco growers and the tobacco buyers in this State that the system of selling tobacco by auctioning, to the highest bidder, as has been the custom in this State for a great number of years, is the fairest and most satisfactory way of merchandising the tobacco crops of this State: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Government of the United States of America is hereby requested to acknowledge that the system used for merchandising the tobacco crops in this State is a fair and satisfactory manner of merchandising such crops, and said Government is further requested not to exercise any authority that would interfere with the manner in which tobacco crops are sold in this State; be it further

Resolved, That a copy of this resolution be forwarded to each of the South Carolina Representatives in the Halls of Congress and to the Secretary of Agriculture of the United States of America, with the request that the contents of this resolution be conveyed to the proper governmental authorities.

Mr. MAYBANK. I also present and ask to have appropriately referred a resolution adopted by the House of Representatives of the General Assembly of the State of South Carolina introduced by Messrs. E. V. Perry and Gardner.

The resolution was referred to the Committee on Banking and Currency, and, under the rule, ordered to be printed in the RECORD, as follows:

Whereas the farmers in the State of South Carolina are putting forth their best efforts under adverse conditions to grow Irish potatoes, which are badly needed by the Government in the furtherance of the war effort; and

Whereas the increase in cost of production, including labor, fertilizer, materials, interest, taxes, and freight rates the farmers would have to pay approximately from 40 cents to 50 cents more for producing and marketing each bag of potatoes than they would realize from their efforts; and

Whereas the loss of these profits would not only cause the downfall of the farmers but would decrease the number of acres of potatoes planted and harvested for this year and in future years: Now, therefore, be it

Resolved by the house of representatives, That the Office of Price Administration investigate the costs and expenses which the farmers would be put to in the planting and harvesting of these potatoes and fix a ceiling price, so that the farmer would receive a profit instead of a loss therefrom.

Resolved further, That a copy of this resolution be sent to Hon. J. K. Galbraith, Deputy Office of Price Administration Administrator, a copy to Hon. James F. Byrnes, Stabilization Director, a copy to Hon. Burnet R. Maybank, a copy to Hon. E. D. Smith, United States Senators, and also a copy to each of the Congressmen from this State.

RESOLUTION OF KANSAS LEGISLATURE— BUREAU OF ANIMAL INDUSTRY

Mr. REED. I present and ask to have printed in the RECORD and appropriately referred Senate Concurrent Resolution No. 7, adopted by the Kansas State Legislature, relating to the United States Bureau of Animal Industry.

The resolution was referred to the Committee on Agriculture and Forestry, and, under the rule, ordered to be printed in the RECORD, as follows:

By an act of Congress the United States Bureau of Animal Industry was created in 1884, under the direction of Dr. Solomon. The development and guidance of the Bureau has successfully brought about a disease-control program now operating under the direction of Dr. John R. Mohler, whose ability is recognized throughout the world as a genius in the control of livestock diseases and his administration of the present Federal meat-inspection program. Under his direction, foot-and-mouth disease has been eliminated from the United States, and the occurrence of such diseases as Texas fever, cattle and sheep scab, tuberculosis, anthrax, blackleg, hog cholera, malignant edema has either been minimized or practically eliminated in various sections of the United States. Through his endeavors, Federal meat inspection in the United States is recognized throughout the world, and through his scrutiny and effective quarantine programs we have been able to keep out many of the infectious diseases of foreign countries that are of untold values to the livestock interests of this country, as well as public health. Any curtailment of Dr. Mohler's authority could possibly bring about a serious menace to our livestock industry as well as to our meat food supply. The United States, Canada, and Mexico are reported to be the only three countries in the world today that are free of foot-and-mouth disease, which can be attributed directly to Dr. John R. Mohler's meat-inspection program, in cooperation with the Governments of Mexico and Canada.

Whereas we are advised that the Meat Inspection Division of the Bureau of Animal Industry has by Executive order been transferred from that Bureau to the new Food Distribution Division; and

Whereas no Government agency has functioned more efficiently in the interest of the livestock industry than the Meat Inspection Division in correlation with field inspection of the Bureau of Animal Industry in the quarantine and control of animal diseases: Therefore be it

Resolved by the Kansas Legislature, That the Bureau of Animal Industry be restored to its full power as has existed since 1894, and that a copy of this resolution be forwarded to each of the Kansas United States Senators and to each of the Kansas Representatives in Congress.

RESOLUTION OF NORTH DAKOTA COUNTY COMMISSIONERS ASSOCIATION—GOOD ROADS

Mr. NYE. Mr. President, I present, and ask to have printed in the RECORD, and appropriately referred, a resolution adopted by the North Dakota County Commissioners Association on the 13th of January 1943.

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

Whereas it has been called to the attention of certain members of this association that rural postal routes are now traveling upon township and county roads which cannot be maintained in a proper manner for prompt delivery of mail; and

Whereas the bad condition and poor maintenance of such roads is due to the lack of funds of townships to construct and maintain such roads; and

Whereas the rural carriers of the State have requested the county commissioners to devise ways and means of improving rural-route roads by a matching of township,

county, State, and Federal funds, if possible: Now, therefore, be it

Resolved, That this association by appropriate action seek means of improving postal routes throughout the State by the use of township, county, State, and Federal funds wherever possible and by matching of funds of the several subdivisions and that the matter be further referred to the Federal Bureau of Public Roads for such action as they may see fit to take; and be it further

Resolved, That a copy of this resolution be forwarded to the Members of Congress from this State requesting them to work and vote for sufficient funds during the coming session of Congress and subsequent sessions to the end that funds may be appropriated for the purpose of improving not only the rural postal routes in this State, but throughout the Nation.

WHAT THE PEOPLE WOULD LIKE TO KNOW—STATEMENT BY ALBERT D. NELSON

Mr. JOHNSON of Colorado. Mr. President, I present to the Senate a statement by a citizen of Colorado, Mr. Albert D. Nelson, on the subject of What the People Would Like to Know, in which numerous questions are directed to the Congress. I ask that this document lie on the table where it may be available to Senators desiring to study the important questions which is raises.

The VICE PRESIDENT. Without objection, the statement presented by the Senator from Colorado will lie on the table.

CONDITIONS IN PUERTO RICO

Mr. LANGER. Mr. President, I ask unanimous consent to have printed in the RECORD a letter addressed to me by Miguel Guerra-Mondragon, of San Juan, P. R., relative to conditions in Puerto Rico.

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

SAN JUAN, P. R., February 2, 1943.
HON. WILLIAM LANGER,
Senator from North Dakota,
Senate Office Building,
Washington, D. C.

DEAR SIR: A recent press dispatch has quoted you as saying:

"(Translated from the Spanish text) Tugwell is doing a first-class work. The evidence for this is to be found in the violence of the opposition raised in Puerto Rico where a group of fortunate ones owns all the land and keeps the rest of the people in perpetual slavery. One of the outstanding things Tugwell has done there has been the elimination of monopolies and the offering to the poorer classes of an opportunity to govern. Naturally, the group controlling the island is opposed to that, and that has been the source of all difficulties."

You have sized up the situation. Needless to say all liberals in Puerto Rico have rejoiced over your statement. The immense majority of our people—the hundreds of thousands of the landless and hungry—have placed their faith and confidence in Governor Tugwell.

The Popular Party won the 1940 elections in Puerto Rico on a platform looking toward social reform (long overdue) and the curtailment of economic abuses. Most of the fundamental laws passed by that party since 1940 were signed before Tugwell took possession as Governor. The abuse heaped upon Tugwell is resented by all liberal-minded people in this island. Due to Tugwell's statesmanship our people have at last learned that there is another America besides the

America of ruthless commercialism and money changers. And in these times when over 20,000 Puerto Ricans are bearing arms in a common cause for democracy and freedom, Governor Tugwell has inspired our soldiers, mostly sons of the good common people, with the idea that they are not mere sardines fighting for a frying pan but good men fighting for a better world.

As soon as the Popular Party was able to, it passed several laws very similar to the ones unsuccessfully assailed in your own State of North Dakota.

As one liberal and as one Puerto Rican, permit me to thank you for your brave statement.

With assurances of my highest consideration permit me to remain, my dear Senator, Very sincerely yours,

MIGUEL GUERRA-MONDRAGON,
Ex-Speaker, House of Representatives of Puerto Rico.

REPORTS OF COMMITTEE ON MILITARY AFFAIRS

The following reports of a committee were submitted:

By Mr. REYNOLDS, from the Committee on Military Affairs:

S. 427. A bill to provide additional pay for personnel of the Army of the United States assigned to diving duty; without amendment (Rept. No. 46); and

S. 495. A bill to establish a Women's Army Auxiliary Corps for service in the Army of the United States; with an amendment (Rept. No. 45).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation three lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

PROPOSED NATIONAL WAR SERVICE ACT—BILL INTRODUCED

Mr. AUSTIN obtained the floor.

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

The VICE PRESIDENT. Does the Senator from Vermont yield for that purpose?

Mr. AUSTIN. I yield.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Aiken	Ferguson	Mead
Andrews	George	Millikin
Austin	Gerry	Moore
Ball	Gillette	Murdock
Bankhead	Green	Murray
Barkley	Guffey	Nye
Bilbo	Gurney	O'Mahoney
Brooks	Hawkes	Overton
Buck	Hayden	Pepper
Burton	Hill	Radcliffe
Bushfield	Holman	Reed
Butler	Johnson, Colo.	Revercomb
Byrd	Kilgore	Reynolds
Capper	La Follette	Robertson
Caraway	Langer	Russell
Chandler	Lucas	Shipstead
Clark, Idaho	McClellan	Smith
Clark, Mo.	McFarland	Stewart
Connally	McKellar	Thomas, Idaho
Danaher	McNary	Thomas, Okla.
Davis	Maloney	Thomas, Utah
Downey	Maybank	Truman

Tunnell	Wagner	Wherry
Tydings	Wallgren	Wiley
Vandenberg	Walsh	Willis
Van Nuys	Wheeler	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS] is absent from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. EASTLAND], the Senator from New Mexico [Mr. HATCH], the Senator from Texas [Mr. O'DANIEL], and the Senator from Nevada [Mr. SCRUGHAM] are necessarily absent.

The Senator from Nevada [Mr. McCARRAN] is detained on official business for the Senate.

The Senator from Washington [Mr. BONE], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. ELLENDER], the Senator from Ohio [Mr. TAFT], and the Senator from Maine [Mr. BREWSTER] are conducting hearings in Puerto Rico on behalf of the Committee on Territories and Insular Affairs.

Mr. McNARY. The following Senators are necessarily absent:

The Senator from New Jersey [Mr. BARBOUR], the Senator from New Hampshire [Mr. BRIDGES], the Senator from Massachusetts [Mr. LODGE], and the Senator from Iowa [Mr. WILSON].

The Senator from Maine [Mr. BREWSTER] and the Senator from Ohio [Mr. TAFT] are absent on important public business.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

Mr. AUSTIN. Mr. President, I introduce a bill for appropriate reference, and I ask unanimous consent to make some remarks regarding the bill at this time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Vermont may proceed.

Mr. AUSTIN. Mr. President, I ask that a copy of the bill be printed in the RECORD at this place.

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

The bill (S. 666) to provide further for the successful prosecution of the war through a system of civilian selective war service with the aid of the Selective Service System was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc.,

DECLARATION OF POLICY AND INTENT OF CONGRESS

SECTION 1 (a) The Congress hereby declares that in view of the critical nature of the present war and in justice to those in the armed forces of the United States, it is necessary to provide further for the comprehensive, orderly, and effective mobilization of the manpower and womanpower of the Nation in support of the war effort.

(b) The Congress further declares as the general principle governing such mobilization that an obligation rests upon every person, subject to necessary and appropriate exceptions as herein defined or authorized, to render such personal service in aid of the war effort as he or she may be deemed best fitted to perform.

(c) The Congress further declares that there is no intention by this act to modify,

or otherwise affect existing laws relating to maximum hours, minimum wages, overtime pay, or collective bargaining, or relating to mediation, arbitration, or other procedures for the settlement of any labor controversies or questions, the intention being that if and when any such subjects are dealt with by the Congress this shall be done by other legislation; and that nothing in this act shall be otherwise construed.

(d) The Congress further declares that there is no intention by this act to affect the integrity of the Selective Service System created under the Selective Training and Service Act of 1940, as amended; and that nothing in this act shall be otherwise construed.

LIABILITY FOR NATIONAL SERVICE

SEC. 2 (a) In order to provide for an adequate supply of workers in war industries and agriculture, and in other occupations, activities, and employments which the President shall from time to time determine to be essential to the effective prosecution of the war, and in order to maintain a proper balance between such workers and persons in the armed forces of the United States and among such workers themselves, each registrant and each person required to be registered under the Selective Training and Service Act of 1940 as amended and every woman residing in the United States between the ages of 18 and 50 at the time fixed for her registration under the provisions of this act, except as hereinafter provided, shall be liable to contribute by personal service to the war effort in a noncombatant capacity, according to his or her abilities, and as selected in accordance with the terms of this act and regulations prescribed by the President thereunder: *Provided*, That no service under this act shall be required from any of the following: (1) Persons relieved from liability for training and service under section 5 (a) of the Selective Training and Service Act of 1940, as amended; (2) commissioned officers, warrant officers, pay clerks, and enlisted men of the land and naval forces of the United States (including the Army of the United States); (3) commissioned officers, warrant officers, pay clerks, and enlisted personnel of the Women's Army Auxiliary Corps, the Army Nurse Corps, the Navy Nurse Corps, the WAVES, the MARINES, and the SPARS; (4) persons serving in the Women's Auxiliary Ferrying Service; (5) persons deferred from training and service under section 5 (c) (1) or exempted from training and service under section 5 (d) of the Selective Training and Service Act of 1940, as amended; (6) any woman who has living with her and under her care either a child or children under 18 years of age, or one or more other persons who, on account of illness or advanced age need her personal care; (7) any woman while she is pregnant, as certified by a duly licensed physician; (8) any person who is an officer or employee of any State or of any political subdivision thereof, or of any corporate instrumentality or agency of any State or political subdivision thereof, unless the Governor of the State in which such person is an officer or employee consents in writing to service under this act on the part of such person; or (9) any officer or employee of a corporate instrumentality or agency of two or more States or political subdivisions thereof, unless the Governors of the States concerned consent in writing to service under this act on the part of such officer or employee.

(b) No exception from registration and no exemption or deferment from service under this act shall continue after the cause therefor ceases to exist.

(c) For the purposes of this section, the term "between the ages of 18 and 50" shall refer to women who have attained the eighteenth anniversary of the day of their birth and who have not attained the fiftieth anniversary of the day of their birth.

METHOD OF SELECTION OF WORKERS; RESPECTIVE FUNCTIONS OF THE PRESIDENT AND THE SELECTIVE SERVICE SYSTEM

SEC. 3. (a) The Selective Service System, created under the Selective Training and Service Act of 1940 as amended, shall be utilized as the agency to register and classify those persons who are liable for service under section 2 of this act and who are not already so registered and classified, and to select as hereinafter provided those to be assigned for such service if and to the extent that it becomes necessary to make such selection: *Provided*, That in order to aid the local boards of the Selective Service System in performing the additional duties required of them under this act, the President may assign to such local boards, in an advisory capacity, representatives of such other agencies of the Government as he may deem advisable.

(b) Whenever the President shall determine that additional workers are needed in any war industry, in agriculture, or in other occupations, activities, or employments essential to the effective prosecution of the war, he shall by proclamation specify the numbers of such workers and the purposes for which they are needed. The President shall thereupon, if he deems it practicable without impairing or delaying the war effort, issue, through the Chairman of the War Manpower Commission, a call or calls for volunteers, specifying the number of persons required, their qualifications, and, so far as practicable, the places where their work would be performed, and asking that qualified men and women volunteer their services within a specified time or times; and if and to the extent that the President shall deem it practicable, such calls for volunteers shall be issued before action is taken to obtain workers through the selective service process provided for by this act.

(c) If the President shall not deem it practicable to issue such a call or calls for volunteers, or if, after having issued such a call or calls, the required numbers of qualified persons have not volunteered their services within the time or times specified, the President, either directly, or through the Chairman of the War Manpower Commission, shall direct the Selective Service System created under the Selective Training and Service Act of 1940, as amended, to supply the required numbers of persons from those who are liable for service under section 2 of this act. The President shall also specify the quotas to be supplied, the qualifications desired in the persons to be selected, and, so far as practicable, the places to which the persons selected will be assigned. Thereupon the Selective Service System, through the local boards established under that system, shall proceed to select the required workers in the numbers, and, so far as practicable, with the qualifications, specified by the President. Such selection shall be made in a careful and impartial manner, and the decisions of such local boards shall be subject to appeal as in other cases to the appeal boards and agencies of appeal established under section 10 (a) (2) of the Selective Training and Service Act of 1940, as amended.

REGULATIONS; AUTHORITY OF THE PRESIDENT; ASSIGNMENT OF WORKERS

SEC. 4. The President is authorized, either directly or through the Chairman of the War Manpower Commission—

(a) to prescribe the necessary regulations to carry out in an impartial manner the provisions of this act, such regulations to include appropriate provisions for the registration and adequate occupational classification of all persons who are liable for service under section 2 of this act and who have not been so classified under the Selective Training and Service Act of 1940, as amended, or otherwise;

(b) in accordance with such regulations, to assign volunteers who have responded to a call under this act, and persons selected for service under this act by the local boards pursuant to section 3, to such noncombatant service in aid of the war effort as the President deems necessary to the successful prosecution of the war, including the production of war materials of every sort, transportation and agriculture, and training for the performance of all such work, at such times and in such numbers as the President may determine: *Provided*, That in making assignments to work under this act, due regard shall be had to assigning men or women to service in or near their home communities: *Provided further*, That no person shall be assigned to work under the provisions of this act at a location where reasonably suitable housing accommodations for such person and his or her immediate family are not available: *Provided further*, That whenever necessary, and so far as it is practicable to do so, persons assigned to service under this act (including accepted volunteers) shall, prior to such assignment, be given an opportunity of receiving aptitude tests and intensive training for the purpose of efficiently allocating them in places where they may render the most useful service and of redirecting or stepping up their skills in order that they may be competent for the tasks which they are to perform: *Provided further*, That every person assigned to service under this act (including every accepted volunteer) shall receive the compensation and work the hours applicable to the kind of work which he or she is required to perform in the place of employment to which he or she is assigned.

(c) in accordance with such regulations, to provide for the deferment from such service of those men and women whose continued service in any office under the United States or any Territory, or the District of Columbia, or whose continued employment in any occupation or activity is found by the selective service local boards, subject to appeal to the appeal boards and agencies of appeal established under section 10 (a) (2) of the Selective Training and Service Act of 1940, as amended, to be necessary to the maintenance of the national health, safety, or interest: *Provided*, That the President is authorized, under such regulations as he may prescribe, to provide for the deferment from service under this act of (1) persons found by the selective service local boards, subject to appeal as above provided, to be unfit for such service by reason of physical, mental, or moral deficiencies or defects, and (2) persons with respect to whom such local boards find, subject to appeal as above provided, that such service would result in extreme hardship;

(d) in accordance with such regulations, to provide the necessary traveling expenses and subsistence allowances during travel and until commencement of work of persons (including accepted volunteers) assigned under this act to service or to training in a locality other than that of their residence, and, when necessary, during their return therefrom, and, in accordance with such regulations, to provide transportation for the dependents and household effects of such persons: *Provided*, That such traveling expenses and allowances shall be computed in the same manner and on the same basis as those now or hereafter provided by law for members of the armed forces of the United States;

(e) in accordance with such regulations, to provide for the occupational training at Government expense of persons volunteering or selected for service under this act, and to pay reasonable compensation to trainees during the continuance of such training; and

(f) in accordance with such regulations, to provide for the orderly and effective allocation of workers (including those employed

or in process of training on the date of enactment of this Act) to the particular occupations deemed by the President to be essential to the war effort, and to the particular industries or areas in which the President finds that there is a shortage or a threatened shortage of manpower or womanpower, in order that such workers will be available where they are most needed and also for the purpose of preventing the "pirating" and the "hoarding" of labor by employers.

REEMPLOYMENT; SENIORITY RIGHTS

SEC. 5. Any person assigned to service under this act (including any accepted volunteer) who relinquishes regular employment to undertake such service, shall upon application to his or her employer within 40 days after the termination of such service, if such service terminates while this act is in effect, or within 40 days after the expiration of this act, if such service terminates after the expiration of this act, be entitled to be restored to his former position, or to a position of like seniority, status, and pay, unless the employer's circumstances have so changed as to make such restoration impossible or unreasonable: *Provided*, That if such person was in the employ of any State or political subdivision thereof, it is hereby declared to be the sense of the Congress that such person should be restored to such position, or to a position of like seniority, status, and pay.

ADMINISTRATION

SEC. 6. The Chairman of the War Manpower Commission shall administer this act and shall have general responsibility, subject to the authority of the President and the provisions of this act, for all aspects of the mobilization of manpower and womanpower for service under this act.

PENALTIES

SEC. 7. Any person who refuses or knowingly fails to comply with any lawful order issued under the provisions of this act, or with any lawful regulation promulgated thereunder, shall, upon conviction thereof, be fined not more than \$1,000 or imprisoned for not more than 6 months, or both.

PROTECTION IN EVENT OF INVALIDITY; PARTIAL INVALIDITY

SEC. 8. (a) The modification, withdrawal, or determination of invalidity of any provision of this act, or of any rule, regulation, or order thereunder, shall not result in damages or penalties in any Federal, State, or Territorial court on any grounds for or in respect of anything done or omitted to be done in good faith pursuant to such provision, rule, regulation, or order.

(b) If any provision of this act or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to other persons or circumstances, shall not be affected thereby.

AUTHORIZATION FOR APPROPRIATION

SEC. 9. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this act.

EFFECTIVE DATE AND TERMINATION OF ACT

SEC. 10. (a) This act shall take effect immediately.

(b) This act shall cease to be in effect on and after May 1, 1945, or such earlier date as may be specified by the Congress in a concurrent resolution.

POPULAR NAME

SEC. 11. This act may be cited as the "National War Service Act of 1943."

Mr. AUSTIN. Mr. President, the bill I have just introduced is Senate bill 666, and if it should be enacted into law it

may be cited as the National War Service Act of 1943. It is the product of several months of study, which was started on six bills introduced respectively in the Seventy-seventh Congress by the Senator from North Carolina [Mr. REYNOLDS], the Senator from Alabama [Mr. HILL], the Senator from Mississippi [Mr. BILBO], the Senator from Ohio [Mr. TAFT], the Senator from Tennessee [Mr. MCKELLAR], and the Senator from Vermont, who is now addressing the Senate. All the testimony taken during the Seventy-seventh Congress is in print. Doubtless all Senators have read it. If not, it is available.

Mr. President, the bill I have introduced has had very careful service by men who have concentrated on the subject for years and years. The American Legion started on this subject immediately after World War No. 1, and have continued the study throughout the period since then, and up to the present time, and have worked diligently on the very text of Senate bill 666.

There has also been engaged in a study of the proposed legislation a Citizens Committee for a National War Service Act, the chairman of which is Douglas Arant, of Birmingham, Ala., formerly president of the Alabama Bar Association, now chairman of the Committee on the Bill of Rights of the American Bar Association. The vice chairman is Henry D. Cabot, of Boston, Mass.; secretary-treasurer, Grenville Clark, of New York City; executive secretary, Ernest L. Bell, Jr., of Keene, N. H., formerly State commander of the American Legion.

The purpose of the bill is to provide further for the successful prosecution of the war through a system of civilian selective war service, with the aid of the selective service system.

The work of the Committee on Military Affairs has continued since the Seventy-seventh Congress almost daily during the Seventy-eighth Congress, and hearings are still in progress. We held a hearing this morning at which Secretary Wickard testified on this subject. I believe that the committee is firmly convinced that legislation is more according to the American way of life than Executive order, and after months of hearings we feel that as a legislature, we should be in the position to say something concrete regarding what is the policy of the people, what kind of law they wish to have, and should be prepared to get it started.

I think it is clear, as well, that, no matter how cautiously this problem was approached in September and October of 1942, events in the world, and in particular reports from our own boys in the southwest Pacific and in north Africa, prove that it is not a matter to be inaugurated at some time in the future, when it will be absolutely necessary to pass such legislation, but that the time has arrived, is here now, and every day that we postpone such legislation we postpone the victory of our men who are in arms.

If we, ourselves, do not know it, we are persuaded by the testimony of observers on the ground that every blow struck at the battle front begins here. It begins

in the mines, it begins on the prairies, it begins in the factories; the power and continuity of the blows struck depend on our noncombatant manpower here at home. I am talking about the necessity for such legislation as is proposed.

There is something else of great importance, namely, the feelings of the people. Men and women must have pride in order to continue the effort for an ever and ever higher standard of ideals and of purpose. Go to the farms where the crisis is most imminent; go to a dairy farm, where the mother and father are considering having to sell out the plant, as it were, and what do we find? If a young man on the farm has his choice between staying on the farm and going into the armed forces, he will go into the armed forces every time. Local boards cannot convince him that he should stay on the farm. They can say to him, "This is just as necessary as it is to be at the front with a bayonet, and your staying on the farm will help to win the war," but if he has his choice, he will take fighting and we know why. He has pride in serving his country; he has pride in appearing to serve his country, he has pride in not having the appearance of staying at home in non-combatant service when he is vigorous enough to be fighting at the front. So, if the Congress owes our people anything, it owes them the obligation to declare the policy in such definite terms that the men and women of America need not blush at any time merely because they are not fighting in the trenches but are staying at home fighting in the field or in the mine or in the factory. In other words, when we talk of the necessity of law, we are getting right at the very living soul of America.

We have founded our political life and our social life upon the doctrine of relative equality. Equality before the law is as essential to us as is the breath of heaven. Nothing will raise such anarchy as the existence of discrimination among the people of the United States. Let it exist in fact, and it will raise hell. Let it seem to exist, and there will be confusion, uncertainty, and trouble, and if it involves a great effort such as a total war effort, it causes the program to wobble and to fail. Therefore it is necessary to declare an equal liability of all mobile men within the range of 18 years and 65 years of age, and all mobile women within the ages of 18 and 50.

I use the term "mobile." I mean by that people who can be mobilized for the total war effort, for we cannot afford to break up the family; we cannot afford to destroy the prospects of proper nurture and care which all little children should have. We cannot uproot even the physical life of the family without putting something equally good in its place. Therefore we have to have a law, we have to have legislation, which says to everyone of these people, "You are all equal before the law. If you are able to perform service to back up our boys at the front, then we will take you over as volunteers or we will take you by selection, and we will put you in place at the time and in the manner which will accord with a grand plan which mobilizes

this entire resource of the United States in the most effective manner for the prosecution of the war; but in so doing we will see that your family is taken care of."

No mother who has under her care a child less than 18 years of age would be liable under the proposed law. Neither would she be liable if she has a mother dependent on her, or if she has dependent upon her any other member of her family by reason of sickness or other infirmity. No family would be broken up by this plan. If a man or woman has to be transferred to another locality than that in which the person lives, provision is made in the bill for the transfer of the whole menage. Provision is made for payment of mileage and for the transfer and maintenance of the household goods necessary to keep the family together.

Again, looking toward the security of the fundamental thing in America, which is the home, no one under such a law as proposed by the bill would be transferred to any place where there is not provided in advance suitable housing. Can that be done under Executive order? No.

Mr. President, another objective, which is the answer to a demand is that if the bill should become a law it would establish and maintain a proper balance in numbers between men and women in the armed services, and, on the other side of the scale, men and women who are employed at home in noncombatant services. That is one plan which is sought to be put into effect.

There is another one, namely, the establishment and maintenance of a balance among those who are not engaged in military service, that is, a balance between those who are employed in the factories, in the mines, on the prairies and farms, in the shipyards, and in transportation. All the essential non-combatant war service is intended to be coordinated according to a grand plan, a master plan. Then quota calls would be made for volunteers, such calls occurring from time to time, and if the people of the country desired to maintain and keep going the voluntary system they could do it simply by responding to the calls.

Mr. President, the bill provides that if the voluntary system is carried through it shall be operated, not by some new organization, not by some additional bureau to be set up, but by an existing organization, namely, the War Manpower Commission, so long as the voluntary system works; and at all times, under either the voluntary system or under the selective plan contained in the proposed legislation, the War Manpower Commission is the body which would have charge of the preparation of the master plan. That Commission would be the policy-making body; it would be the central responsible organ of the Congress of the United States, if the proposed legislation should be passed, for the making of plans and the coordinating of all information as to the number of men needed here, and the number there are of the qualifications and character desired. This applies also to women.

If the voluntary plan should not work, however, and the President should have to make a call under the selective plan, then what would happen? We would carry on with an institution which is already in existence, which was created by Congress, and which has been the most admirable type of operating agency this country has ever seen, either in time of peace or in time of war, namely, the selective-service local boards. The local boards are the decentralized operating agencies which operate a way out on the ends of the branches of the tree. They work without pay. They do not have the smell of brimstone on their garments. They have no interest except the interest of serving their country. Their neighbors know the members of the boards, and know that their purpose is to serve their country, and when they pass judgment upon a boy or a girl the neighbors accept the decision in most cases. If they do not, or if the boy himself or if the girl herself does not accept the decision, the existing law, that is the selective-service law of 1940, provides for agencies of appeal clear up to the top, to the Commander in Chief. The rights of those affected are protected in an American way. That is the selective part of this bill.

Mr. WALSH. Mr. President, will the Senator yield, or does the Senator prefer not to be interrupted?

Mr. AUSTIN. I do not care. I am trying to explain the bill; that is all.

Mr. WALSH. Yes; I understand that. Do I correctly understand that in case the voluntary plan should not operate, that the draft boards, so-called, would have authority to order a citizen into a private munition plant, into a navy yard, or onto a farm?

Mr. AUSTIN. Certainly.

Mr. WALSH. I suggest to the Senator that my observation has been that most American youths want to go into the combat military service. I have heard that expression of desire from young men repeatedly. The impression among many seems to be that unless one has a military service record, after the war his opportunity for civic advancement, and for political preferment in the future, will be handicapped. Therefore, from my observation it seems to me that some plan will have to be worked out in the case of citizens who prefer military service to, let us say, farm service, so that those who are placed in other service than the military will enjoy the same rights and honorable status and will be recognized by law as having made the same contribution to the war effort as those who serve in the combat service. Why should not the young man ordered to work on a farm or in a private munitions factory enjoy, for example, the civil-service military preferment laws, hospitalization, compensation, and so forth, that are extended to officers and privates in the military service, who never perform combat duty but who render other useful and necessary war work?

I suggest these observations for the committee's consideration.

Mr. AUSTIN. Mr. President, I am glad the Senator from Massachusetts has

made this valuable contribution to the subject. He is always very helpful, and he has aided us by the thought he has just expressed. I hope the suggestion he has made will be considered and will be incorporated in the measure before we conclude our consideration of it.

Mr. President, let me say that there is absolutely no pride of authorship about this measure which would bar amendments, changes, or even substitution of another bill for this bill. The effort today is to have something definite and concrete in front of us, to get down to close fighting with this very tough subject. Some persons think that the subject is an unpopular one, and that it is dangerous for a Senator to introduce or sponsor such a bill as this. Very well, if that be the case, I will gladly chance my political life for the thing which I think will help my son in his efforts over there in north Africa. If he is willing to give his life for his country, I am willing to give my political life for what the proposed legislation will bring about. On the contrary, however, I very much doubt that the subject is unpopular. My study of public opinion relating to this subject causes me to believe that we should answer the responsibility and do something about the matter, and not leave men and women of the country victimized under an Executive order.

What will result when the present Executive order goes into effect? Let us take a man over 38 as an illustration and ask ourselves if the public is going to like the condition which will prevail. A man over 38 cannot be drafted into the war service. Under the Executive order, he will be sent from one place to another place to work in a war factory. He works there a couple of days and then says he does not like it. He says, "I am going to quit." His employer will say, "Very well, if you quit, I will not give you a release. If you go to a plant which has a war contract and which has entered into a stabilization agreement, the door is closed in your face, and you will be an outcast; you will be blacklisted."

Mr. President, does our country want to live under that sort of indirect sanction? I know it does not. I know that the system of sanction in this country has to be founded upon law, or our people will not obey it. We are accustomed to having the question of whether a law has been violated tried by a court of justice. We are not accustomed to having such cases judged in advance and the accused being blackballed without a chance of trial based on the facts and on the law. That is the difference between operating under such a law as I propose and continuing to operate under an Executive order. My proposal would provide a moderate punishment for violation of the law, but would impose it only in the American way, that is, after the accused has had his case submitted to a court of justice and has been given an opportunity to be heard. If he were then found guilty he would be punished by fine or imprisonment, or by both, according to the grade of his offense. That is what the pending bill provides. That is the difference between the di-

rect sanctions of the bill and those indirect sanctions which sneak up behind one unawares, with the public not knowing what the sanctions are, and being caught unawares. The known law is what we should live by. We can live by the law, but we cannot live by orders administered by bureaus.

I do not imply anything wrong concerning the orders which are in existence today. I do not undertake to criticize any of the men who administer them. I am talking about clean-cut American principles, which are as familiar to us as the landscape of the place where we were born. They are the oaken beams which support the entire superstructure of our political and social life; and not even in time of war will we give them up if we can save them. By such a measure as the bill which I am discussing they would be saved and made effective.

Observe the difference between a voluntary plan, which has only indirect sanctions, and a voluntary plan, which has always behind it the possibility of drafting. Senators know full well that if all the people in these two spheres of life realize that all of them are liable for the same amount of service and the same degree of contribution to the war effort they will have the impulse to serve. All they will desire is to be told where to go and what to do in order to fit into the plan. Some of them have told me, "If it is left to us to decide where we shall do this work, how can we fit into the general plan? We do not know what it is. If left to our individual wills, it will be hit and miss. So we want you, the Congress, to go ahead and create the liability, declare it, and let us all know that all of us are in it to the same degree, and then we will volunteer." If they know that the recalcitrants—those who are so few that it would be difficult to find them—can be reached, the spirit with which they will act will have all the characteristics of a voluntary spirit. They will volunteer much more freely.

This morning Secretary Wickard, in his testimony, made a statement concerning the farm boys. He was asked whether compulsion of law would be necessary, and he said "Yes," in effect. He said that it would ease the problem so far as their consciences are concerned. That was a very good statement of the same point which I am stating much less effectively.

The bill I have introduced makes in words the liability of all as follows:

Shall be liable to contribute by personal service to the war effort in a non-combatant capacity, according to his or her abilities, and as selected in accordance with the terms of this act and regulations prescribed by the President thereunder.

Many more exemptions have been found necessary in a measure of this kind, which relates to all the population, than those granted in the case of the Selective Service Act, which related only to the fighting men. For example, we found it necessary to exempt officers of States, municipalities, and subdivisions thereof. In order to save the autonomy of the several States and to

maintain the theory of our Government of a federation of States in the great Union, we have made it clear that there is no liability on the part of officers of States, municipalities, and political subdivisions thereof. We have exempted any woman while she is pregnant, as certified by a duly licensed physician, and any woman who has living with her and under her care either a child or children under 18 years of age, or one or more persons who, because of illness or advanced age, need her personal care.

There are many other things of that character in the bill. We found as we made progress that education was necessary, and so there is a provision in the bill for training which will enable workmen to improve their status in life and industry and which will step up their skills. It is also provided that they shall receive compensation during the time when they are undergoing education and training, until they go to work. There is an excellent record of effective service in training during the past 6 months, and it is a source of supply of surprisingly good skilled labor for industry. It is a good feature of the existing practice to incorporate into law.

Another thing in the pending bill, in the nature of a grant or benefit which cannot be provided by an Executive order, is the establishment of reemployment and seniority of boys and girls who are taken out of their continuity of service and plunged into the war effort. The bill would provide for reemployment and seniority rights when the war is over, or when they return to their peacetime activities.

Mr. President, I shall close with a brief summary of the proposed legislation. I probably have omitted some features of the bill, because I am speaking without notes. However, I am sure it will be printed during the day and will be available quite soon.

The national war service bill, introduced today in the House of Representatives by Representative WADSWORTH and in the Senate by me, expresses the will of the people as we perceive it. It establishes equality of liability before the law in civilian supply of our military needs. It affords the means of coordinating over all and local war plans, maintaining balance between armed men and workers, between competing claimants for men and women in agriculture, mining, and manufacturing. It represents government by consent of the governed. By it the people, through their representatives, provide that if any mobile person refuses to perform his obligation, either through the voluntary or the selection method, punishment by due process of law is possible. If enacted it would be the people's instrumentality for complete effective mobilization of manpower and womanpower in winning the war.

The voluntary system would continue in effect so long as the people keep it doing the job. The possibility of the President putting into operation the selective system is the guaranty of vitality of total war resources. Civilian morale, health, and welfare are safeguarded.

The bill protects the sanctity of the home, the family, and the economic and

social interests of employees. It affords opportunity for education in and stepping-up of skills. It makes possible an earlier attainment of victory. After the war it would help readjustment.

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

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from Wisconsin?

Mr. AUSTIN. I yield.

Mr. WILEY. Can the Senator give us any information as to what scheme or law is applicable in Great Britain? Is there anything which is equivalent to the proposed act in relation to manpower and womanpower?

Mr. AUSTIN. Yes. Unfortunately I do not have a copy of it on my desk, but I have examined it very carefully. If the able Senator from Wisconsin has a copy of the hearings before the Committee on Military Affairs of the Senate, Seventy-seventh Congress, on October 21 and 26, November 5, 6, and 9, 1942, he will find in them a remarkably fine address by Daniel J. Tobin, president of the International Brotherhood of Teamsters, delivered on September 26, 1942, upon his return from a survey of labor conditions in England.

In the address he spoke of the operations under the British system. I do not know how nearly our bill follows that system, but it is a system which has in it compulsory features in case the voluntary effort is not successful. Thus far in England they have had very few instances in which they have had to apply the compulsory features of the law. It has worked extremely well and apparently satisfies labor very well over there.

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

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

Mr. AUSTIN. I yield.

Mr. MILLIKIN. I heard considerable testimony by Mr. Tobin before a subcommittee. He told the story of what had happened in England. However, I think it would be an injustice to him to imply that he was approving of the same thing for this country at this time.

Mr. AUSTIN. I did not know that; I am rather surprised to hear that he does not approve of it. How long ago was it that he made the statement?

Mr. MILLIKIN. I shall look up the record; and if I find that I am in error about it I shall correct my statement.

Mr. AUSTIN. I have before me a statement by Mr. William Green which indicates that at a certain time the American Federation of Labor did not approve. Let me read it. The statement appeared in the legislative program published in the January issue of the American Federationist magazine:

MANPOWER

Under our present set-up workers in any particular industry or locality threatened by manpower shortages may be frozen to their jobs when the Government, management, and labor agree such action is necessary.

That is the situation I described awhile ago, when it is agreed that a person who

leaves his employment will not be hired by another industry.

This is the democratic way—

So he thinks.

Meanwhile, proposals are being advanced for the enactment of national service legislation involving Nation-wide compulsory job freezing. Such complete mobilization of industrial manpower may ultimately be necessary.

He makes that admission.

We will cooperate fully in the realization of this objective when we become convinced that such drastic action is necessary.

But we are not yet so convinced. We oppose enactment of national service legislation at this time.

Mr. MILLIKIN. I think that probably was the gist of Mr. Tobin's statement.

Mr. AUSTIN. That may be Mr. Tobin's attitude. So far as his story of what has happened in Britain went, it showed a condition of affairs on the basis of which the Senate could decide whether or not the plan was good.

Mr. MILLIKIN. Let me ask the distinguished senior Senator from Vermont whether the testimony before his committee was of such weight as to show that we cannot have sufficient production without the enactment of the bill.

Mr. AUSTIN. Yes; I think it was. Let me call attention briefly to a few of the statements of witnesses who appeared before the committee.

On page 25 of the hearings to which I have referred appears the following testimony given when Chairman McNutt was on the stand:

Senator AUSTIN. I have in my file here material that is so startling and so tragic that we cannot delay; we must act; we must go ahead just as fast as it is reasonably possible to remedy by legislation this situation. Now, is it not your judgment that we must, by law, prevent these evils that you have mentioned, that is to say, piracy?

Mr. McNUTT. That is right.

Senator AUSTIN. The voluntary transfers, selling out, going without the consent of the Government from one occupation to the other, losing time by being out on the street hunting a new job that will pay more money; don't you find that is the practice?

Mr. McNUTT. No question about that.

Senator AUSTIN. We must do it, must we not, to stop that by law?

Mr. McNUTT. As I said before, and I repeat, it is inevitable. The question of timing is in the hands of the President and of the Congress.

Senator HILL. Inevitable and inexorable, too.

Mr. McNUTT. Yes.

Let us turn to the testimony of Mr. Nelson. On page 166 the following appears:

Senator AUSTIN. Not outside of the sentimental element that is involved in dealing with men and women, and let us see if we can forget it for the time being, I would like to ask your opinion as to whether or not it is not better that all men and all women shall be assured by an act of Congress that they shall be impartially treated on the subject of liability to either serve in the armed forces or to work?

Is it not wiser that we should establish a statute which fixes that liability rather than to leave it at the random judgment of the different men who are in the different places of responsibility and authority?

Mr. NELSON. In my opinion, sir, you will have to do it before we get through. I do not believe we should dilly-dally with this war. I think we have just got to put our teeth right into it and go out and with it. I think sooner or later we are going to come to that declaration by Congress—not that we want compulsions—so that the people will know what the problem is, and they will do it. People will obey. People want to do this, but they do not want to see slackers in the picture. The people, in my opinion, of this country, are going to demand that Congress do something of this kind before we get through.

It will be found that frequently throughout his testimony he was brought back to that subject by different Senators on the committee, and that he made it very emphatic that it is an inevitable thing.

Of course, the question with all those gentlemen was, has the time now arrived to do it? It is up to the President and Congress, as Mr. McNutt said. I think it is more up to the Congress than to the President to determine what are the needs and requirements of the people. We are the voice of the people. Even the smallest minority of the people has the right to be heard here. Here is the place for them to speak, and it is our duty to present their views.

Before leaving the testimony let me call attention to the testimony of General McSherry. On page 213 we find the following:

Senator AUSTIN. No; I said would you want to undertake these changes that are so obviously dislocating in our customary lives, without legislation?

General McSHERRY. I think eventually we must have some sort of legislation which will give authority to handle these difficult problems, and I am speaking primarily of those problems where you have individuals or groups of individuals that do not want to go along with the national policies of making the best use of the manpower of the Nation for the war effort.

Now, that legislation would not necessarily mean that compulsion would be applied to every individual, because most individuals want to do what they can to win this war. It would be utilized only in the cases where someone was objecting to going along with the best policies which were considered necessary for the war effort.

On the next page, page 214, we find the following:

Senator AUSTIN. You have stated in the obverse what I was getting at. That is, what laws were intended to do, and that is to regulate the conduct of men in order to have orderly government, but the form of those laws must be such as to apply to all men—

General McSHERRY. That is right.

Senator AUSTIN (continuing). Uniformly and with equality—that must be preserved by us in forming a statute, so we have to make the form of the law such that it applies to every man, and the fellow who gets tough can be handled by coercion just as the man you spoke of who just would not conform with the others.

I do not have any other questions, Mr. Chairman.

I have read sufficient to show that the testimony did indicate the necessity for legislation; and the view was always that such legislation is inevitable sometime in the future, and so forth. Those statements were made in October.

Finally I said to Chairman McNutt:

You have a great commission. You have the benefit of the advice of the joint chiefs of staff, of the War Production Board, of the Office of Economic Stabilization, of the Secretaries of Agriculture and Commerce, and of various other agencies. Why do you not come forward with a bill?

The reply was that they had not been able to do it as yet, but they would do it.

I asked, "When?"

Within 2 weeks; within 2 weeks we will come forward with a bill, and of course we will present it to the President first.

I had asked him:

Will you not let us see those bills of yours?

He had replied:

Would you consider them?

I said:

Why, Chairman McNutt, we are considering five bills now. We are not married to any one of them. We are trying to serve our country, and we ask you to produce your bills. We know you have them.

He admitted that he had made several drafts of bills, and he was going to produce them in 2 weeks. That was in October 1942, but we have not as yet seen them. That is why I say it is time that Congress got busy.

Mr. MILLIKIN. Mr. President, let me suggest to the distinguished Senator—

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

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Oregon?

Mr. AUSTIN. I yield.

Mr. McNARY. I consented to having the able senior Senator from Vermont make a statement in explanation of the bill, and I do not want to interfere now if the Senator from Vermont desires to explain the basis of the bill. However, if such an explanation is to lead to discussion I shall invoke the rule and call for the regular order.

I desire to say further that I have never liked the practice of using the morning hour for the purpose of making speeches on bills being introduced. It is only on one or more occasions that I have consented to such a presentation, and then have felt that a brief explanation should end the matter.

Today an hour has gone by. If the further explanation is to lead to discussion from the floor I shall invoke the rule and shall call for the regular order.

Mr. AUSTIN. Mr. President, I did not choose to follow the course which has been pursued. I expected to sit down after a brief explanation. Some time ago I announced that I was ready to sit down, but I wanted to accommodate my fellow Senators and colleagues.

Mr. MILLIKIN. Mr. President, let me say that I was not accommodated, but I shall sit down.

Mr. AUSTIN. So shall I.

ORDER OF BUSINESS

The PRESIDING OFFICER. The introduction of further bills and joint resolutions is in order.

Mr. GUFFEY obtained the floor and proceeded to make a statement regarding James G. Blaine and his interest in the principles of reciprocity in trade agreements and was interrupted by

Mr. McNARY. Mr. President, a parliamentary inquiry. Under what order has the Senator from Pennsylvania obtained the floor to make a speech?

Mr. GUFFEY. I merely have one or two paragraphs more.

The PRESIDING OFFICER. The Senator from Pennsylvania made a request for unanimous consent to put an article in the RECORD.

Mr. McNARY. I do not think this is the time to make a speech in connection with a matter to be placed in the RECORD. I just sent word to my distinguished colleague from my State that I would object to him discussing at this time a resolution he desires to submit. I have always tried to have the rule enforced in the interest of orderly parliamentary procedure. It is a proper one. We have the remainder of the day for speeches, but Members of the Senate come here for the purpose of introducing bills and submitting resolutions and transacting the other business that comes in the morning hour. We are getting into a practice which I abhor.

I do not want to take the Senator from Pennsylvania off the floor, but after the routine morning business is finished the Senator can speak the remainder of the day. Let us, however, finish the routine morning business as prescribed by the rules.

Mr. GUFFEY. Mr. President, I will make my statement in complete form after the routine business shall have been concluded.

Mr. McNARY. Very well. I speak in all kindness. I did not desire to take the able Senator from Vermont off the floor, but I said that if others were to follow him along the same line there might be an interminable debate.

I wish to give notice here that whenever I am present, which I think will be most of the time, I shall object to the making of speeches during the routine morning business.

Mr. WALSH. Mr. President, I wish to commend the statement made by the able Senator from Oregon. We have all been careless, and no one Senator more than another is to blame in regard to making speeches out of order, but many Senators are busy men, and if we adhere strictly to the rule governing the transaction of morning business, in 10 or 20 minutes we can go to our offices and perform our office work. We have been waiting here now for over an hour and 5 minutes to present some bills that should have been presented during the first 10 minutes of the session.

I hope the Senator from Oregon will adhere to the position he has taken. He has tried to do it before, but without much success. We have a rule as to the morning hour and after the morning hour other business before the Senate may be transacted. I do not want to be thought as objecting to the Senator from Pennsylvania proceeding, because I think all of us are guilty of the

same offense, but it would be very much better for us all and enable us better to take care of the day's work if the rules which we have made were adhered to.

BILLS INTRODUCED

The PRESIDING OFFICER. The further introduction of bills and joint resolutions is in order.

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

(Mr. AUSTIN introduced Senate bill 666, which was referred to the Committee on Military Affairs, and appears under a separate heading.)

By Mr. BILBO:

S. 667. A bill to provide domiciliary care for discharged disabled veterans pending adjudication of claim for pension; and

S. 668. A bill to authorize and to direct the Veterans' Administration to provide vocational rehabilitation and assistance in securing suitable employment for service-connected disabled veterans in need thereof, and feasible purposes; to the Committee on Finance.

S. 669. A bill to provide pensions to members of the Regular Army, Navy, Marine Corps, and Coast Guard who become disabled by reason of their service therein, equivalent to 90 percent of the compensation payable to war veterans for similar service-connected disabilities, and for other purposes; to the Committee on Pensions.

By Mr. CAPPER:

S. 670. A bill conferring jurisdiction upon the Court of Claims to hear and determine the claims of the Prairie Band or Tribe of Pottawatomie Indians of Kansas and Wisconsin against the United States; to the Committee on Indian Affairs.

By Mr. DAVIS:

S. 671. A bill for the relief of Charles Francis Fessenden; to the Committee on Claims.

S. 67. A bill to amend the Selective Training and Service Act of 1940, as amended; to the Committee on Military Affairs.

By Mr. MEAD:

S. 673. A bill for the relief of Burton Bowen; to the Committee on Naval Affairs.

By Mr. MURRAY:

S. 674. A bill authorizing the payment of allowances in lieu of quarters or rations in kind to certain enlisted men; to the Committee on Military Affairs.

By Mr. REYNOLDS:

S. 675. A bill to amend the Selective Training and Service Act of 1940, as amended, so as to extend the benefits of the Employees' Compensation Act to conscientious objectors; and

S. 676. A bill to amend an Act entitled "An Act to provide for the use of the American National Red Cross in aid of the land and naval forces in time of actual or threatened war"; to the Committee on Military Affairs.

By Mr. RADCLIFFE:

S. 677. A bill to amend the National Housing Act, as amended; to the Committee on Banking and Currency.

By Mr. THOMAS of Oklahoma:

S. 678. A bill for the regulation and stabilization of agricultural and commodity prices and of our domestic economy through the regulation and stabilization of the value of the dollar, pursuant to the power conferred on the Congress by paragraph 5 of section 8 of article I of the Constitution, and for other purposes; to the Committee on Banking and Currency.

By Mr. BUTLER:

S. 679. A bill providing for railroad transportation at reduced rates for merchant seamen on authorized leave of absence; to the Committee on Interstate Commerce.

Mr. BUSHFIELD. Mr. President, I introduce a bill for the immediate relief

of farm manpower situation in the Middle West.

The VICE PRESIDENT. The bill introduced by the Senator from South Dakota will be appropriately referred.

By Mr. BUSHFIELD:

S. 680. A bill to provide needed manpower for the production, conservation, and protection of food during the year 1943; to the Committee on Military Affairs.

By Mr. TUNNELL:

S. 681. A bill to amend section 245 of the Criminal Code, as amended; to the Committee on the Judiciary.

By Mr. JOHNSON of Colorado:

S. 682. A bill to prohibit the paid advertising of alcoholic beverages by radio in certain circumstances, and for other purposes; to the Committee on Interstate Commerce.

By Mr. PEPPER (for himself, Mr. CLARK of Missouri, Mr. HILL, and Mr. DAVIS):

S. 683. A bill to provide for the recognition of the services of the civilian officials and employees, citizens of the United States, engaged in and about the construction of the Panama Canal; to the Committee on Inter-oceanic Canals.

ESTABLISHMENT AND MAINTENANCE OF MAXIMUM PRICES ON PORK AND BEEF PRODUCTS AND BREAD AND OTHER BAKERY PRODUCTS

Mr. REED submitted a resolution (S. Res. 94), which was ordered to lie over under the rule, as follows:

Whereas the provisions of the act entitled "An act to aid in stabilizing the cost of living," approved October 2, 1942, expressly provide (1) that "no maximum price shall be established or maintained under authority of this act or otherwise for any commodity processed or manufactured in whole or substantial part from any agricultural commodity below a price which will reflect to the producers of such agricultural commodity a price therefor" equal to the parity price for such agricultural commodity, (2) that no maximum price shall be maintained for any such processed or manufactured commodity below a price which will reflect to the producers of the agricultural commodity the highest price received by them between January 1, 1942, and September 15, 1942, with certain qualifications: *Provided*, That the President may correct gross inequities in this respect, but that in no event shall a maximum price be established for such a processed or manufactured commodity which will not reflect parity to the producers of the agricultural commodity, and (3) that "in the fixing of maximum prices on products resulting from the processing of agricultural commodities, including livestock, a generally fair and equitable margin shall be allowed for such processing"; and

Whereas the act known as the Emergency Price Control Act of 1942 approved January 30, 1942, as amended October 2, 1942, expressly provides that the price-fixing powers "shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution established in any industry, except to prevent circumstances or evasion of any regulation, order, price schedule, or requirement under this act"; and

Whereas the foregoing provisions have not been suspended or modified by any law or lawful action; and

Whereas on October 22, 1942, the Office of Price Administration issued maximum price regulation No. 148, revised, now in effect as amended November 2, 1942, fixing maximum prices for pork products and using as a live-hog base approximately \$13.60 per 100 pounds at Chicago, although the price of live hogs at Chicago since the promulgation of said revised regulation for a substantial period of

time has been in excess of \$15 per 100 pounds, causing a loss to the processors in violation of the provision of the act approved October 2, 1942, that processors shall be allowed a general fair and equitable margin; and

Whereas said maximum price regulation No. 148, revised, as amended is in violation of the act approved October 2, 1942, because the base of live-animal prices used was lower than the highest price received by producers between January 1, 1942, and September 15, 1942, and because there has been no action by the President to permit such a lower base on the ground of any gross inequity; and

Whereas on December 10, 1942 the Office of Price Administration issued maximum price regulation No. 169, now in effect as amended December 19, 1942, and January 2, 1943, fixing maximum prices for beef products on a basis which fails to yield to the processors generally fair and equitable margins; and

Whereas on April 23, 1942, the Office of Price Administration issued the general maximum price regulation establishing as maximum prices for bread and other bakery products, together with other commodities, the highest price charged by each seller during March 1942 for each such commodity, and said maximum prices for bread and other bakery products have since been maintained at the same levels; and

Whereas said maximum prices for bread and other bakery products were and are in violation of the act approved October 2, 1942, because said products are processed and manufactured in whole from wheat and other agricultural commodities and because said maximum prices did not and do not reflect to the producers of such agricultural commodities either parity or the highest prices received by producers for them between January 1, 1942, and September 15, 1942; and

Whereas contrary to the statement of the Office of Price Administration at the time of issuing the general maximum price regulation that "every producer whose prices are stabilized is assured that his costs, which are based upon the stabilized prices of others, will not rise," the Office of Price Administration did not at that time place any maximum price or control, with minor exceptions, upon any of the costs of manufacturers of bread and other bakery products, and it was not until October 1942 that ceilings were placed upon flour, eggs, dry, evaporated, and condensed milk, certain other ingredients used in such products, and wages, by which time such costs had undergone a substantial increase, amounting to an average increase of one-half cent per pound in the case of bread; and

Whereas the costs of producing bread and other bakery products have continued to increase substantially since October 1942, as a result in part of increases in maximum prices for flour allowed by Maximum Price Regulation No. 296, issued by the Office of Price Administration on January 2, 1943, although no increase in the maximum prices for bread and other bakery products has been allowed; and

Whereas producers of bread and other bakery products, particularly smaller producers, are therefore being denied a generally fair and equitable margin in violation of the act approved October 2, 1942, and large numbers of such producers in fact are operating at a loss; and

Whereas the Office of Price Administration, in violation of the provision in the act approved January 30, 1942, that the price-fixing powers "shall not be used or made to operate to compel changes in the business practices, cost practices or methods, or means or aids to distribution, established in any industry," has used such powers to compel such changes in the bread and other bakery-products industry (as evidenced by its announcement upon the issuance of maximum price regula-

tion No. 296 that "this increase in flour prices should not necessitate an increase in the present retail bread prices because the higher flour costs, it is estimated, will be completely offset by simultaneously introduced savings in the manufacture, packaging, and distribution costs of bakers"), affected by food distribution order No. 1, issued by the Secretary of Agriculture under direction of the Director of Economic Stabilization after recommendation by the Office of Price Administration, limiting varieties of bread and rolls, prohibiting slicing of bread, limiting the amount of milk, shortening, and sugar in white bread, prohibiting certain methods of distribution and otherwise changing the practices of the industry for the purpose of maintaining present maximum prices for bread; and

Whereas said food distribution order No. 1, even could it be lawfully resorted to by the Office of Price Administration for the purpose of maintaining present maximum prices for bread, has not resulted in savings which allow producers of bread a generally fair and equitable margin as required by law; and

Whereas the meat processing and bread and other bakery-products industries are essential war industries and their continued operation and the foods they supply are essential to the national welfare and the successful prosecution of the war; and

Whereas the policies and actions of the Office of Price Administration are threatening extinction of these industries or their concentration in the hands of a few large operators able to withstand the price squeeze imposed, by reason of large financial resources; and

Whereas the action of the Office of Price Administration in maintaining maximum prices for pork and beef products and for bread and other bakery products at present levels in violation of the foregoing provisions of law is defeating the intent of the Congress that producers of agricultural commodities shall receive fair and reasonable prices, due to the inability of processors to pay such prices; Now therefore, be it

Resolved, That the Committee on Agriculture and Forestry, or through a subcommittee to be appointed by the chairman, is hereby authorized and directed—

(1) to investigate and study the policies and actions of the Office of Price Administration, the Office of Economic Stabilization, and any other governmental agency, their officials, employees, agents, and representatives, in respect to the establishment and maintenance of maximum prices for pork and beef products and for bread and other bakery products; and

(2) to report its findings and to recommend further legislation or action by the Congress or the Senate, if any, needed to insure compliance by any or all such agencies, officials, employees, agents, and representatives with the provisions of the aforementioned act approved January 30, 1942, as amended, and the act approved October 2, 1942.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-eighth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony as it deems advisable.

PREPARATION AND DISTRIBUTION BY GOVERNMENTAL AGENCIES OF MOTION PICTURES, MAGAZINES, AND PERIODICALS

Mr. HOLMAN. Mr. President, I submit a resolution and request its appropriate reference, and that I may be rec-

ognized after the morning business is concluded to make an explanation of it.

The PRESIDING OFFICER. The resolution (S. Res. 95) will be received and appropriately referred, and the Senator from Oregon will be recognized later.

HEARINGS BEFORE COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. SMITH submitted the following resolution (S. Res. 96), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Agriculture and Forestry, or any subcommittee thereof, is authorized, during the Seventy-eighth Congress, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding 20 cents per hundred words, to report such hearings as may be had on any subject referred to said committee, the total expenses pursuant to this resolution (which shall not exceed \$5,000) to be paid out of the contingent fund of the Senate; and that the committee, or any subcommittee thereof, may sit during any session or recess of the Senate.

MESSAGE FROM THE PRESIDENT TO THE NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD the message sent by the President to the National Rural Electric Cooperative Association convention at St. Louis, Mo., on January 19, 1943, which appears in the Appendix.]

WORLD ECONOMIC ORGANIZATION AND PEACE—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD a radio address entitled "World Economic Organization and Peace" delivered by Senator THOMAS of Utah from Washington, D. C., on February 2, 1943, which appears in the Appendix.]

ADDRESS OF CLYDE T. ELLIS BEFORE NATIONAL RURAL ELECTRIC ASSOCIATION CONVENTION

[Mr. McCLELLAN asked and obtained leave to have printed in the RECORD the address delivered by Hon. Clyde T. Ellis at the First Annual Convention of the National Rural Electric Association at St. Louis, Mo., on January 19, 1943, which appears in the Appendix.]

GOOD FAITH THE ISSUE—ARTICLE FROM THE WASHINGTON TIMES-HERALD

[Mr. NYE asked and obtained leave to have printed in the RECORD an article entitled "Good Faith the Issue: John O'Donnell Wins \$50,000 Verdict Against Philadelphia Record," published in the Washington Times-Herald of January 30, which appears in the Appendix.]

PROHIBITION OF CHARGE ACCOUNTS AT FILLING STATIONS—EDITORIAL FROM POCATELLO (IDAHO) TRIBUNE

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD an editorial entitled "Will This Idiocy Ever Stop?" published in the Pocatello (Idaho) Tribune of January 24, 1943, which appears in the Appendix.]

IDAHO FARMING CONDITIONS—LETTER FROM E. T. TAYLOR

[Mr. THOMAS of Idaho asked and obtained leave to have printed in the RECORD a letter from E. T. Taylor, master of the Idaho State Grange, relative to the difficulties experienced by Idaho farmers, which appears in the Appendix.]

ORDER DISPENSING WITH CALL OF THE CALENDAR

The PRESIDING OFFICER. The routine morning business is concluded. The calendar under rule VIII is in order.

Mr. McNARY. Mr. President, I ask unanimous consent that the call of the calendar be dispensed with.

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

Mr. GUFFEY. Mr. President.

The PRESIDING OFFICER. The Senator from Pennsylvania.

RECIPROCAL TRADE AGREEMENTS

Mr. GUFFEY. Mr. President, I should like now to make the statement which I started to make a while ago.

Mr. President, for me to rise to place in the RECORD a statement extolling a Republican may be misunderstood unless I explain. I offer for the RECORD an editorial from the Washington Evening Star of February 1, commemorating the fiftieth anniversary of the death of James G. Blaine, who was born at West Brownsville, Pa. Mr. Blaine was Secretary of State during the administrations of Presidents Garfield, Arthur, and Harrison. He, of course, rose to political fame from his adopted State of Maine, but Pennsylvania was his birthplace.

My interest at this time, other than recalling the life of a distinguished American, is to point out that Secretary Blaine, among his many activities—and I might say his crowning achievement in international affairs—was instrumental in putting into effect the principles of reciprocity in trade agreements. Trade agreements as now negotiated by the President, and the Secretary of State have been of great benefit to the Nation and have served as a stimulus to trade and as a means of strengthening friendly ties with other nations.

The present Secretary of State, the Honorable Cordell Hull, is much to be commended for his distinguished service in the accomplishment of economic stability through trade gained by current agreements. It is my hope that the able Secretary will not be thwarted in the further continuance of these negotiations by failure of Congress to renew the resolution extending the trade agreements.

May posterity record all of the many great achievements of Cordell Hull. As a great American and statesman of outstanding ability, Secretary Hull's personal efforts were responsible for procuring trade agreements with many of the important countries. His many acts of diplomacy have signalized America as outstanding among the nations of the world.

As was so in the case of the trade agreement activities of Secretary Blaine, who, as I have said, is nationally remembered as a Republican, there should not be any evidence of partisanship at the time of the renewal of the resolution continuing the present agreements.

I wish to quote from an address which Secretary Blaine delivered at the inter-American conference of 1889. His statement is as applicable today as when it

was made. In discussing the conduct of inter-American relations, he said:

We believe that hearty cooperation, based on hearty confidence, will save all American states from the burdens and evils which have long and cruelly afflicted the older nations of the world.

We believe that a spirit of justice, of common and equal interest between the American states, will leave no room for an artificial balance of power like unto that which has led to wars abroad and drenched Europe in blood.

We believe that friendship, avowed with candor and maintained with good faith, will remove from American states the necessity of guarding boundary lines between themselves with fortifications and military force. * * *

We believe that friendship and not force, the spirit of just law and not violence of the mob, should be the recognized rule of administration between American nations and in American nations.

I ask unanimous consent that the editorial from the Washington Evening Star of February 1 be printed in the RECORD, as a part of my remarks.

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

BLAINE ANNIVERSARY

Wednesday last was the fiftieth anniversary of the death of James G. Blaine, an American exponent of world polity who, considering the lasting value of his achievements, should be better known to his countrymen. It is not too much to say in his behalf that he was the forerunner of the modern school of thought concerning the position of the United States as a compelling force in international affairs. He revived Henry Clay's doctrine of hemisphere solidarity and put into effect the principle of reciprocity in trade concessions. If only for those services, he merits a generous remembrance.

Mr. Blaine, born at West Brownsville, Pa., January 31, 1830, was educated at Washington College, and settling at Augusta, Maine, in 1854 became a practical newspaperman. His editorials in the Kennebec Journal and the Portland Advertiser introduced the word "Republican" to the East, and he thus may be regarded as one of the founders of the party so designated beginning in 1856. Elected to Congress in 1863, he was Speaker of the House of Representatives from 1869 to 1875. A Lincoln supporter and a faithful Unionist, he nevertheless "did not share the radicalism and vindictiveness of the extremists," opposed both Thaddeus Stevens and Charles Sumner, disapproved "coercive measures" aimed at the South, and emerged from the reconstruction period "with the reputation of a liberal who could * * * be trusted even by the Grand Army." Chosen a Senator in 1876, he resigned to become Secretary of State in the Cabinet of President James A. Garfield in 1881 and occupied the same position in the administration of President Benjamin Harrison between 1889 and 1892.

Not a great lawyer nor an experienced student of diplomatic history, Mr. Blaine, however, was possessed of a prophetic vision which made him unique among the political characters of his generation. His appreciation of the necessity for American leadership marked him as a pioneer. He sought to bring together all the republics of the New World under the banner "America for the Americans." The Pan-American Conference of 1889, which he sponsored, laid the foundation of the Bureau of American Republics, which since 1910 has been called the Pan American Union.

Mr. Blaine also took the first steps toward saving the Hawaiian Islands for the United

States. He negotiated important treaties having the effect of strengthening friendly ties with Great Britain, preserved the Panama Canal against foreign interference, arranged the first international copyright agreements and in many other ways set a pattern of procedure in American relations with other powers which still prevails.

PREPARATION AND DISTRIBUTION BY GOVERNMENTAL AGENCIES OF MOTION PICTURES, MAGAZINES, AND PERIODICALS

Mr. HOLMAN. Mr. President, I now desire to discuss briefly the resolution which I submitted awhile ago and which I ask to have referred to the Committee on Appropriations.

The PRESIDING OFFICER. The resolution submitted by the Senator from Oregon will be referred as requested by him.

The resolution (S. Res. 95) was referred to the Committee on Appropriations, as follows:

Resolved, That the Committee on Appropriations, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation with respect to the preparation and distribution of motion pictures, magazines, and periodicals by departments and agencies of the Government, for the purpose of determining, among other things: (1) The authorization for such activities, (2) the appropriations from which such activities are financed and their cost, (3) the persons to whom such propaganda is disseminated, (4) the underlying purpose of these motion pictures, magazines, and periodicals, (5) all other pertinent facts necessary to enable the committee to render a full and complete report on these activities. The committee or subcommittee shall report to the Senate at the earliest practicable date the result of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the remainder of the Seventy-eighth Congress, to employ such clerical and other assistants, to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, to require, by subpoena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed \$——, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. HOLMAN. Mr. President, the resolution provides for a complete investigation of the preparation and distribution of motion pictures and magazines by departments and agencies of the Government. My purpose in requesting that it be referred to the Appropriations Committee is that, as a member of that committee, I am not aware of having authorized the expenditure of Federal funds for the specific purpose of the Government engaging in the magazine and moving-picture business. Yet, obviously, the executive department of this administration is now in the magazine and moving-picture business in a big

way. However, I do not know to what total extent our well-financed executive department is engaged in this new business in these critical times, when our Nation is fighting to maintain its very existence, and the American taxpayers do not know how they are going to meet their tax bills; nor do I know how much money is being spent for this kind of personal propaganda, or who or how many persons on Federal pay rolls are occupied in this form of showmanship, who no doubt could be better employed in either the combat or productive forces of our country at war.

I shall call attention now to only one magazine and two moving pictures put out by the Federal Government. There are many others. I do not know how many or what they all may be.

On the evening of January 11 last when I was guest at the annual dinner of the American Legion in this city I viewed a moving picture entitled "A Prelude to War." This picture was preceded by an oral introduction by General Osborne of the Morale Division, War Department, who explained to the audience that it was the first of a series of moving pictures in the making, which would be shown under the over-all title of "Why We Fight." He stated that the purpose of making and showing these pictures was to inform the men in the combat forces of our country for what and why they were fighting.

At the conclusion of the picture I was convinced that Mr. Roosevelt intended to seek a fourth term in the Presidency. I was of the opinion that references to war, oppression, combat, and so forth, as they appeared in the picture are only window dressing and stage scenery for cleverly organized campaign material. It may have been only a coincidence, but the speech in Chicago 7 days later of Hon. Frank C. Walker, our Postmaster General, seemed to confirm the thought which the moving picture "A Prelude to War" had created in my mind.

I doubted if the purpose stated by General Osborne for making and showing this moving picture to the ultimately more than 10,000,000 men in our combat forces, who are prospective voters, was the only purpose of the picture. So that all other Members of the Congress may judge for themselves the justification for the making and showing of this picture at Federal expense and in official time, and as a proper war expenditure for every episode depicted in it, I have arranged with the War Department for a free showing of the picture in the Caucus Room of the Senate Office Building, on Tuesday, February 16, at 1:15 p. m. I hope every Member of the Congress will take advantage of this opportunity to see this sensational moving picture.

My attention has been called to another moving picture entitled "Spy Ship," but I have not seen it. I understand that it, too, is a propaganda picture which fosters disunity by those very persons who are continually shouting "unity, unity."

I now call the attention of Senators to this magazine which I have with me. It is entitled "Victory," and is No. 1, volume

1, of this new Federal venture in personal political propaganda. Except that it is published by the Government of the United States, and except for the statement communicated to me by letter signed by Mr. Armitage Watkins, Overseas Publications, Office of War Information, that "there is no public distribution"—of it—"within the United States," I know only what I see in this copy of the magazine itself. It weighs 13½ ounces, measures 10½ by 14 inches, contains 80 pages, and is printed upon the very finest book paper. It is profusely illustrated with excellent cut. A number of its pictures are in three or more colors.

I do not know what it cost to produce this copy, how many copies of this issue were printed, how often the magazine is to be issued, to whom it is to be sent, by what authority it is published, how it is financed, who and how many are on the pay roll of the staff, nor their rates of compensation; nor do I know what necessity there is for its existence in the all-out war effort of the American people; but from a perusal of its pages, observing its most prominent illustrations and reading its vainglorious text, again I have the impression that Mr. Franklin Delano Roosevelt is to seek a fourth election to the Presidency.

I now should like to read a few of the paragraphs in this publication which are intended to strike terror to our enemies, to cause the Japanese to retreat, and the followers of Hitler to lay down their arms. I read:

There are really two Franklin Delano Roosevelts. There is the forceful war leader of his country in the most perilous period of its history; a brilliant statesman of great sincerity, of deep perception, and a visionary whose social and economic philosophies once before saved his country in a crisis. The second Roosevelt is a warm-hearted, kindly and companionable man, whose personal charm has won him the love of millions of his loyal countrymen, and a man who in overcoming a serious attack of infantile paralysis in adult life proved his own insurmountable personal courage.

He is a kindly, loving, and beloved man, this leader of a nation which has been built on friendliness and neighborliness.

One of his closest friends over a period of years recently had this to say of the President:

"Both the President and Mrs. Roosevelt are instinctively the kindest people I have ever known. Along with their deep charm and their eager interest in people, their sincere liking for all sorts of people, they have an unselfish sense of tact and consideration I have never seen equaled.

"No one can be in the President's presence long and feel uncomfortable or embarrassed. He makes everyone, from the most humble to the most highly placed, believe that he is sincerely interested in them and in their problem of the moment. Even those who have not agreed with the President politically admit they are completely won by his gracious personality."

How terrifying that must be to the Japs!

Mr. DANAHER. If the Senator will yield, will he give us the name of the author?

Mr. HOLMAN. I have been trying to ascertain the name of the author. There

is no name signed to the article, although the pronoun "I" is used in it. But I cannot find out who the "I" is. [Laughter.]

Mr. DANAHER. Will the Senator yield further?

Mr. HOLMAN. Would the Senator rather have me yield than to terrify the enemies of our country by further reading from this article?

Mr. DANAHER. Respecting the passion for anonymity of the author, insofar as the Senator from Oregon has sought his identity, can the Senator tell us what department puts out this particular publication?

Mr. HOLMAN. It comes from the Office of War Information.

Mr. DANAHER. The Office of War Information?

Mr. HOLMAN. I think that is what it is.

Mr. DANAHER. How does the Senator know it is not for publication in this country?

Mr. HOLMAN. Merely by the letter which accompanied the copy which, after considerable difficulty, I was able to obtain. In this letter Mr. Armitage Watkins says, "There is no public distribution [of it] within the United States." That is all I know about it.

Mr. DANAHER. I wish to thank the Senator. I had no intention of interrupting his discourse. I thought he had concluded the reading. I, too, should like to know more about the publication, if the Senator chooses to read further excerpts.

Mr. HOLMAN. I have only a few more paragraphs to read.

"Franklin Roosevelt is a true aristocrat because he is a true democrat."

That is good. [Laughter.]

"And time and time again I—"

Here is the anonymous "I." That is the only identification I have in connection with the author of this article.

"And time and time again I have watched Mrs. Roosevelt, at a big reception, break away from a group that held especial interest for her and join someone who seemed alone and out of it on the sidelines. She would talk with this lonely one and without his noticing it, draw him into a circle she sensed he would enjoy. Then in a minute she would drift away again to rescue some other recluse in the party."

I can just see the Germans surrendering right now. [Laughter.] I doubt if any such incident ever occurred.

I shall not read further, but I should like to have printed in the RECORD as part of my remarks the paragraphs of the article I have marked.

The PRESIDING OFFICER. Is there objection?

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

Just as they are a friendly, social couple, the Roosevelts have that deep love of family which characterizes America. They are happiest when one or all of their children are visiting either the White House or the Roosevelt country home in Hyde Park, N. Y. That pleasure is seldom enjoyed these days, however. Each of the four Roosevelt sons is in the military service, and their daughter is busy with war work on the west coast.

Whenever their country has been faced with the crisis of war or domestic upheaval, it has been the good fortune of Americans—or perhaps their good judgment exercised through an elective system of Government—to have at the helm a man of instinctive leadership.

George Washington guided his Nation through its first faltering days. Sage and spiritual Abraham Lincoln saved it from dissolution when civil war flamed. Idealistic Woodrow Wilson brought sanity to his country and a world at war in 1918. And today the man who holds the destiny of 135,000,000 Americans in his decisions is ideally fitted for the grave responsibilities of a wartime President.

Franklin Delano Roosevelt combines the two most important characteristics of a war leader. He is an unflinching fighter and he is a man of such broad vision that the peace he helps win will be a just one.

It has been said that in the long years of his confinement as an invalid, Roosevelt and his intelligent wife, Eleanor Roosevelt, slowly attained a political philosophy of broad social economic equality, which might not be expected from a man whose whole background and breeding would tend to temper his views with the torism of the conservative reactionary.

Thus in 1932, when Franklin Roosevelt was swept into office as United States President by a Nation weary of reactionaries and seeking relief from a world-wide depression, he had just the program which could save the country from chaos. He called it the New Deal, and by it he promised to secure for others the advantages he himself had enjoyed.

Mr. HOLMAN. Mr. President, since I prepared my statement suggestion has been made that my resolution would more appropriately go to another committee than the Committee on Appropriations.

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

Mr. HOLMAN. I yield.

Mr. DANAHER. We have created a special joint committee, of which the junior Senator from Virginia [Mr. Byrd] is chairman to investigate nonessential expenditures. I ask the view of the Senator from Oregon as to whether appropriately his resolution should not be referred to that committee.

Mr. HOLMAN. I am willing to accept the suggestion, and request that the resolution be so referred.

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

Mr. HOLMAN. I yield.

Mr. BARKLEY. I myself should like to have an opportunity to glance over the resolution before agreeing that it go to any particular committee. I have not seen it or heard it read.

Mr. HOLMAN. Would the Senator like to see the illustrations in this publication?

Mr. BARKLEY. I do not think it is important where the illustrations may go. I am talking about the resolution the Senator is offering. By the way, what is the name of the publication from which the Senator has read?

Mr. HOLMAN. It is called Victory.

Mr. BARKLEY. What does the Senator's resolution provide?

Mr. HOLMAN. The resolution proposes an inquiry into the authority under

which this magazine is published, and the funds with which it is published.

Let me read what appears under the picture of the President:

"Liberty under God!" That is what Franklin D. Roosevelt pledges the United States of America to insure for all the future of all mankind. On the foundation of the four freedoms—of speech, of worship, from want, and from fear—this future will be built and forever maintained.

My point is that publishing this magazine is a waste of public funds, that the people of this country have a tremendous problem in trying to meet the necessary costs of government, and that really this entire magazine is merely window dressing for a personal political campaign.

Mr. BARKLEY. Let us understand what the status of the resolution is. Has it been offered?

The PRESIDING OFFICER. The resolution was referred to the Committee on Appropriations.

Mr. BARKLEY. I think, under the circumstances, that is the proper place for it.

Mr. DANAHER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DANAHER. Does the fact that the Senator from Oregon has requested that the resolution submitted by him go to the Committee on Appropriations determine the committee to which it should go?

The PRESIDING OFFICER. Not necessarily.

Mr. DANAHER. Then, if some of us deemed that this was a matter of peculiarly nonessential expenditure, which should be investigated by the committee already created for the investigation of such expenditures, might we not properly inquire as to whether that committee has jurisdiction?

The PRESIDING OFFICER. The jurisdiction of that committee is defined by the act which created it. It has no authority whatever to report on a resolution.

Mr. DANAHER. It has no authority to report on a resolution?

The PRESIDING OFFICER. It has no authority to do so, in the opinion of the Chair.

Mr. DANAHER. Mr. President, has it authority to inquire into nonessential expenditures?

The PRESIDING OFFICER. It has, yes, under the act which created it.

Mr. BARKLEY. Mr. President, the committee in question is not a Senate committee. It is a joint committee made up of members of both Houses and of outsiders. It has no legislative jurisdiction.

Mr. DANAHER. Mr. President, I will say to the Senator from Kentucky that I understand it is a joint committee, and I so referred to it. However, it does seem to me that such a matter as the Senator from Oregon [Mr. HOLMAN] brings before us is so obviously a non-essential expenditure that it ought to be inquired into by our standing committee.

Mr. McNARY. Mr. President, I think my colleague has asked for a proper assignment of the resolution. It does not

require legislation. An appropriation is required to continue this practice, and if it is a bad one it can be discontinued by withholding the appropriation. The Committee on Appropriations, having the right to appropriate public funds, can necessarily diminish the amount sought or entirely abate the appropriation. I think the resolution is correctly assigned.

NATIONAL 4-H MOBILIZATION WEEK

Mr. CAPPER. Mr. President, this year the week of February 6 to 14 has been proclaimed National 4-H Mobilization Week. Its purpose is to mobilize, behind the war food production program, all rural youth not now reached, and to secure additional leaders to guide those volunteering to do their utmost in helping to win the war on the food front.

President Roosevelt has written a very fine statement in support of the National 4-H Mobilization Week program, which I ask permission to have printed in the Record.

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

The statement is as follows:

THE WHITE HOUSE,

Washington, December 29, 1942.

To all 4-H Club members of the United States:

The turn of each year is symbolic of youth and renewed confidence. Never before has a new year presented to all youth a greater challenge to do their part in a democratic world. The whole Nation recognizes your self-reliance, your steadfast determination to attain your goals, and your patriotic devotion as individuals and as a group.

At this time it is particularly gratifying to learn of your extensive mobilization plans for 1943 to help the farmers of America to bring about still greater food production. May the observance of National 4-H Mobilization Week, February 6 to 14, reach into every rural home. We have faith in your ability to render a great service in this way. We know that you, like your brothers and sisters in the service, have the spirit and perseverance that will bring victory in the fight for human freedom and a world at peace.

FRANKLIN D. ROOSEVELT.

Mr. CAPPER. Permit me to point out further, Mr. President, that the 4-H boys and girls deserve all the recognition and support this body can give them. They are rural America at its best. Their achievements have always been inspiring. But now in their all-out war efforts they have excelled all previous records. Please note a few of the 1942 totals: 3,000,000 bushels of vegetables; 14,000,000 jars of fruit and vegetables canned; 600,000 head of livestock; 11,000,000 pounds of peanuts and soybeans; 6,500,000 birds in 4-H poultry flocks.

And would you Senators believe it, the 4-H members bought with the money earned through their own 4-H projects over \$6,000,000 of War bonds and stamps. Moreover, people in my section of the country testify that these energetic young people have been just as effective in rendering other civic services, such as collecting scrap of all kinds needed in war work, eliminating accident and fire hazards, increasing farm fuel supplies and improving the health of the community. In fact, the whole 4-H program

this year is being geared to war essentials and to those only. And do not forget, to this end many 4-H boys and girls are gladly making sacrifices. They are giving up more and more of those phases of the program which they like best in order that they may serve with the same spirit as the 500,000 former 4-H members who are now in the fighting forces. Right now, during Mobilization Week, each 4-H member is planning his work in terms of the number of fighting men who can be fed from the amount of food he can produce. Even last year in a number of counties throughout the United States 4-H boys and girls produced enough food to feed for 1 year all those in the armed forces from their respective counties.

These are the boys and girls, Mr. President, who know how to farm. These are the boys and girls who have proved that they will see every job through to the finish. More than that, these are the boys and girls upon whom we will have to rely most to produce the food which is now so vitally needed. Their older brothers and sisters have already left the farms of this country. Remember, these are the boys and girls, under the guidance of the oldsters and the dependable county extension agents, who will not only do men's work this summer but who will also effectively help unskilled city youth to get into the "harness" quickly and happily.

But if the 4-H members, now one and a half million strong, are to do all they can and get other boys and girls to do likewise—doubling, perhaps trebling, the final output—then they must have encouragement and, most of all, sympathetic guidance. That means more trained leadership.

Mr. President, at this time England, much harder hit by 4 years of war than this country, is giving considerable additional financial support to the expansion of their Young Farmers Clubs, comparable to the 4-H clubs here. England realizes only too well the importance of this youth program of learning to do on the job. At this crucial time when everything is at stake and food already at a premium, let us in America bend our efforts to seeing that this 4-H program of ours is also expanded. Speaking as a member of the national board of directors of the 4-H clubs for 21 years, I say that the 4-H members of this country—and there are no more loyal or finer young citizens anywhere—will do their full part if they have the guidance and the tools to carry on. Let us not fail them or our men at the front who are depending upon them.

GASOLINE RATIONING

Mr. DAVIS. Mr. President, over the week end I made a very interesting trip into the productive regions of western Pennsylvania. During my stay there, I had ample opportunity to observe, at first hand, the very deplorable conditions which exist in that section of the State by reason of the present gasoline-rationing policy. That policy has become so controversial that the Pittsburgh Post-Gazette has assigned its special staff writer, Mr. Ray Speigle, one of the most

eminent newspaper writers of the city of Pittsburgh, to make an investigation of this particular subject. Column after column is being printed about it in the newspapers, which no doubt will cause the voluntary organizations of that city to send representatives to present their views before the proper Government authorities.

Having received many letters of bitter complaint from my constituents in that section, I personally undertook to investigate the conditions about which they so rightfully complain. The people of this section of my State are patriotic. They are anxious and willing to undergo any sacrifice that is essential to the winning of the war. They work long hours, they pay taxes willingly, and they cooperate actively with every regulation our Government sets forth.

But the gasoline situation in western Pennsylvania is a very trying one, for there is no gainsaying the fact that this area of Pennsylvania has been forced in many cases to close down its refineries, remove its men from their jobs, and curtail the production of gasoline in every possible way—simply because the storage facilities are overtaxed with vast stores of gasoline which continue to remain idle.

Mr. President, a situation of this kind is enough to test the patience of any man. These people know that something is amiss when the State of Ohio, just across the border is permitted to import gasoline from western Pennsylvania and, at the same time, to remain free of the drastic regulations which prevail in that section of my own State.

Moreover many counties in the State of West Virginia have recently been removed from this particular zone—a zone which is governed by the most drastic regulations possible. Yet the fact remains that western Pennsylvania, which produces more gasoline, comparatively, than the State of West Virginia, is not, under present regulations, permitted to use even a small fraction of its production.

Mr. President, I submit that, in the interest of economy, in the interest of effective administration, in the interest of a rational and realistic gasoline program, this grave injustice which has been wrought upon the people of western Pennsylvania, by reason of the short-sighted program which the Office of Price Administration has invoked in that particular section, must be remedied.

In this connection, Mr. Ickes, one of the best-informed administrative representatives on this particular problem, is reported to have said that he sees "no justice in inflicting special regulations as to gas rationing on those areas lying within oil-producing regions." I have made repeated appeals to the Fuel Coordinator's Office and to the Office of Price Administration. I have sent them volumes of letters which I have received from my constituents; but they have made no move, voluntarily, to correct these unpardonable conditions.

If the objective of this plan is to save rubber, why then is it necessary for the people of western Pennsylvania to be so

strictly rationed, when the people of other States, not lying within oil-producing sections, are permitted a much greater mileage allowance?

The time has come for some plain talk about the gasoline-rationing situation in western Pennsylvania. Here is an area which produces more gasoline than it uses. Here is an area where storage facilities have become exhausted. Here is an area which remains subjected to the most rigid rationing restrictions. Here is an area which would willingly submit to any rationing program, if this fuel were being drawn off to supply less fortunate areas. But the fact remains that this gasoline is not being transported. It is being allowed to remain idle, and it is creating a very unhealthful situation throughout the State.

Mr. President, I submit that western Pennsylvania should be taken out of the restricted area, and that the people there should be permitted the same rationing privileges which now prevail in 31 of the other States in the Union—many of which do not produce sufficient gasoline for their own needs.

SEIZURE OF PATENTS BY THE ALIEN PROPERTY CUSTODIAN

Mr. DANAHY. Mr. President, Senators recently have received from the Office of the Alien Property Custodian, Mr. Leo C. Crowley, a letter under date of December 7, 1942, in which he points out that the Alien Property Custodian has seized approximately 50,000 patents, most of which were owned by nationals of foreign countries. This letter is printed in a brochure in which Mr. Crowley says on page 9:

For our part we pledge, first, that the patents directly controlled by this agency of government will be available readily and immediately to serve all American industry, and that active use of the store of technical knowledge which these patents represent will be fostered; second, we pledge that we shall encourage further research on these inventions for the lasting benefit of American industry, American labor, and the consuming public; and, third, we shall take all steps within our power to make certain that vested enemy patents are made available forever to American industry.

As to the first two points mentioned by Mr. Crowley, so far as I have perceived, there has been complete unanimity both of purpose and of objective. However, as to the third point, there has been very considerable question. On page 11 of the brochure Mr. Crowley points out, in further elaboration of the third item:

Our third responsibility is undertaken on the specific instruction of the President. We shall refuse to sell or to release title to the enemy patents. The inventions covered by these patents will be made a permanent possession of the American people and, through freely granted licenses, they will be incorporated in our national industrial machinery. The ultimate disposition of the patents vested from nationals of enemy-occupied countries will be the subject of discussion with the governments in exile.

Mr. President, the point involved has divided the thinking of international lawyers who have viewed with considerable alarm in most instances the

course which is represented by the promise of permanent seizure of these particular patents.

Secretary Hull, writing to the distinguished Senator from Kansas [Mr. CAPPER] under date of May 27, 1935, said:

It is important from my point of view, therefore, that the United States should not depart in any degree from its traditional attitude with respect to the sanctity of private property within our territory, whether such property belongs to nationals of former enemy powers or to those of friendly powers. A departure from that policy and the taking over of such property, except for a public purpose and coupled with the assumption of liability to make just compensation, would be fraught with disastrous results.

The letter appears in volume 31 of the American Journal of International Law, at page 680.

Mr. President, there is raised the whole point. Granted a need in wartime for the United States to use enemy-owned patents which are within our control and subject to seizure by us, whether or not we have a right to seize and condemn such patents without affording compensation as a result of the seizure raises one of the most critical issues to be found in our entire foreign policy. If, in this way, we are to impair the sanctity of private property, and to depart from the rule which sustains it, and under which our Government in the past has grown great, I submit there is stated a challenge which requires our most considered study.

In connection with our thinking on the point I feel that we ought to have available to us an article which appears in the January 1943 issue of the American Journal of International Law. At page 92 of this publication there is an article entitled, "Nationalization of Enemy Patents." The article was written by Prof. Edwin Borchard, of the Yale University School of Law. I ask that the editorial be printed in the RECORD at this point as a part of my remarks for the attention and study of Senators.

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

NATIONALIZATION OF ENEMY PATENTS

The Alien Property Custodian has recently announced that the "tens of thousands" of enemy patents which have been seized by the United States Government are to be held as a "permanent possession of the American people." In a letter said to have been sent to American trade associations and industries, the Custodian invites American industry to apply for nonexclusive licenses to these patents which "we shall make * * * a permanent part of our industrial machinery

¹ John MacCormac in New York Times, Dec. 20, 1942, p. 20. They are said to number approximately 50,000. This number includes patents owned by nationals of Axis-occupied countries. Where pre-war exclusive and non-exclusive use licenses of actual enemy patents are already in existence, the royalties involved will be collected by the Custodian, but the licensee will have the option of canceling his exclusive contract and taking instead a standard, nonexclusive, royalty-free license. Licensees pay a basic \$50 fee. White House press release Dec. 8, attaching Report of Custodian Dec. 7, 1942.

by refusing to sell them or release title in any way." After calling attention to the "great economic value" in these patents and in the "pending patent applications which represent the latest researches," also to be licensed when granted, the Custodian indicates that they will not only be put to work for existing war production but also for converting plants from peacetime to war activities. He offers "technical assistance to American business in bringing these patents into effective use," and offers to defend the licensees in any suits brought against them for alleged patent infringement. The proposed system also apparently contemplates the appropriation of patents belonging to nationals of countries occupied by the Axis Powers. But as to these, it is expressly stated that the interests of their owners would be safeguarded by making them royalty free only for the duration of the war and for 6 months after its close. After that, royalties "which are reasonable on a basis of prevailing commercial practice" will be charged on non-exclusive licenses to be issued for the life of the patent.

It thus appears that privately owned patents belonging to nationals of enemy States or of countries occupied by the enemy, are to be expropriated without compensation for the benefit of American industry, royalties being exacted only on those patents belonging to nationals of occupied states subsequent to the period beginning 6 months after the termination of the war.

If the proposed procedure is correctly understood, it looks as if private inventors and owners are to have their rights in patents confiscated. This goes further than the practice of the last war, in which the Alien Property Custodian sold to the Chemical Foundation some 4,500 patents, some valuable, at \$50 each. That transaction, which Attorney General Stone, prosecuting the Chemical Foundation in the Circuit Court of Appeals, condemned as subversive of the future of the country,² was nevertheless sustained by the Supreme Court.³ A vast body of literature was published after the war of 1917, pointing out the reciprocally destructive effects of the unlawful practice of confiscating private property and the ominous portents to the future of international investment, trade, cooperation, and peace which the practice necessarily implied.⁴

The policy with respect to foreign, particularly German patents, may have been partly motivated by the fact that the technological advance of the German chemical and drug industry has given the businessmen of that country a superior bargaining power, incidental to patent control, in concluding cartels and marketing agreements with foreign companies, a power, it has been said, coordinating in many instances with the economic policies of the German Government.⁵ It is charged that patents have often been used to insure dependency on Germany for vital medicines, to block non-German research, to block newcomers in the field and to fix prices.⁶

² Oral argument of Harlan F. Stone; brief on behalf of appellant, United States of America, Circuit Court of Appeals, Third Circuit, March 1924, p. 499.

³ 272 U. S. 1 (1926).

⁴ Cf. Gathings, James A., *International Law and American Treatment of Alien Enemy Property*, Washington, D. C., 1940, and literature there cited, p. 131 et seq.

⁵ *The Strange Case of Sterling Products*, by Walton Hamilton, Harper's for January 1943, p. 123.

⁶ The Custodian announces that the "use [of the patents] in the furtherance of any monopoly or any similar exploitation contrary to the public interest" is to be prevented.

The question arises whether the protection of the American manufacturer and consumer against these abuses of the patent system could not be obtained without confiscation by a modification of the patent system, already under study, for example, possibly by compulsory licensing, by an obligatory public submission for approval by a Federal administrative bureau of any cartel and private licensing agreements, by limiting the scope of the monopolistic privileges necessarily attached to a patent.⁷ Even short of such changes which the Seventy-eighth Congress may consider, it would seem that the advantages of American emancipation from foreign monopoly could be accomplished by compelling licensing with compensation, as contemplated by S. 2491, or by some means other than drastic nationalization, against which the United States has vigorously protested when undertaken by other countries.⁸

American statesmen throughout American history seem to have been aware of the disintegrating effects of confiscating enemy private property and have stoutly defended the rule of law which prohibited confiscation. Nothing more profound on this subject has been uttered than the statements of Alexander Hamilton in support of article 10 of the Jay treaty with Great Britain of 1794,⁹ prohibiting the confiscation of private property. That the country as a whole is not committed to such violations of international law and economic good sense is indicated by the statement of Secretary Hull as late as May 27, 1935:

Such action would not be in keeping with international practice and would undoubtedly subject this Government to severe criticism. Moreover, the confiscation of these private funds by this Government and their distribution to American nationals would react against the property interests (some very large) of American nationals in other countries. It would be an incentive to other governments to hold American private property to satisfy claims of their nationals against this Government and to pass upon such claims in their own way. It is important from my point of view, therefore, that the United States should not depart in any degree from its traditional attitude with respect to the sanctity of private property within our territory whether such property belongs to nationals of former enemy powers or to those of friendly powers. A departure from that policy and the taking over of such property, except for a public purpose and coupled with

⁷ This was the purpose of S. 2491, 77th Cong., 2d sess., introduced by Senators O'MAHONEY, BONE, and LA FOLLETTE, April 28, 1942. Hearings before Senate Committee on Patents, 77th Cong., 2d sess., 8 parts.

⁸ See, e. g., Secretary of State Hughes' address at Philadelphia, Nov. 23, 1923, in referring to Mexican confiscations: "A confiscatory policy strikes not only at the interest of particular individuals but at the foundations of international intercourse, for it is only on the basis of the security of property, validly possessed under the laws existing at the time of its acquisition, that the conduct of activities in helpful cooperation, is possible. * * * Rights acquired under its laws by citizens of another state, [a state] is under an international obligation appropriately to recognize. It is the policy of the United States to support these fundamental principles." This Journal, vol. 18 (1924), p. 523, at p. 531.

⁹ See Works of Alexander Hamilton (Lodge's edition), vol. V, p. 412 et seq. See the extended quotations from Hamilton and the references to the treaties concluded by the United States in Moore, John Bassett, *International Law and Some Current Illusions* (New York, Macmillan, 1924), p. 14 et seq. See also editorial in this Journal, vol. 18 (1924), p. 523, at 528, 529 (July 1924).

the assumption of liability to make just compensation, would be fraught with disastrous results.¹⁰

Citizens of the United States now have invested abroad some \$11,000,000,000 in direct investments and \$4,000,000,000 in indirect or portfolio investments. This country should therefore exert its influence to prevent the further corrosion of the institution of private property, since the United States and its citizens have more to lose by confiscation than any other country. If the safety of private property is to depend not on law but on the preponderance of force, there can be no end to the war system. It has often been said that the struggle to maintain elementary virtues is unceasing. The experience of Europe during the last decade lends support to the view that there never is any assurance of the permanence of social and legal advances. But in the face of the Secretary of State's repeated declarations that one of our aims is the "revitalizing of international law," it is hardly fitting that administrative officials of the United States should, wittingly or not, deliberately impair those institutions.

The implications of economic war do not appear to have been fully considered.¹¹ A war on private property has not since the eighteenth century been considered either legal or sensible, since it reciprocally undermines post-war relations. Faced with the desire and purpose not to aid the enemy, international law had reached the practical compromise of permitting, though not commanding a refusal to allow enemy nationals to derive benefits during war from their property abroad, but guaranteeing its safety against confiscation. If it did not have reciprocal advantages the institution would never have grown to such assumedly impregnable proportions. But with a general weakening of the respect for law manifest in recent times, no one can predict how much deterioration in established institutions will consume. If the Custodian's practice is confined as national policy—although Congress, which has exclusive power,¹² seems not to have authorized confiscation—that termination of economic war which Mr. Pasvolsky of the Department of State has asserted to

¹⁰ Secretary Hull to Senator CAPPER, May 27, 1935, this Journal, vol. 31 (1937), p. 680.

¹¹ See, in this connection, recommendation No. VII of the Inter-American Conference on Systems of Economic and Financial Control, Washington, June 30-July 10, 1942, in which the countries of this continent are advised to "eliminate from the commercial, agricultural, industrial, and financial life of the American republics * * * the business, properties, and rights of any real or juridical person * * * whatever their nationality," who are "acting against the political and economic independence and security of such republics." The meaning of the last clause is unclear. The far-reaching character of this recommendation, which possibly includes all persons and firms on the blacklists, warrants consideration by international lawyers. The extent to which it has been followed by legislation or administrative action it has not been possible to establish.

¹² *Brown v. United States* (1814), 8 Cranch 110. It is not believed that confiscation is authorized by the admittedly broad terms of section 301 of the First War Powers Act (55 Stat. 840): " * * * upon such terms and conditions as the President may prescribe such interest or property (of all aliens) shall be held, used, administered, liquidated, sold, or otherwise dealt with in the interest of and for the benefit of the United States, * * * ." Executive Order 9095, establishing the Office of Alien Property Custodian, gives him ambiguous authority to vest any foreign property.

be a condition of peace and progress³³ can hardly be realized.

It must be said that there has been some disposition in the United States to deprecate and limit by statute the privileges attached to patents, including a demand for public recordation of sale and license agreements, invalidation of the patent when used unfairly to stifle competition or create an unlawful monopoly, if necessary by Government suit, restricting the pooling of patents by cross-licensing, limiting the grant of patents to major inventions or improvements, controlling price fixing and trade control, cutting down the period for pendency of patent and the period of protection, compulsory licensing under certain conditions where exploitation is long delayed, the invalidation of sales or licenses which restrict the extent, price, field, or area in which the patent may be used.³⁴ All these proposals are controversial. During wartime there has been no question that the Government could requisition patents or licenses thereof on payment of just compensation.³⁵ The custodian could have legalized his far-reaching proposal by providing for royalty compensation on the patents he licenses, the compensation to be held in trust for private owners. This would not have hampered the war effort and would lend support to the nonconfiscatory policy of the Department of State. Whether the Custodian's practice of freely licensing the patents in his trusted custody will promote American industry remains to be seen. Compulsory licensing has not apparently proved a stimulus to industry in England, Canada, and elsewhere. But there is a question whether

³³ "Lack of determination to abandon the policies and practices of economic warfare will be the greatest danger that can confront us after the war." Pasvolsky, Leo, "The Problem of Economic Peace After the War," Department of State Publication 1720 (Mar. 4, 1942), p. 18. See also his address before the American Economic Association, December 30, 1940, *Some Aspects of Our Foreign Economic Policy*, Publication 1595 (Jan. 11, 1941).

³⁴ S. 2491, supra. Report of the American Patent Association on the McFarlane bill of 1938, H. R. 2959, on compulsory licensing. Darby, Samuel E., Jr., *The Alleged Abuses of the American Patent System* (Boston, 1941); Kenyon, W. Houston, Jr., *Sore Spots in the Patent System* (New York, 1942). Same author, *Abuse of Patent Licensing Privileges*, Manuscript (New York, 1942). Woodward, W. R., *A Reconsideration of the Patent System as a Problem of Administrative Law* (April 1942) (55 Harv. L. Rev. 950). Hamilton, Walton, *Patents and Free Enterprise*, T. N. E. C. Monograph No. 31, 179 p. On December 12, 1941, the President created by Executive order the National Patent Planning Commission, to make recommendations for the amendment of the patent laws.

³⁵ See act of June 25, 1910, as amended July 1, 1918 (U. S. Code, title 35, sec. 68). Cf. the following bills introduced in the Seventy-seventh Congress: (1) The Knutson bill, H. R. 6828, which proposes to include patent rights with other property rights subject to seizure under Public No. 274, of October 16, 1941; (2) the Kramer bill, H. R. 6852, to require the granting of licenses under patents in time of war; and (3) the Kefauver bill, H. R. 6878, which proposes to add to the First War Powers Act, 1941, a provision authorizing the President to permit the unlicensed use of inventions in time of war; (4) under S. 2303, not enacted, any patent was to be seizable upon mere notice. No provision was made for the return of the patent to the owner at the end of the war or for limiting the term of licenses. The Government was permitted to grant licenses under "reasonable royalty," to be fixed by the President without right of the courts to increase it.

the United States Government should assume the obloquy³⁶ attached to confiscation for the benefit primarily of private industry. It would seem that the issue is so important that it should have been submitted to Congress for the exercise of its constitutional authority to deal with the subject after adequate deliberation.

EDWIN BORCHARD.

PRODUCTION OF DAIRY PRODUCTS

Mr. WILEY. Mr. President, the Acting Governor of the State of Wisconsin has designated and proclaimed February 12, 1943, as Dairy Day in Wisconsin.

During the past year Wisconsin has had a record production of milk and manufactured dairy products in response to the Government's request for more food to supply the United Nations.

In Wisconsin our farmers have produced 14,500,000,000 pounds of milk, which is 12 percent of the national output and an all-time high for the State.

As is generally known, much of that record volume has been distributed among our allies in the form of cheese, dried whole milk, dried skim milk, and evaporated milk.

Consequently, it is most appropriate, particularly during wartime, that recognition be given to the Wisconsin dairy industry and its vital contribution to the food-for-victory program.

Mr. President, today we heard a notable address by an eminent Member of this body on the question of manpower. I have spoken many times on this floor on the same subject, and with special reference to what the lack of manpower is doing to the dairy industry. Wisconsin stands first in the production of cheese, casein, and malted milk; second in dried buttermilk, and third in butter.

Mr. President, I ask unanimous consent to have inserted in the RECORD at this point as a part of my remarks the very brief proclamation of Walter S. Goodland, Acting Governor of Wisconsin, designating February 12, 1943, as Dairy Day in Wisconsin, together with a very fine analysis of the dairy situation by Matt Wallrich.

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

A PROCLAMATION

Record production of milk and manufactured dairy products was achieved in Wisconsin during the past year in answer to the Government's request for more food to supply the United Nations.

Responding to the call for increased production, Wisconsin farmers produced fourteen and one-half billion pounds of milk—12 percent of the national output and an all-time high for the State. A great deal of that record volume was distributed among our allies in the form of cheese, dried whole milk, dried skim milk, and evaporated milk. In this way a distinct contribution was made toward winning the war.

Through several decades Wisconsin farmers have been building the dairy industry of this State into the greatest enterprise of its kind in the world. Through specialization in dairy breeds, dairy herd improvement work, proper feeding, and other good farming practices they have made Wisconsin universally famous for its dairy cattle and dairy products.

³⁶ Term used by Chief Justice Marshall in *Brown v. United States*, supra.

Through the years the influence of the Wisconsin Dairymen's Association, an organization which will hold its seventy-first annual convention in Madison February 12, has been important in developing dairying to its present high levels of productiveness.

This meeting, therefore, provides a timely occasion for reminding the people of Wisconsin of the splendid job the dairy industry is doing in supplying food needed to win the war.

Now, therefore, I, Walter S. Goodland, Acting Governor of the State of Wisconsin, do hereby designate and proclaim February 12, 1943, as Dairy Day in Wisconsin and urge that the occasion be observed with fitting exercises in recognition of the Wisconsin dairy industry and its vital part in the food-for-victory program.

WALTER S. GOODLAND,
Acting Governor of Wisconsin.

THE DAIRY SITUATION, FEBRUARY 1, 1943

(By Matt Wallrich)

PRODUCTION

January production, despite the coldest weather in years, is showing a normal seasonal upward trend.

The impetus of higher farm prices in November and December is showing results. A partial check-up shows that cows are freshening earlier this year, which might partially explain lower November and December production.

BANG'S DISEASE

Agitation is developing to discontinue slaughter of productive cows during this milk shortage emergency.

Positive reactors have been immunized—several years of peak production still available.

Remedy: Government purchase; lease animals to supervised farms, perhaps under Farm Security Administration jurisdiction; vaccinate calves from those cows, and when production is adequate cancel lease and slaughter animals.

This would provide thousands of high-producing animals for small farmers to use as foundation stock for their herds.

Administrative burden practically nil.

ARTIFICIAL INSEMINATION

During 1942 a hundred bulls in Wisconsin bred 50,000 cows, displacing 3,000 bulls which augmented the beef supply, and made room for 3,000 more dairy cows in overcrowded barns. Result: 18,000,000 pounds of additional milk, no extra feed or labor (University of Wisconsin release).

If the Government is definitely committed to a long-range program of rehabilitating the world, not only with food but with foundation dairy stock to replace slaughtered animals, now is the time to start.

Dairy feeds high protein, will be scarce. Labor is scarce. Barn room is limited.

Why not use a fractional part of the proposed subsidy to establish a country-wide system, on a county basis, of artificial breeding?

This would eliminate 3,000,000 useless herd sires; permit the feeding and care of 4,000,000 extra milk cows this year.

Let the Army loan 500 highly trained veterinarians to supervise the work; instead of keeping these trained technicians doing routine milk- and food-inspection work.

No herd under 10 cows could afford to keep a bull—and that is 80 percent of the dairy herds. In 5 years the boarder cow would be eliminated.

We have today 26,000,000 dairy cows; average milk production, 4,500 pounds per year; total production, 117,000,000,000 pounds per year; a 1,000-pound increase (Wisconsin average) equals 26,000,000,000 pounds additional milk; in all, 143,000,000,000 pounds per year.

This equals enough milk to take care of all requirements estimated for Army, Navy, lend-lease, and domestic consumption.

If 3,000,000 bulls were replaced by producing cows (5,000 pound average) an additional 15,000,000,000 pounds of milk would be available—no extra feed or labor.

Wisconsin made an enviable record in 1942, with the same productive acreage as in 1918.

Milk production:	Pounds
1918.....	8,000,000,000
1942.....	14,000,000,000

Over 15 percent of the Nation's production of milk marketed as whole milk comes from Wisconsin.

BUTTER

Production increasing rapidly.

Receipts at established markets not indicative. Local creameries and receivers are short-circuiting established channels.

The price ceiling regulation is not conducive to the continuance of the normal pattern.

Retail milk distributors, with high ceilings, are taking extra butter.

Butter is being sold locally—not in principal markets.

Freight to market is deducted on butter ceilings.

Freight to Plymouth is added on cheese ceilings.

Light cream order and curtailment of ice cream will definitely increase butter production. Requisition of 30 percent of the butter will overload the present cold-storage plants, as they are already loaded with pork, beef, cheese, poultry, etc.

When April, May, June, July production comes—remember D. P. M. A. in 1938.

CHEESE

Factories are still in a muddle on prices. Most of them are paying the old price, and promising the subsidy when they get it. Result: Chaos.

	Decem-ber cash price	Subsidy promise	Total
	Cents	Cents	Cents
Factory A, Wisconsin.....	59	10	69
Factory B, Wisconsin.....	62.7	10	72.7
Factory C, Wisconsin.....	65	11	76
Factory D, Ohio.....	2.30+35	-----	2.65

¹ Per hundredweight.

The Office of Price Administration estimated that 27-cent cheese would develop a farm price of \$2.45 per hundredweight—using the old rule of thumb, namely, 2.6 times twins. Two factors were disregarded—increased value of whey fat and sale of whey.

Theoretically, here's how it really works out:

Hundredweight of 3.5 milk equals 9.5 pounds of cheese; price per pound, 27 cents; gross cheese yield, 2.565 cents; value 0.3 pound of whey fat, 0.138 cent; total, 2.703; cost of making, 2 cents per pound, 0.19 cent; net price, whey returned, 2.513 cents equals 71.8 cents per pound of fat; value of whey sold, 0.08 cent; maximum return for milk, 2.593 cents equals 75 cents per pound of fat.

Southern and eastern factories will have a higher ceiling, and a correspondingly higher farm price—at least, during shortage period.

MILK POWDER

Commercial ceilings on spray and roller are still out of balance. No way to justify a 2-cent difference. Correction should be on the way, with a 1- or 1½-cent differential—no difference for brands.

Sixty-one million pounds of whole-milk powder produced in 1942; 100,000,000 pounds needed in 1943—to be divided about equally between Army and lend-lease.

No limit on spray skim for 1943.

April, May, and June will soon be here. If evaporated production and ice cream are curtailed, drying equipment for human food will be inadequate. Some encouragement should now be given to roller skim for animal food, and for casein during the flush period.

The dollar cost will be negligible; the impetus to continue production tremendous.

FLUID MILK

Food Distribution Order No. 11 makes the following mandatory; and we hope the industry cooperates:

- (a) Elimination of pints and half-pints to homes.
- (b) No more than two handlers to a wholesale stop.
- (c) Bottle deposit.
- (d) No return.
- (e) No milk loaded without prior order.

NOTE.—(a), (b), and (d) will effect savings; (c) and (e) will probably increase costs.

In several markets many corrections have been made during the last year:

- 1. Special deliveries.
- 2. Every other day delivery.
- 3. Elimination of returns.
- 4. Combining wholesale and retail routes.
- 5. Reducing items.
- 6. Elimination of special deals.
- 7. Loading trucks to capacity.
- 8. Adding helpers to trucks.
- 9. Uniform bottle.
- 10. Zoning territories.

Wage scales of wholesale drivers must be adjusted. No justification for continuing the penalty contracts that permit drivers to earn \$6,000 to \$8,000 a year while other drivers who do harder work earn \$3,000.

Restrictions on loads must be eliminated. The teamsters' union is at the crossroads. Either it must realize that we are in a war and thuggery is out or municipal distribution will come in.

Without question, millions of dollars can be saved without increasing the price to the consumer decreasing the price to the farmer, or reducing the average weekly earnings of the driver; but the driver must be willing to give a full week's work in an intelligent way, and permit supervision by the guy who pays his check.

ICE CREAM

New distribution order No. 8 effective February 1.

Limits use of total milk solids to 65 percent of December 1, 1941, to November 30, 1942, production. Army and Navy business, etc., are not included.

This is not serious.

Production:	Gallons
1942.....	435,000,000
1937.....	281,000,000
1936.....	243,000,000
1935.....	199,000,000
1934.....	180,000,000

Sixty-five percent of the 1942 production is 282,000,000 gallons, but with a reduction in fat and solids content and a shifting to sherbets and ices, manufacturers can probably exceed their 1940 business for domestic uses and, by utilizing Army and Navy contracts, can keep capacity equal to 1941.

Food and Drug Administration estimates a saving of 97,500,000 pounds of butter and 68,000 pounds of serum solids. Unless there is a price increase, a curtailment of Army and Navy business, and a butterfat limit, we think this estimate is too hopeful.

Failure to adjust price ceilings on ice cream, coupled with this curtailment and the inability to obtain spray powder, will cause smaller manufacturers to have tough sledding before the year is through.

Wisconsin's ranking by States in the dairy industry: First in dry skim milk, dry whole milk, dry whey powder, condensed and evaporated milk, cheese, casein, malted milk powder; second in dry buttermilk; third in butter.

In addition, Wisconsin furnished over half the milk for Chicago, the country's second largest milk market.

Industrial production for the war emergency has been turned over to those who have demonstrated their ability to produce.

Dairy products' shortage is crucial. Maybe Wisconsin could produce the "know how" if consulted.

SMATTERINGS

Lend-lease to December 31, 1942, had shipped \$1,040,000,000 worth of food in 22 months.

By March 15, 1942 (the first 12 months), it had purchased \$300,000,000 worth of food.

This means that our shipments to December 31, 1942, were made up of the \$800,000,000 of purchases made before March 15, 1942, plus an additional \$200,000,000 of food purchases made from March 15, 1942, to December 31, 1942.

Yet, last March we had a burdensome surplus of milk, cheese, roller powder, casein, and evaporated milk, and were asking for supporting floors on almost every commodity. Today a demoralizing surplus has been converted into a rationed shortage.

Our production in 1942 exceeded any year in history and practically exceeded every estimate.

Where has it gone?

If it's in warehouses in this country, let's have the figures.

If it's in the housewife's cupboard, let's have those figures.

Publication of the figures would stop the hoarding either by the Government or by the consumer.

After all, the armed forces are not going to eat more than twice as much as they did in civilian life, and that would require only an additional 5 percent of production.

Lend-lease shipments have taken less than 3 percent of our annual production.

Then tell the consumers that they are overeating. Don't blame rationing on either lend-lease or the Army.

Give the American people the truth—they can take it.

Submitted by Watt Wallrich.

PREVENTION OF CERTAIN PRACTICES LEADING TO DENTAL DISORDERS

Mr. WHEELER. Mr. President, I ask unanimous consent for the present consideration of Senate Joint Resolution 12.

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

The CHIEF CLERK. A joint resolution (S. J. Res. 12) to amend the act entitled "An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry."

Mr. WHEELER. The purpose of the joint resolution is to amend a law which was enacted at the last session of the Congress in accordance with the intention of Congress at that time.

When the measure was reported from the Interstate Commerce Committee during the last session of Congress it was known as the dental bill. It was reported with the proposed amendment, but the printer overlooked the amendment and left it out of the bill. The report shows that it was in the bill, which was called up by unanimous consent. The Senator from Minnesota [Mr. SHIPSTEAD], who handled the bill on the floor, did not know that the amendment had been left out. It is the unanimous opinion of the committee and of everyone else inter-

ested in the bill that the amendment should have been in it. The only purpose of the amendment is to provide that the act shall not take effect until 6 months after the date of its enactment.

Mr. McNARY. Mr. President, I had occasion to investigate this matter, and I find that the only thing involved is the correction of a clerical error. The joint resolution expresses only the intention of Congress, and I ask that it be considered.

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

There being no objection, the joint resolution (S. J. Res. 12) to amend the act entitled "An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry" was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That effective as of December 24, 1942, the act entitled "An act to protect the public health by the prevention of certain practices leading to dental disorders; and to prevent the circumvention of certain State or Territorial laws regulating the practice of dentistry," approved December 24, 1942, is amended by adding at the end thereof the following new section:

"Sec. 4 This act shall not be deemed to have taken effect until 6 months after the date of its enactment."

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. CLARK of Idaho 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 COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. VAN NUYS, from the Committee on the Judiciary:

J. Saxton Daniel, of Georgia, to be United States Attorney for the southern district of Georgia; and

Carl J. Werner, of Illinois, to be United States marshal for the eastern district of Illinois, vice William Ryan, deceased.

By Mr. REYNOLDS, from the Committee on Military Affairs:

Hervey Allen, from the State of Florida, to be information specialist, at \$4,600 per annum, in the Atlanta regional office of the War Manpower Commission;

Dr. Paul C. Barton, from the State of Illinois, to be assistant director, at \$5,600 per annum, for the Procurement and Assignment Service of the Bureau of Placement in the Washington office of the War Manpower Commission;

Chester W. Hepler, from the State of Illinois, to be area director, at \$5,600 per annum, in the Chicago area office of the War Manpower Commission;

William P. Edmunds, from the State of Ohio, to the position of area director, at \$6,500 per annum, in the Cleveland area office of the War Manpower Commission;

Marion A. Gregg, from the State of Ohio, to be area director, at \$4,600 per annum, in the Youngstown, Ohio, area office of the War Manpower Commission;

T. Hilliard Cox, from the State of Nebraska, to the position of program control technician, at \$5,600 per annum, in the Kansas City, Mo., regional office of the War Manpower Commission;

William Parkinson, from the State of Nebraska, to be area director, at \$4,600 per annum, in the Omaha area office of the War Manpower Commission; and

Merriam H. Trytten, from the State of Pennsylvania, to be principal employment specialist (physics), at \$5,600 per annum, in the Bureau of Training of the Washington office of the War Manpower Commission.

By Mr. WALSH, from the Committee on Naval Affairs:

Sundry officers for appointment or promotion in the Navy; and

Sundry officers for promotion and several citizens and meritorious noncommissioned officers for appointment as second lieutenants, all in the Marine Corps.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Sundry postmasters.

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

THE JUDICIARY—NOMINATION OF WILEY BLOUNT RUTLEDGE TO BE ASSOCIATE JUSTICE OF THE SUPREME COURT

The Chief Clerk read the nomination of Wiley Blount Rutledge, of Iowa, to be an Associate Justice of the Supreme Court of the United States.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. LANGER. Mr. President, I rise for the purpose of explaining my reasons for the vote which I intend to cast opposing the confirmation of Mr. Rutledge to be an Associate Justice of the Supreme Court of the United States.

Apparently it has been the custom of this body to confirm such nominations by the President of the United States when the nominees are found to be men of good character and members of the bar, unless they possess political philosophies or extreme economic views which are considered dangerous to the member voting. I cannot accept such tests as conclusive.

At the outset, let me state that I do not know Mr. Rutledge. I have no reason to believe him to be other than a man of uprightness, of honor, and of integrity.

The Constitution of the United States imposes a solemn duty on every United States Senator in the creation of a Supreme Court Judge. To my mind each Senator must accept the same responsibility as that assumed by the President himself whenever such a choice is made. I can hardly imagine a more important act in the United States Senate than casting a vote for the confirmation of a nominee for the high office of Associate Justice of our highest court. Every Judge now on that bench was placed there by this Senate. If any honest criti-

cism is made of a single member of that Court then we must take our share of the blame because we placed him there.

We were reminded a few years ago that the Supreme Court must stand as the bulwark of justice in our land. It is the last hope for the protection from bias, from prejudice, and from passion in the enforcement of our sacred Bill of Rights. It is the same Court that so many Members of the Senate a few short years ago protested should not be "packed." Today the solemn duty rises upon us to put to proof the operation of our democracy, and take a courageous part in the performance of official duty. It would mean little by way of consistency if the Senate were to protest loudly any attempt made to change the fundamentals of this institution if it functions only in mild acquiescence when called upon to act.

This is not a matter of politics; it is not a matter of partisanship; it is not a matter involving personalities; it is not the exercise of privilege; it is the performance of a highly important duty to our country, to the people who have sent us here to stand guard. I do not believe that anyone should be appointed to the Supreme Court of the United States unless he has the widest practical experience, reputation, and renown, and has won his spurs at the bar, and fought his way up the ladder in the halls of justice in the Nation.

Second-best in production will not provide our soldiers with what they need in war. Second-best generals and admirals will not bring us victory and peace. Second-best justices or legal mediocrities will not insure justice in our land.

Among 135,000,000 inhabitants there are thousands of excellent lawyers in the country who have thus proven their outstanding ability to grace our Supreme Court. These men have earned the respect and confidence of the public through their right to eminence in our Nation, through sterling service as members of the bar. They know the problems of the people, not from reading books, but from actual experience and learning in their profession as advocates in actual practice at the bar.

These times are too solemn to permit a disregard of their abilities, and to place upon the highest court a man who, so far as I can ascertain, never practiced law inside a courtroom or so far as I know, seldom ever visited one until he came to take a seat on the United States Circuit Court of Appeals for the District of Columbia. Before that, his contribution in any litigation has remained most obscure. I read his record as disclosed in the Congressional Directory:

Wiley Rutledge, associate justice; born in Cloverport, Ky., July 20, 1894; attended Maryville College (Tenn.); University of Wisconsin, A. B., 1914; Indiana University School of Law; University of Colorado, LL. B., 1922; LL. D., 1940; taught in high schools, Bloomington and Connersville, Ind., Albuquerque, N. Mex., and Boulder, Colo., 1915-22; associated with the law firm of Goss, Kimbrough & Hutchinson, Boulder, Colo., 1922-24; member of law faculties, University of Colorado, 1924-26; Washington University, St. Louis, Mo., 1926-35; the State University of Iowa, 1935-39; also dean, School of Law, Washington University, 1930-35; College of Law, the

State University of Iowa, 1935-39; nominated associate justice of the United States Court of Appeals for the District of Columbia by President Roosevelt and confirmed by the Senate in April 1939; assumed duties May 2, 1939; member National Conference of Commissioners on Uniform State Laws, from Missouri, 1931-35; from Iowa, 1936-.

Mr. President, it will be noticed that in the biography there is not one word to show that he ever practiced law at any time except from 1922 to 1924, when he says he was associated with the law firm of Goss, Kimbrough & Hutchinson, in Boulder, Colo. The record shows that at that time he was 28 years of age. It does not show whether he was a clerk or simply a stenographer. So far as the record shows, aside from that, he never practiced law 1 day anywhere in the country.

For what reason he was chosen to sit upon the circuit court, I am at a loss to understand, unless it was that he came last from Iowa City, the home of Harry Hopkins. Could that be the reason for his selection? I want to register an emphatic "no" to such a choice. I have never been able to accept the philosophy of government expounded by Mr. Hopkins; and if it be true that Mr. Rutledge is his alter ego on the bench, I must, in good conscience, say that I could find no better reason for disqualification.

The distinguished majority leader, the senior Senator from Kentucky [Mr. BARKLEY], announced to the press a few days ago that my vote would be the only one cast against this nominee. Surely my honorable colleague is not oracular. I know not where he gets his information or authority to speak for all 95 of the other Senators on this important subject. I have not noticed that he has claimed such power in other matters before the Senate up to now. Indeed, I was not sure that he could, with any reliability, even answer beforehand for the members of his own party in the Senate.

I was one of those who felt that it would not have been against the Nation's interest if the senior Senator from Kentucky himself had been named to this judicial position at this time. I congratulate him on his sportsmanship in his prompt acquiescence in the nomination and his spirited sponsorship in casting in the press 95 votes in a lump in favor of this nomination.

I should prefer to accept the foregoing conclusion rather than to believe that a political debt was being paid to Mr. Hopkins for past favors in Kentucky in 1938, when the advent of the junior Senator from Kentucky was momentarily delayed. Or perhaps neither was the reason. Perhaps it was impatience to get on with the important things in this Nation, and not to be bothered by debates or lengthy considerations on a post of the caliber of a position on our Supreme Court.

Mr. President, I want the RECORD to show my protest. Even with the great job we have undertaken in the four corners of the world, it is still of the highest importance to neglect no important, vital job to preserve our democracy at home.

I challenge the wisdom of the choice of this inexperienced member of the bar; I say that he is one of those who have failed to prove their worth at the bar at all, or their capacity and ability to occupy one of these precious nine positions.

The Court may be called upon to decide momentous issues upon which the preservation of our form of government itself may depend. None but the most highly qualified, Mr. President, should receive our approval.

Mistakes may occur in the selection of any Member of Congress or in the selection of a President. Such mistakes can be remedied in a space of time by the people, but the Supreme Court Justices are chosen virtually for life. Therefore, unless the nominee has already disclosed his capacity and his outstanding ability I feel that I should fail in my duty were I to vote a blind approval.

I believe we should exercise an affirmative as well as a negative test, and that we should do so as well as expect the Chief Executive to do so.

Searching the record objectively, and utterly without regard to personalities, I cannot find therein justification for advising and consenting to this nomination.

I have had called to my attention an important receivership matter wherein I believe the nominee failed to apply the law either equitably or accurately. I am sure that he attempted to do so, but I find evidence of what seems to me to be lack of care and inaccuracies in a matter which touched thousands of insurance-policy holders who had suffered loss of millions of dollars in premiums paid, without one cent of recovery over a period of 12 years. Mr. Rutledge did not appoint the receiver. That had been done years before, and much water had gone over the dam. But he was one of three who were called upon to bring a halt to the waste of the funds, and he held the law to decree otherwise.

I think if he had had more practical experience as a member of the bar he would not have fallen into that error. His findings meant much to a group who in order to protect their dependents had parted with their savings. They do not feel that their rights received fair consideration, and from my review neither do I. In the single instance in which Mr. Rutledge's record has come before me, I do not feel he has exhibited either learning or experience fitting him for this promotion.

Mr. President, we have a fair abundance of attorneys general now serving this country as justices of our highest court. The Court is not without a professor or two already. I say to my colleagues here, whom I honor and respect, I am sorry that my conscience will not permit me to vote for confirmation in this important instance.

Mr. O'MAHONEY. Mr. President, it may be appropriate at this point for me to say just a word or two about the action of the Committee on the Judiciary in filing its favorable report upon the nomination. Justice Rutledge was appointed to the court of appeals in April of 1939. His nomination at that time was re-

ferred to a subcommittee consisting of the then Senator from Delaware, Mr. Hughes, as chairman, the then Senator from Utah, Mr. King, the Senator from Texas [Mr. CONNALLY], the then Senator from Nebraska, Mr. Norris, and the Senator from Vermont [Mr. AUSTIN]. The record shows that that committee, having met to consider the nomination, filed a favorable report with the Committee on the Judiciary, that thereupon a favorable report was filed with the Senate, and the nomination was confirmed.

In April 1939 Senator King, who at that time was chairman of the Committee on the District of Columbia, after the nomination had been confirmed, rose to say that if there had been a ye-and-nay vote he would have voted in the negative. It is my understanding, though he did not so state in the Senate at that time, that the principal consideration which moved him was that, in his opinion, there should be a selection to the Court of Appeals for the District of Columbia from the bar of the District. There may have been also some question, Mr. President, with respect to the nominee concerning the now famous "court expansion legislation" proposed in 1937; but the committee was satisfied that there was nothing in the record of Mr. Rutledge which would justify withholding confirmation of the nomination.

When the nomination now before the Senate was sent here and was referred to the Committee on the Judiciary, a subcommittee was appointed, consisting of the distinguished Senator from Vermont [Mr. AUSTIN], who is now on the floor, our able colleague from Nevada [Mr. McCARRAN], and myself. This subcommittee went very carefully into the matter. Report was made to the full committee a week ago today, and the report of the committee recommending the confirmation was approved by the Judiciary Committee without a negative vote. The Senator from North Dakota [Mr. LANGER] and two or three others withheld their votes at the time.

I wish to say, Mr. President, speaking for myself—and I have before me all the decisions of the court of appeals in which Justice Rutledge participated—that we were satisfied from an examination of his record as a member of the District of Columbia Court of Appeals, that the favorable report which was made by the Judiciary Committee in 1939 and the action of the Senate confirming his nomination at that time have been wholly justified by the record which Justice Rutledge has made.

He has not yet reached the forty-ninth anniversary of his birth, Mr. President. He is, therefore, a young man going upon the Supreme Court. A reading of the opinions submitted by him demonstrates, I think, that he has the judicial capacity in a marked degree. It was our feeling that he is a judge who not only is able to write a lucid opinion, one which can readily be understood, but that he is capable of couching opinions of the Court in language which would grace the reports of any court.

Your committee, Mr. President, felt that the record of this man, both as a

citizen and as a judge, warranted the nomination and that the Supreme Court would profit by his elevation to that bench.

Mr. STEWART. Mr. President, several days ago I placed in the RECORD an excerpt from a Tennessee newspaper which embodied a short story of the Rutledge family, with particular reference to the father of Justice Rutledge, whose nomination is now before the Senate. I am surprised that there should be any objection to the nomination of Justice Rutledge as a member of the Supreme Court. His background, with which I am very familiar, is such that it could not fail to produce a man whose ideas of citizenship are thoroughly American and whose ability and courage may not be questioned. On every score Justice Rutledge is quite capable of filling this position or almost any other position to which he might aspire.

I have not known Justice Rutledge intimately in recent years, but he and I were boys together, so to speak, in Tennessee. His father was a minister in the Baptist Church and it was my privilege to hear him preach. The old gentleman, who is in his early eighties, lives today in Cleveland, Tenn.

Wiley Rutledge was educated principally in Tennessee. He attended Maryville College at Maryville, Tenn., a denominational institution which, incidentally, is owned and operated by the Presbyterian Church. His early life in the home of his father, who was a minister in the country section where I lived in Tennessee, was surrounded by the finest kind of influences. As to his ability, there can be no question. I have not kept in close touch with him in recent years, but I do know, by reputation, some of the work he has done in the Middle West, where he lived for several years.

I think that the decision of the Judiciary Committee was properly reached and that the committee were justified in reaching the conclusions they did. I talked to the Senator from Wyoming [Mr. O'MAHONEY] and other members of the committee at the time the nomination of Justice Rutledge was being considered. I hope the Senate will confirm his nomination. He is a fine character and will reflect credit on the Court.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination? [Putting the question.]

The nomination was confirmed.

WAR MANPOWER COMMISSION

The PRESIDING OFFICER. The clerk will proceed to state the other nominations on the Executive Calendar.

The Chief Clerk proceeded to read sundry nominations under the War Manpower Commission.

Mr. VANDENBERG. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. VANDENBERG. I should like to know what committee reported the nominations of officials of the War Manpower Commission?

The PRESIDING OFFICER. The Chair is advised that the nominations

were reported by the Committee on Military Affairs.

Mr. VANDENBERG. I should like to know whether any member of the Military Affairs Committee is present and prepared to indicate the full extent of the authorization which seems to be sketched by this rather amazing list of definitions of officers. I refer to—

A program control technician, at \$5,600 per annum, San Francisco regional office. I presume there is to be a similar officer in every regional office.

I refer to a so-called head employment specialist, at \$6,500 per annum, Bureau of Training, Washington Office.

I refer to a senior training specialist, at \$4,600 per annum, San Francisco area office.

I refer to a labor utilization analyst, at \$6,500 per annum, Washington regional office.

I refer to a field supervisor, at \$5,600 per annum, Boston regional office, and to other officers of similar title and salary, as designated by ditto marks.

I refer to a head labor utilization analyst, at \$6,500 per annum, Minneapolis regional office;

Then, to a senior labor utilization analyst at \$4,600 per annum, Minneapolis regional office;

Then, to an assistant labor utilization analyst (trainee), at \$4,600 per annum, Washington regional office;

Then, to an area director at \$4,600 per annum, Syracuse area office;

Then, to a senior agricultural employment specialist, at \$4,600 per annum, Minneapolis regional office;

Then, to another area director in the Albany area, and another field supervisor in the Washington regional office.

Mr. President, before we start to confirm nominees for positions of this character, I, for one, should like a statement from the Senate Military Affairs Committee as to the extent of this total personnel program which we are about to confront.

Mr. McKELLAR. Mr. President—
Mr. VANDENBERG. I yield to the Senator from Tennessee.

Mr. McKELLAR. I understand that hearings were had by the Committee on Military Affairs, probably under the direction of the Senator from Alabama [Mr. HILL], who is unavoidably absent at this time.

I agree with the Senator that a full explanation should be made as to each of these nominations, and for that reason, if the Senator will permit me, I shall ask that they go over until Thursday, so that the Senator from Alabama [Mr. HILL] may give us full information about the matter. I agree entirely with the Senator that the Senate should have the information concerning each nomination.

Mr. VANDENBERG. I thank the Senator for his statement. I think the information needs to apply not only to the type of positions involved, but I should also like to know on what basis these men are chosen. For example, I should like to know how a nomination like that of Louis Bloch, of California, gets on anyone's list, and the explanation generally should be complete. If

the Senator's request that the nominations go over is agreeable to the Senate, that is all I have to say at the moment.

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

Mr. VANDENBERG. I yield.

Mr. O'MAHONEY. In the absence of the chairman of the Committee on Military Affairs, I venture to make a brief statement, because it was upon my motion that the War Manpower Commission, under Governor McNutt, was invited to come before the Military Affairs Committee to discuss precisely the type of questions which the Senator from Michigan has just raised.

I called attention to the various categories of nominees and the titles given to these various persons. I think it only fair to say that Governor McNutt made a very satisfactory presentation to the committee. He was before us for several hours, and I doubt whether there was any member of the committee who did not examine him. As I recall now, the Governor's testimony was to the effect that most of these persons whose names appear as nominees have been taken from other agencies under Governor McNutt. For example, several of them had already been employed in the United States Employment Service, and had some sort of civil-service status. The Governor stated that in many instances the Commission was having a great deal of difficulty in obtaining the character of persons, with the training and background necessary, for the very exacting duties of mobilizing our manpower. For instance, effort is made by the War Manpower Commission to recruit some of these officials from the personnel branches of large corporations, where men have had long experience in building up personnel organizations of one kind or another.

I was particularly impressed by the testimony of the Governor that in many instances men were on the rolls of the War Manpower Commission or the employment service at smaller salaries than they are able to get and which have been offered to them in private employment. The Governor gave several instances. Assurance was given to us that all these positions are within the divisions of the Classification Act as passed by the Congress.

Mr. President, having been the one who asked that Governor McNutt appear, I think it may be important that I give the testimony that I was satisfied the War Manpower Commission made a very careful attempt to select only competent people for these positions. Of course, we know that no task now before any Government agency is greater than the task of mobilizing our manpower, and for that reason the committee has been endeavoring, I think I can say with propriety, to expedite the confirmation of these officials, so that the charge cannot be made that the Senate is in any way delaying confirmation.

Mr. McKELLAR. Mr. President, will the Senator from Michigan permit me to ask the Senator from Wyoming a question?

Mr. VANDENBERG. I yield.

Mr. McKELLAR. The question I wish to ask is whether the testimony was taken down and printed.

Mr. O'MAHONEY. It has not been printed; it is available in the committee.

Mr. McKELLAR. In typewritten form?

Mr. O'MAHONEY. Yes.

Mr. BARKLEY. Mr. President, will the Senator from Michigan yield to me to ask the Senator from Wyoming a question?

Mr. VANDENBERG. I yield.

Mr. BARKLEY. The Senator said these nominations were all taken from within the classified service.

Mr. O'MAHONEY. I would not say all, but many of them were; but with respect to the particular names now before the Senate I cannot say.

Mr. BARKLEY. I was wondering whether the Senator understood that the Manpower Commission, making these appointments, took the names largely or altogether from the civil-service lists.

Mr. O'MAHONEY. They all passed through the civil service in a way. They do not acquire a civil-service status.

Mr. BARKLEY. They do not have to take a competitive examination—

Mr. O'MAHONEY. That is correct.

Mr. BARKLEY. In order to get on an eligible list, as I understand, although in some way they do come under the civil-service requirement that they must be passed upon by the Civil Service Commission. They must "clear" the Commission, as I understand the expression is. I suppose that in those cases the age limits which would apply to any other civil-service employees apply to them?

Mr. O'MAHONEY. It is my understanding that that is the case. I may say that at the outset of the war, in an appropriation bill which was approved by the Committees on Appropriations and passed by the Congress, an appropriation of \$100,000,000 was made for emergency expenditures by the President, and he was authorized by that appropriation act to make personnel selections without regard to the civil-service law. It is my understanding that, notwithstanding that provision, instructions have gone forward to all the agencies which are exercising the power granted to clear all these nominees through the Civil Service Commission. The Civil Service Commission goes over the background of the nominees, and makes certifications.

Mr. VANDENBERG. Mr. President, there may be a perfectly satisfactory explanation with respect to each of these nominees. I make no pretense to the contrary. I merely find myself challenged by the nature of the definitions of these positions and the rather substantial salaries attaching to each, and the implication, obviously, that this is only a very small preview of a very extensive list, to implement the entire country, which is to follow. Before we start confirming any of the nominees, I think a comprehensive statement from the Committee on Military Affairs is due the members of the Senate, so that they may reach an authenticated judgment. I certainly do not wish to hold up the work of the War Manpower Commission for a single instant, because Heaven

knows it has held up its own work so many months beyond sufferance that there should not be any further interference. There will be none so far as I am concerned, in the presence of proper explanation, when the proper time comes.

Mr. TYDINGS. Mr. President, I note today that opposite the name of each person pending before the Senate for confirmation is a statement of the salary the person is to receive, and some description of the duties he is to perform.

In the case of O. P. A. and various other agencies of the Government, the right of confirmation was waived by the Senate, but even where the right of confirmation is retained it seems to me that we should in the future insist that the salary which a person who is to be confirmed by the Senate is to receive should be stated, as well as some description of the duties he is to perform.

I regret very much that the right of confirmation was waived by the Senate when that question was before us in connection with some bills which have heretofore been enacted. I am hopeful that hereafter the Senate will insist on its right of confirmation, and, if it be necessary, I should like to propose a rule that as to all confirmations, outside the judiciary, in which cases the salaries are fixed by law, and in the case of nominations in the Army and the Navy, and of postmasters, the salaries of nominees to be confirmed by the Senate, with a description of the duties they are to perform, be stated for the Executive Calendar.

In my opinion, heretofore a great many people have gotten into the Government service at particularly high salaries when, if we had had before us a statement of the salaries and a description of the offices, we might have been more efficiency-minded in giving our consent to the nominations.

I shall ask our leader, the Senator from Kentucky [Mr. BARKLEY], together with the Senator from Oregon [Mr. McNARY], the minority leader, to make provision that in the future, in such manner as may be expeditious we shall have a statement of the salary and a description of the duties of each nominee brought before us.

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

Mr. TYDINGS. I yield.

Mr. TRUMAN. The Senator from Maryland will remember that time and again in the Appropriations Committee the Senate has attached to bills the requirement that persons receiving a certain amount of salary or over must be confirmed on the basis on which the Senator is now speaking, and that such requirement has been consistently omitted every time there has been a conference on it with the House.

Mr. TYDINGS. There is no doubt about that.

Mr. McKELLAR. Mr. President—

Mr. TYDINGS. I shall yield to the Senator from Tennessee in a moment. What the Senator from Missouri has just said is true. That is the reason I feel the Senate ought to reassert itself. It ought not only to pass on the individ-

ual, but it ought to know the salary he is to receive, and it ought to know what duties he is to perform.

Mr. TRUMAN. We must then have conferees on the part of the Senate who will stand up for the position taken by the Senate.

Mr. TYDINGS. Mr. President, I have the opinion, which is based on some substantial information, that where there is no restriction on salaries, where the amounts of the salaries are not stated, and where the duties of the offices are not defined, executives are inclined to write a few extra naughts at the end of the salary figures, whereas if the furnishing of that information were a part of the confirmation procedure I believe it would conduce to economy throughout the Government, and likewise conduce to a reduction in the number of personnel, because the appointees would have to pass the scrutiny of the Senate.

I now yield to the Senator from Tennessee.

Mr. McKELLAR. As the Senator from Missouri [Mr. TRUMAN] has said, the Appropriations Committee of the Senate has attached riders to many of the appropriation bills, indeed to practically all of them, providing for Senate confirmation of all appointees receiving a salary of a certain sum or over. The House has heretofore objected to such riders but as to the bill providing appropriations for the War Manpower Commission the House waived its objections, and therefore the provision for confirmation is the law.

However, I wish to say to the Senator and to the Senate that at the beginning of the present session of Congress I introduced a bill which provides that nominations of appointees receiving salaries of \$4,500 or more shall be confirmed by the Senate, just as the present nominations are being confirmed, and I wish to say that that bill went to the Committee on the Judiciary. The chairman of that committee very promptly appointed a subcommittee, which has the matter in charge, and we are hoping to receive a favorable report on that bill within the next few days.

I am glad the Senator takes the position he does, and I know he will be in favor of that bill, because it applies to all employees who receive salaries in excess of a certain amount. If the Senate will adopt the bill I am quite sure, from what I have heard, that the House will agree to it, and, in my judgment, it is a very proper measure.

Mr. TYDINGS. Mr. President, the Governors of all States, the members of the legislatures of all States, the Members of the House of Representatives and the Senate of the United States, together with the President are accountable to the people at regular intervals for their stewardship. That is the whole lesson of democracy. When we allow to grow up a bureaucracy which holds office for a long period of time, without some termination and reaccountability to its appointing and confirming source, in my judgment we destroy democracy, because we have then a group of persons who have very little accountability in a Government so large as this, and who

can pretty well by directive, or by order or regulation or by interpretation, not only destroy acts of Congress in some instances, but themselves write laws which Congress itself has never passed.

Mr. President, it has always seemed to me to be a weakness in our democratic system that persons who hold appointive office do not in the same way as those who hold elective office come up from time to time for reappointment. Anyone who advocates such procedure, as does the Senator from Tennessee [Mr. McKellar], is liable to the charge that he does so for political purposes; forsooth that the Senator wants to control the patronage in his own State, forsooth that he wants to punish someone who did not vote right in the last election, or something of that sort. Men being human, there may be a small degree of accuracy in that rather sweeping charge. But, on the other hand, I think there are many Senators, in fact the great majority of them, if not all, who have a higher aim than the mere personal situation. I believe I can speak for one who does not ask for any patronage, who does not want any patronage of any kind or description at all because I find that I am much better off without it than with it. One of the great good fortunes that came to me was to be placed in that situation.

Mr. President, I believe that the only way we can control bureaucracy is to compel it to account occasionally to somebody in which there will be a review made of its functions, or its abuses of power, and also its good works, so Senators can reach an opinion as to whether or not the sum total of governmental progress is being achieved.

Mr. President, that leads to this point: The 15th of March is not far off. The 15th of March is going to cause a great deal of pain throughout this country. There are many persons who have been talking about taxes who, when they write the checks, will find that they have grossly underestimated the actual situation. I will say to my friend the Senator from Virginia [Mr. Byrd] that after the 15th of next March I believe it will not be necessary to try to get people to be more economy-minded. I believe that is going to be a natural consequence. I believe it will be spontaneous and instantaneous with the 15th of next March, because the war makes it necessary to levy high taxes. But coincidental with the writing of the checks for the first installment of 1942 income tax the people will insist that every measure of economy consistent with achieving full efficiency be taken by this body.

In that connection it is necessary that we have the names, the salaries, and the description of the offices of those persons who are going to administer this great bureaucracy. Such information will conduce to efficiency and economy in government. For that reason, providing that the civil service is protected in the measure, I shall be glad to do what little I can to help the Senator from Tennessee have his bill enacted into law.

Mr. President, I rose primarily at this time, however, for the purpose of asking the leaders if they will not request in any way they deem appropriate—or if it

cannot be done, let us have a rule to that effect—that information be furnished the Senate in the future as to salary and the duties of the office of each person who may be passed upon for confirmation by the Senate of the United States.

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

Mr. TYDINGS. I yield to the Senator from West Virginia.

Mr. KILGORE. I simply wish to make one point in line with what the Senator from Maryland has been saying. When the nominations now before the Senate were being considered in committee a fact was brought out, which I think should be of interest to every Member of the Senate as well as to all our people. Only a very small group in the War Manpower Commission is subject to confirmation. We make other appropriations in connection with which we do not provide for confirmation of appointees. We make appropriations for regional directors without touching the question of passing on the salaries and confirming those receiving certain salaries. The Senate does not confirm the appointment of persons to the War Production Board who receive a certain salary or more. The group now before us for consideration is simply a small group. I wish to say in fairness that in one sense of the word that little group is being penalized by having to be confirmed by the Senate. Yet when we fail to act, or voluntarily relinquish the right to confirm appointments to these positions, we take the responsibility for the actions of heads of all the bureaus when they make the appointments and fix the salaries. I think we waive our rights in that connection either actively or by reason of inactivity.

Mr. TYDINGS. Mr. President, I agree with the Senator from West Virginia. I hope that hereafter, when confirmation of appointments or reappointments is required, there shall be placed on the Executive Calendar along with the name of the appointee the amount of salary he shall receive, and in brief the duty he is to perform.

Mr. O'MAHONEY. Mr. President, I think it is rather fortunate that the Senator from Michigan [Mr. Vandenberg], the Senator from Tennessee [Mr. McKellar], and the Senator from Maryland [Mr. Tydings] have raised this question, because I have no doubt that when the reports about this session today are given to the country most of them will contain the charge that the Senate now is talking about confirmation because of a desire to assert some sort of partisan political control over patronage. It is the favorite device of those who want to make these appointments without any public scrutiny being made of them to accuse the Senate of being motivated solely by the desire to obtain political appointments.

Mr. VANDENBERG. Mr. President, will the Senator yield at that point?

Mr. O'MAHONEY. I know the Senator from Michigan is going to say what I was about to say, but I yield to him.

Mr. VANDENBERG. I was going to say that inasmuch as I started this argument, and inasmuch as I could not receive any patronage even if I wanted it—

and I would not want it if I could—at least the initiation of the discussion is not rooted at the point which the Senator fears the country may suspect.

Mr. O'MAHONEY. I am very glad the Senator has made that comment. I was about to point out that the Senate a few moments ago acted upon a nomination to the Supreme Court of the United States and by what was almost a unanimous vote confirmed the nomination of Justice Rutledge to the Supreme Court. The only vote that was cast against him was cast by the distinguished Senator from North Dakota [Mr. Langer] upon grounds which were completely satisfactory to him. His negative vote was not cast upon any partisan ground or upon any personal ground.

What the critics of senatorial confirmation fail to convey to the public is, first of all, that it is the constitutional duty of the Senate to confirm appointments to the civil branch of the Government, unless Congress, by law, makes other provision.

They also overlook the fact that probably more than 95 percent of all the nominations sent to the Senate are confirmed without any partisan division, without any political division, and without any talk about patronage.

Mr. McKellar rose.

Mr. O'MAHONEY. I am sure that the Senator from Tennessee rises to call attention to the provision in the Constitution relating to the point which I have discussed.

Mr. McKellar. I rise for that purpose. I think it cannot be too greatly stressed, and I desire to read it.

Mr. O'MAHONEY. The able Senator from Tennessee deprives me of the privilege of reading it, but I shall be glad to have it read.

Mr. McKellar. Among the powers of the President, as defined in the Constitution, are the following:

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

As a matter of fact at the present time there is no law providing for the appointment of such officers. The laws which are enacted for the purpose of establishing various activities do not provide that the power to appoint shall be in the President, in the courts of law, or in the heads of departments. Yet, we go on tamely without any action being taken. Many persons are being employed against some of whom scandalous charges have been made. Certainly the Congress ought to assert itself and see to it that the provision of the Constitution relating to appointments is faithfully carried out.

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

Mr. O'MAHONEY. I yield.

Mr. TYDINGS. In the Constitution I notice the words, "with the advice and consent of the Senate." Does the Senator believe that the word "advice" is necessary? Is it obsolete, or has it any real meaning in present-day parlance? If so, what is the meaning of the word?

Mr. O'MAHONEY. I believe that the meaning of the phrase "With the advice and consent of the Senate" was the subject of a discussion during the administration of George Washington. It was then decided that the word "advice" meant very little. The use of it is a formality. The principal word is "consent." During all the years since the adoption of the Constitution the Senate has been consenting to the appointment of persons in the civil arm of the Government without exercising the scrutiny which the framers of the Constitution felt should be centered upon every nominee for office in the United States Government.

As the Senator from Tennessee has very well pointed out, this provision of the Constitution is specific. No one can misunderstand it. The appointment of members of the Supreme Court of the United States could not be made under the Constitution without the concurrence of the Senate. It is frequently rather amusing to note that those who are most eloquent in condemning the Senate as a seeker of patronage when appointments to the bureaucracy are concerned are the very ones who call upon the Senate to exercise its constitutional power when nominations which do not meet their approval are made to the courts or to the diplomatic corps.

I feel that perhaps such power should be exercised in the public interest when persons are being selected for the civil arm of the Government.

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

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Oregon?

Mr. O'MAHONEY. I yield.

Mr. McNARY. It is not my desire to prolong the debate. However, I take it the Senator does not mean that all appointments shall come to the Senate for confirmation.

Mr. O'MAHONEY. That is not my meaning.

Mr. McNARY. It has been held by the Supreme Court that the provision to which reference has been made affects officers as distinguished from employees.

Mr. O'MAHONEY. That is correct.

Mr. McNARY. That is the reason for the provision in the pending bill. As the able Senator from Maryland [Mr. TYDINGS] has said, we are not foregoing any rights. We are exercising all the rights conferred on us by the Constitution. However, we do have a right in a statute further to extend the list of employees who must be confirmed.

Mr. O'MAHONEY. Mr. President, I believe the distinguished Senator from Oregon has reversed the order of procedure.

Mr. McKELLAR. Exactly.

Mr. O'MAHONEY. The Constitution contains the following phraseology—

Mr. McNARY. I have it before me, and I have read it many times.

Mr. O'MAHONEY. I know the Senator has read it, but I should like to read it, if he has no objection, for the benefit of those who may perchance read the RECORD. After reciting that the advice and consent of the Senate must be obtained for the appointment of Ambassadors, other public ministers and consuls, and Judges of the Supreme Court, the Constitution continues—

and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in heads of departments.

Therefore the question arises: Has the Congress, by any act, deprived the Senate of the right to confirm the appointment of officers in the War Manpower Commission, the War Production Board, the O. P. A. or any other war agencies?

Mr. McNARY. Mr. President, that is precisely my view. I have already stated that under the Constitution we do not include employees with officers.

Mr. O'MAHONEY. I agree with the Senator.

Mr. McNARY. However, we do have the right, within the Constitution, to expand and extend that list to include employees. We undertake to do so under the terms of the bill to which reference has been made.

Mr. O'MAHONEY. The thoughts of the able Senator from Oregon and my own are exactly the same; but my point is that the question is not with respect to our right to expand the list. We have the right and duty to confirm all officers unless, by act of Congress, we narrow it, because no law is greater than the Constitution.

Mr. McNARY. We do not expand the right. The right is given to us by the Constitution. I say that we have the right to expand the number of those who come within the folds of our confirmation.

Mr. O'MAHONEY. That is correct.

Mr. McNARY. I do not believe there is any disagreement concerning the Constitution and the interpretation of it by the Supreme Court. However, as a matter of policy, is it the view of the able Senator from Wyoming that we should assume the responsibility of passing upon the qualifications of every appointee in the capacity of an employee of the Government?

Mr. O'MAHONEY. Not at all.

Mr. McNARY. Does the able Senator from Wyoming believe that we should pass upon those receiving salaries in excess of \$4,500?

Mr. O'MAHONEY. I believe we should pass upon some of them, but not necessarily all of them.

Mr. McNARY. The question which occurs to me is this: If we are to assume the obligation of passing upon every employee of the Government receiving more than \$4,500, we should have full and complete data before us affecting the qualifications for each particular office and the necessity for the employ-

ment, such as the data the able Senator from Michigan has indicated. However, I say to the Senator from Wyoming that that is too large a responsibility for me to assume.

Mr. O'MAHONEY. I believe that what the Senator has said may be the view of a great many Members of the Senate. That is a point which will undoubtedly be considered by the Committee on the Judiciary when the bill of the Senator from Tennessee is under consideration; but, as I understand, that is not what is being discussed at the moment.

The problem which we are now discussing is the extent of the senatorial power and duty laid down in the Constitution, whether or not it has been modified, and if so, in what manner. Of course, it was modified with respect to the great civil establishment by the civil-service law, and Congress provided a way by which appointment without term could be made, and no salary limit was specified. Personally, I think that was probably a very wise rule, and I should hesitate to upset the civil service. However, it is another question to discuss the right and duty of the Senate, and the question of patronage. Through the civil-service law the Congress had divested itself with respect to appointments in the departments. Whether it has done so with respect to the war agencies is a question which will have to be passed upon.

A moment ago I cited one of the appropriation acts. It is Public Law 28 of the Seventy-seventh Congress. It contains the following provision:

To enable the President, through appropriate agencies of the Government, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, and to make all necessary expenditures incident thereto for any purpose for which the Congress has previously made appropriation or authorization and without regard to the provisions of law regulating the expenditure of Government funds for the employment of persons in the Government service, such as section 3709 of the Revised Statutes and the civil-service and classification laws; and any waiver hereunder of the provisions of any law regulating such expenditure or such employment shall not be exercised by any agency unless the allocation to such agency or subsequent action of the President in connection therewith permits any such waiver to be availed of; \$100,000,000.

Mr. President, that is the only provision of law which I have been able to find dealing with the subject; but, obviously, it waives only the restrictions which have been imposed by law. It does not and cannot waive the constitutional right and duty of the Senate in the matter.

Mr. McKELLAR. Mr. President, the Senator is entirely correct about that point; and, furthermore, so far as I have been able to ascertain, the acts creating other agencies do not go to the same extent as does the \$100,000,000 appropriation bill. So a tremendous number of officers and employees of the Government are being employed and paid without any law providing for the method of their employment, and in the list of such persons are to be found the names of many officers whose appointments really

should receive approval by means of the Senate's advice and consent. The Senator will recall that the Constitution provides that the President shall nominate, and by and with the advice and consent of the Senate shall appoint. He may initiate the appointment, but the appointment cannot be made until the Senate approves it. We should make perfectly clear to just what officers the provision applies, and that is the purpose of the bill I have introduced.

So far as the patronage question is concerned, it is a matter of utterly no consequence to me. I care nothing in the world about any patronage connected with it. The truth of the matter is that, so far as I know, everyone in my State is busy enough and is not in need of appointments.

Mr. BARKLEY. Mr. President, if I may respond for a moment to the suggestion of the Senator from Maryland [Mr. TYDINGS], while I do not care to go into a discussion of the constitutional provisions as to confirmation, let me say that I think the determination of the matter is largely left to Congress. Insofar as the nomination and appointment of inferior officers are concerned, I know of no law defining inferior officers. I suppose that when the Constitution refers to vesting the appointment of inferior officers in the courts of law it might be interpreted to mean that we could pass a law authorizing the Federal courts to pass upon the appointment of inferior officers—that is, to say, marshals, and so forth—if we chose to do so. I suppose that such cases would involve the appointment of inferior officers whom the courts could appoint. However, that is not the point I wish to discuss.

I suppose the reason why the Executive Calendar carries the salary for each nominee in the Manpower Commission is that in the appropriation bill for the Commission provision is made that all nominations to positions carrying salaries of \$4,600 or more shall be confirmed by the Senate. Therefore, in order to make it perfectly plain that the nomination should be confirmed by the Senate, the salary is listed. I think it is a good practice. I do not know that it would require any rule. Of course, the matter comes about because in sending the nominations to the Senate, which referred them to the Committee on Military Affairs, I think the President himself in his message fixed the salary which each of the appointees is to receive, and the message indicated that all the positions were above the \$4,500-salary limitation which we fixed; so that we should not have to inquire about that point in order to determine whether Senate confirmation of the nomination would be required.

However, I think the practice is a good one. I think it involves a matter of information for the Senate, and so far as I am concerned, I shall be glad to cooperate in having such information furnished in every case. It may be that the information would have to be obtained by the department concerned, after which the President could have the information given to the Senate in his

message transmitting the nomination, so that it would be here, available to us. I think it not only wise but proper that the Senate should have the information.

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

Mr. BARKLEY. I yield.

Mr. McKELLAR. I desire to ask the Senator if he does not agree that some additional information might be furnished. I like the partially adequate way in which the matter is being handled on the Executive Calendar today; but I should suggest that the name of the position, perhaps something about the proposed duties of the office, and a very short statement as to the appointee might well be provided there for the information of the Senate. The Senate would pass on the appointments very promptly if such information were given it at the time when the nominations were sent to it. The President frequently does so of his own motion; and it seems to me that it would be a very fine thing to have it done in all cases, especially in connection with nominations for positions in new agencies which it is proposed to create.

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

Mr. BARKLEY. I yield.

Mr. TYDINGS. I should like to point out to the Senator that, as he well knows, it has been the policy of the Department of State in nominating persons for the Diplomatic and Consular Service to send to Senators a biographical sketch of the individual, together with a statement of his diplomatic experience, if any.

Mr. BARKLEY. That is, to the Senators from the State of residence of the nominee; is that correct?

Mr. TYDINGS. Yes; to Senators from the State of residence of the nominee.

Mr. BARKLEY. Yes.

Mr. TYDINGS. That has been, in part, one way of carrying out the suggestion which I made and upon which the Senator from Tennessee has now enlarged. I think it would be very wholesome if we had a brief description of the duties to be performed by the nominee. In my judgment, that would be information to show whether the salary was commensurate—too large or too small, as the case might be. Without having the duties outlined in connection with a statement of the salary we should not know what the appointee would have to do if we confirmed his nomination.

Mr. BARKLEY. Of course, Mr. President, we all understand the form in which the nominations come to the Senate. They come here on a sheet on which are listed the name of the nominee and the position to which he has been nominated. It would be helpful if all departments would convey in a brief letter to Senators from the State of residence of the nominee the information which the State Department now conveys to us in the case of Consular and Diplomatic Service nominations. In the case of the State Department most of the nominations are for routine promotions and appointments. In respect to a general practice, it would not make any difference whether the promotions or appointments were routine; but certainly I am

in sympathy with any movement or practice which may be initiated which would give the Senate, in cases in which it has to confirm nominations, all the information it needs in order to pass upon the nominations intelligently.

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

Mr. BARKLEY. I yield.

Mr. JOHNSON of Colorado. All nominations are referred to committees; and it would be a very simple matter for the committee concerned to ascertain the information which has been referred to, and to present it to the Senate at the time when the nomination is reported by the committee to the Senate.

Mr. BARKLEY. The Senator is correct.

Mr. JOHNSON of Colorado. In that way we could handle the matter very easily.

Mr. BARKLEY. I was about to say that even when a nomination is transmitted by the President without a statement of such information, the committee itself can obtain it and can have it printed in the Executive Calendar in the column opposite the nominee's name, so as to give the Senate full information about him.

Mr. President, let me say that I understand that the nominations under the Manpower Commission have been passed over.

The PRESIDING OFFICER. Not as yet.

Mr. McKELLAR. Mr. President, I have asked that they go over.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. McKELLAR. I make the request purely on the ground that the Senator from Alabama [Mr. HILL], who is chairman of the subcommittee, is not present and cannot give us the information we desire to have.

The PRESIDING OFFICER. Without objection, the nominations under the Manpower Commission will be passed over.

The clerk will proceed to state the remaining nominations on the calendar.

THE ARMY

The Chief Clerk proceeded to read sundry nominations in the Army.

Mr. BARKLEY. I ask that all nominations in the Army be confirmed en bloc.

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

THE NAVY

The Chief Clerk proceeded to read sundry nominations in the Navy.

Mr. BARKLEY. I ask that the nominations in the Navy be confirmed en bloc.

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

Mr. BARKLEY. I ask that the President be immediately notified of all nominations confirmed today.

The PRESIDING OFFICER. Without objection, the President will be immediately notified.

ADJOURNMENT TO THURSDAY

Mr. BARKLEY. As in legislative session, I move that the Senate adjourn until Thursday next.

The motion was agreed to; and (at 2 o'clock and 57 minutes p. m.) the Senate adjourned until Thursday, February 11, 1943, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate February 8, 1943:

TEMPORARY APPOINTMENTS IN THE ARMY OF THE UNITED STATES

TO BE LIEUTENANT GENERALS

Maj. Gen. Walter Krueger, United States Army, now invested with the rank and title of lieutenant general by virtue of his assignment to command the Third Army.

Maj. Gen. Millard Fillmore Harmon (colonel, Air Corps), Army of the United States.

TO BE MAJOR GENERALS

Brig. Gen. Joseph May Swing (lieutenant colonel, Field Artillery), Army of the United States.

Brig. Gen. Louis Aleck Craig (colonel, Field Artillery), Army of the United States.

Brig. Gen. Edwin Jacob House (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. Idwal Hubert Edwards (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. Robert Waite Crawford (colonel, Corps of Engineers), Army of the United States.

Brig. Gen. Paul William Baade (colonel, Infantry), Army of the United States.

Brig. Gen. Nathan Farragut Twining (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Brig. Gen. Harris Marcy Melasky (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Ulysses Simpson Grant 3d, (colonel, Corps of Engineers), Army of the United States.

Brig. Gen. William Claude McMahon (lieutenant colonel, Infantry), Army of the United States.

Brig. Gen. Alfred Maximilian Gruenther (lieutenant colonel, Field Artillery), Army of the United States.

TO BE BRIGADIER GENERALS

Col. Albert Pierson (lieutenant colonel, Infantry), Army of the United States.

Col. Wyburn Dwight Brown (lieutenant colonel, Field Artillery), Army of the United States.

Col. Verne Donald Mudge (major, Cavalry), Army of the United States.

Col. Frank Huber Partridge (lieutenant colonel, Infantry), Army of the United States.

Col. William Joseph Flood (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Robert Chauncey Macon (lieutenant colonel, Infantry), Army of the United States.

Col. Clyde Charles Alexander (lieutenant colonel, Field Artillery), Army of the United States.

Col. Frank Alton Armstrong, Jr. (captain, Air Corps; temporary major, Army of the United States; temporary lieutenant colonel, Air Corps), Army of the United States, Air Corps.

Col. Herbert Ludwell Earnest (lieutenant colonel, Cavalry), Army of the United States.

Col. Dennis Edward McCunniff, Infantry.

Col. Charles Leslie Keerans, Jr. (lieutenant colonel, Infantry), Army of the United States.

Col. Bob Edward Nowland (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. William Henry Donaldson, Jr. (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Robert Wells Harper (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Jonathan Lane Holman (lieutenant colonel, Ordnance Department), Army of the United States.

Col. Paul Edmund Burrows (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. John Kirkland Rice (lieutenant colonel, Infantry), Army of the United States.

Col. Jens Anderson Doe (lieutenant colonel, Infantry), Army of the United States.

Col. John Gordon Williams (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Edwin Eugene Schwien (lieutenant colonel, Cavalry), Army of the United States.

Col. William Donald Old (major, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Alexander Oscar Gorder (lieutenant colonel, Infantry), Army of the United States.

Col. Frederick Lewis Anderson, Jr. (captain, Air Corps; temporary lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Marcellus Lowry Stockton, Jr. (lieutenant colonel, Cavalry), Army of the United States.

Col. Wilbur Eugene Dunkelberg (lieutenant colonel, Infantry), Army of the United States.

Col. Clarence Ames Martin (lieutenant colonel, Infantry), Army of the United States.

Col. Robert William Strong (lieutenant colonel, Cavalry), Army of the United States.

Col. Walter Ernst Lauer (lieutenant colonel, Infantry), Army of the United States.

Col. Clarence Howard Kells (lieutenant colonel, Infantry), Army of the United States.

Col. Hugh Nathan Herrick (lieutenant colonel, Coast Artillery Corps), Army of the United States.

Col. Aubrey Hornsby (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Paul Bernard Wurtsmith (captain, Air Corps; temporary major, Army of the United States; temporary lieutenant colonel, Air Corps), Army of the United States, Air Corps.

Col. Robert Kauch (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Norman Daniel Cota (lieutenant colonel, Infantry), Army of the United States.

Col. Ray Gray Harris (lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Bryant Edward Moore (lieutenant colonel, Infantry), Army of the United States.

Col. Philip Edward Gallagher (lieutenant colonel, Infantry), Army of the United States.

Col. Leland Ross Hewitt (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. George Luke Usher (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Frank Lawrence Whittaker (lieutenant colonel, Cavalry), Army of the United States.

Col. Lester Smith Ostrander (lieutenant colonel, Adjutant General's Department), Army of the United States.

Col. George Platt Tourtellot (lieutenant colonel, Air Corps; temporary colonel, Army of the United States, Air Corps), Army of the United States.

Col. Troup Miller, Cavalry.

Col. Truman Hempel Landon (captain, Air Corps; temporary major, Army of the United States; temporary lieutenant colonel, Air Corps), Army of the United States, Air Corps.

Col. Horace Harding (lieutenant colonel, Field Artillery), Army of the United States.

Col. Alvan Cleveland Kincaid (lieutenant colonel, Air Corps; temporary colonel, Air Corps), Army of the United States.

Col. Pierre Mallett (lieutenant colonel, Field Artillery), Army of the United States.

Lt. Col. Paul Everton Peabody, Infantry.

Col. James Cave Crockett (lieutenant colonel, Infantry), Army of the United States.

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

TO BE MAJOR GENERAL

Brig. Gen. Harry Hubbard Johnson (lieutenant colonel, Cavalry, National Guard of the United States), Army of the United States.

IN THE NAVY

The following-named captains to be rear admirals in the Navy, for temporary service, to rank from the date stated opposite their names:

Richard L. Conolly, July 11, 1942.

Frank J. Lowry, August 27, 1942.

Ralph W. Christie, November 9, 1942.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8, 1943:

THE SUPREME COURT

Wiley Blount Rutledge to be an Associate Justice of the Supreme Court of the United States.

IN THE ARMY

All Army nominations appearing under the caption "Nominations," in the Senate proceedings of the CONGRESSIONAL RECORD for February 1, 1943, beginning on page 464, were confirmed today.

IN THE NAVY

REAR ADMIRALS IN THE NAVY, FOR TEMPORARY SERVICE, TO RANK FROM DATE STATED OPPOSITE THEIR NAMES

Howard F. Kingman, May 10, 1942.

Sherman S. Kennedy, May 13, 1942.

Frank A. Braisted, August 7, 1942.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 8, 1943

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who art the Good Shepherd of our souls, give us brave and happy hearts, conscious of Thy merciful direction when the day is over. We are aware, blessed Lord, that trial and difficulty are with us these times, yet we would not bemoan our duty but regard it as a privileged responsibility. Let our service be free and sincere that we may enter sympathetically into the hearts and woes of men, ever identifying ourselves with the burdened and perishing races of earth.

Almighty God, grant that we may meet the challenge of the appeal which comes from our day and generation. By example and precept we would keep free from evil speaking, from envy and hatred, and untainted from the turmoil of strife and confusion. Give unto us peace and faith which rebound to the enlargement of vision, calling the future and claiming it as our own. O Thou of the seamless robe, lay Thy hand on every sufferer; with Thy consoling voice give