

Mr. HOBBS: Committee on the Judiciary. House Joint Resolution 186. Joint resolution to provide for the proper observance of the one hundred and fifty-second anniversary of the adoption of the first ten amendments to the Constitution, known as the Bill of Rights; without amendment (Rept. No. 920). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. BOLTON:

H. R. 3761. A bill to provide for full military rank for members of the Army Nurse Corps, dietitians, and physical therapy aides, and for other purposes; to the Committee on Military Affairs.

By Mr. ROWAN:

H. R. 3762. A bill to provide for the use of patents in the interest of national defense or the prosecution of war, and for other purposes; to the Committee on Patents.

By Mr. McGEHEE:

H. R. 3763. A bill to relieve former postal employees who performed postal duties after induction into the military service; to the Committee on Claims.

By Mr. SULLIVAN:

H. R. 3764. A bill to amend section 3 (a) of the Securities Act of 1933, as amended, relating to exempted securities; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY:

H. R. 3765. A bill to amend title II of the Social Security Act; to the Committee on Ways and Means.

By Mr. SHORT:

H. J. Res. 199. Joint resolution to extend the time limit for immunity; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. RUSSELL:

H. R. 3766. A bill to authorize the Secretary of War to present a decoration of the Purple Heart and a silver victory button to Charles A. Pratt; to the Committee on Military Affairs.

By Mr. MCCORD:

H. R. 3767. A bill for the relief of Carl Ledford; to the Committee on Claims.

PETITIONS, ETC.

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

3830. By Mr. COCHRAN: Petition of Tony Moskus and 20 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3831. Also, petition of Edward Tolve and 20 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3832. Also, petition of Don Sickmon and 19 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3833. Also, petition of Paul Kline and 19 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3834. Also, petition of Julia Fillo and 40 other St. Louis citizens, protesting against

the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3835. By Mr. NORMAN: Petition of Nira Woods, of South Bend, Wash., and 15 other residents of South Bend, urging passage of House bill 2082, to prohibit the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

3836. By Mr. HALE: Petition of the Maine Society of Public Accountants, urging that Congress establish as soon as possible a qualified nonpartisan commission composed of Members of Congress, representatives of the Treasury Department and independent lawyers, accountants, and economists to write a simple revenue law which will express a permanent and consistent policy of Federal taxation; to the Committee on Ways and Means.

3837. By Mr. SHORT: Petition of Newton P. Stipp and others of Neosho and Newton Counties, Mo., urging support of House bill 2082, introduced by Hon. JOSEPH R. BRYSON, of South Carolina, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of demobilization; to the Committee on the Judiciary.

3838. Also, petition of Paul Fransham and others of Buffalo and Dallas Counties, Mo., urging support of House bill 2082, introduced by Hon. JOSEPH R. BRYSON, of South Carolina, to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war, by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of demobilization; to the Committee on the Judiciary.

SENATE

THURSDAY, DECEMBER 2, 1943

(Legislative day of Thursday, November 18, 1943)

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

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

Almighty God our Father, before ever our yearning needs have broken into speech Thou hearest even the secret sigh of our fainting yet aspiring hearts. Every heavenly virtue we possess, every moral victory we win, every thought of holiness which shames our uncleanness is Thine alone. Forgive us that we have sought, with fame and riches and worldly power before our eyes, to build the habitation of our souls on foundations which in these testing days, when the floods have come, are revealed as sinking sand. We have seen the morn with its fair promise turn to desolation and weeping noon as men who have lost their way have blindly destroyed the garnished treasures of the ages and have blackened the good earth upon which they might dwell as Thy royal children.

Restore unto us the years which the locusts have eaten, redeem our failures, pardon our transgressions. Make our weakness the throne of Thy power. In

this anguished day grant us the vision and the strength, O Emanuel, God forever with us, to make a place for Thee to reign within our hearts, to build that city where Thou shalt dwell with men, and sin and darkness, pain and sorrow, shall be no more. In the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, December 1, 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.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ELLENDER, from the Committee on Claims:

S. 1494. A bill for the relief of the William J. Burns International Detective Agency; with an amendment (Rept. No. 556).

By Mr. CAPPER, from the Committee on Claims:

H. R. 977. A bill for the relief of Clare A. Miller; without amendment (Rept. No. 557).

By Mr. STEWART, from the Committee on Claims:

H. R. 636. A bill for the relief of C. J. Toole; with an amendment (Rept. No. 558);

H. R. 1344. A bill for the relief of Paul W. Busbey, Mrs. Paul W. Busbey, Paula Busbey, and Mrs. Louisa Busbey; with amendments (Rept. No. 559); and

H. R. 1379. A bill for the relief of Gerald Estell Proctor; without amendment (Rept. No. 560).

By Mr. O'MAHONEY, from the Committee on the Judiciary:

S. 470. A bill to implement article 28 of the convention signed at Geneva on July 27, 1929, relating to the use of the coat of arms of the Swiss Confederation for commercial or other purposes; with amendments (Rept. No. 561).

By Mr. WILLIS, from the Committee on Public Lands and Surveys:

S. 866. A bill to fix the compensation of registers of the district land offices in accordance with the Classification Act of 1923, as amended; with an amendment (Rept. No. 562).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

Mr. THOMAS of Utah, from the Committee on Education and Labor, reported favorably the nomination of Dr. Clarence Poe, of North Carolina, to be a member of the Federal Board for Vocational Education for the unexpired term of 3 years ending July 17, 1946.

BILLS INTRODUCED

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

By Mr. BARKLEY (for Mr. CONNALLY):

S. 1563. A bill for the relief of W. E. Dowdell and June Dowdell; to the Committee on Claims.

By Mr. ELLENDER:

S. 1564. A bill to relieve former postal employees who performed postal duties after induction into the military service; to the Committee on Claims.

By Mr. BANKHEAD (for himself and Mr. EASTLAND):

S. 1565. A bill to amend section 8 of Public Law 729, Seventy-seventh Congress, approved October 2, 1942, with respect to the rate of loans upon certain agricultural commodities; to the Committee on Banking and Currency. (Mr. WILEY introduced Senate bill 1566, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. WHEELER:

S. 1567. A bill authorizing the Secretary of the Interior to sell certain lands in Glacier County, Mont.; to the Committee on Indian Affairs.

By Mr. MCFARLAND:

S. 1568. A bill to amend the Social Security Act, as amended, with respect to the requirement that old-age assistance under title I of such act be paid only to needy individuals; to the Committee on Finance.

AMENDMENTS TO THE REVENUE BILL

Mr. TRUMAN. Mr. President, I submit an amendment to the pending tax bill, which I ask to have printed in the usual form, printed in the RECORD, and referred to the Committee on Finance.

The VICE PRESIDENT. Without objection, the amendment will be received, printed, and referred to the Committee on Finance. The amendment will also be printed in the RECORD.

The amendment intended to be proposed by Mr. TRUMAN to the bill (H. R. 3687) to provide revenue and for other purposes, is as follows:

At the proper place in the bill insert the following:

"That section 710 (a) (1) (relating to rate of excess-profits tax) is amended to read as follows:

"(1) General rule: There shall be levied, collected, and paid for each taxable year, upon the adjusted excess-profits net income, as defined in subsection (b), of every corporation (except a corporation exempt under section 727) a tax equal to whichever of the following amounts is the lesser:

"(A) Ninety percent of the adjusted excess-profits net income; or

"(B) An amount which, when added to the tax imposed for the taxable year under chapter 1 (other than section 102) equals the following percentages of the corporation surtax net income, computed under section 15 or supplement G, as the case may be, but without regard to the credit provided in section 26 (e) (relating to income subject to the tax imposed by this subchapter): On corporation surtax net incomes amounting to \$25,000 or less, 40 percent; on corporation surtax net incomes over \$25,000 but not over \$50,000, 50 percent, or \$10,000 plus 90 percent of the corporation surtax net income in excess of \$25,000, whichever is the lesser; on corporation surtax net incomes over \$50,000 but not over \$75,000, 60 percent, or \$25,000 plus 90 percent of the corporation surtax net income in excess of \$50,000, whichever is lesser; on corporation surtax net incomes over \$75,000 but not over \$100,000, 70 percent, or \$45,000 plus 90 percent of the corporation surtax net income in excess of \$75,000, whichever is the lesser; on corporation surtax net incomes over \$100,000, 80 percent, or \$70,000 plus 90 percent of the corporation surtax net income in excess of \$100,000, whichever is the lesser."

Mr. TRUMAN. I should like to have printed in the RECORD immediately after the proposed amendment submitted by me to the tax bill a letter from Henry A. Bundschu explaining the amendment.

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

WILSON, BUNDSCHU & BAILEY,
Kansas City, Mo., August 13, 1943.
Senator HARRY S. TRUMAN,
Senate Office Building,
Washington, D. C.

DEAR HARRY: Attached hereto is an amendment to section 710 of the Internal Revenue Code which I have prepared in accordance with our recent conversation.

This section now imposes excess-profits taxes at the rate of 90 percent of excess profits net income but limits such taxes to an amount which, added to other income taxes, shall not exceed 80 percent of the surtax net income, which means that the combined normal, surtax, and excess-profits taxes of a corporation shall not be in excess of 80 percent of its net income.

The proposed amendment would give relief to small corporations having a small invested capital and a poor earning experience in recent years by limiting their over-all taxes to a percentage considerably smaller than the 80-percent limitation fixed by the present law.

We have divided the corporations which have a net income of less than \$100,000 into four classes giving more relief to the smaller corporations—thus, a corporation having a net income of \$25,000 or less would have an over-all limit on their taxes of 40 percent; corporations between \$25,000 and \$50,000 net income would have an over-all limit of 50 percent; those between \$50,000 and \$75,000 net incomes would have an over-all limit of 60 percent; those from \$75,000 to \$100,000 would have an over-all limit of 70 percent.

To take care of the corporations having an income slightly in excess of the top limit of each bracket, a notch provision is added which would keep such a corporation from being penalized by a slight increase in income over the tax of the next lower bracket. For instance, a corporation which has an income of \$26,000 would, if there were no notch provision, pay an income tax at the 50-percent rate, amounting to \$13,000, while a corporation having a net income of \$25,000 would have the advantage of the 40-percent rate and pay only \$10,000. Thus, the corporation would be penalized \$3,000 in taxes for making an additional \$1,000 income. Under the notch provision the \$26,000 corporation would be given the privilege of computing its tax at \$10,000 (the tax on \$25,000 at the rate of 40 percent plus 90 percent of the excess over \$25,000 which would permit a computation of its tax at \$10,900).

This method of computing taxes through a notch provision is one which has long been in effect in other portions of the law. For instance, it is now in effect in relation to both normal tax and surtax on corporations having an income of over \$25,000.

This proposed amendment would avoid penalizing corporations having an income slightly in excess of \$100,000 by an appropriate notch provision although such a provision is inserted only to avoid injustices and not to give relief to those corporations. For example, the corporation which has an income of \$100,000 would have a tax of \$70,000. Under the present law its over-all tax would be \$80,000. A corporation having an income of \$105,000 would, if there were no notch provision, be taxed in the sum of \$84,000. It would thus pay an additional \$14,000 for making an additional \$5,000 in income. Through the operation of the notch provision its taxes would be limited to \$74,500 thereby avoiding the injustice which would result if there were no notch provision.

While the relief given is substantial, it still leaves a fairly heavy tax. Thus a corporation having a net income of \$60,000

would pay an income tax not to exceed \$34,000, permitting retention of \$26,000. Under the law as it now exists that corporation could pay as much as \$48,000 leaving to the owners only \$12,000 of the original profits.

This amendment could be restricted in its application, if Congress saw fit, to privately owned independent corporations but to define such corporations with the particularity necessary in a tax law is extremely difficult; and it would be even more difficult to attempt to relieve the injustices which would result where a given enterprise fell barely outside the limits as so defined. The proposed amendment would not reduce excess profits tax of a corporation that made in excess of \$200,000 net and only a very slight effect on corporations making over \$100,000. For example, a corporation making \$250,000 would have the option of computing its over-all tax at the rate of 80 percent which would give a tax of \$200,000 which is the same as the present law, or, under the proposed law it could compute its tax at \$70,000, plus 90 percent of the excess over \$100,000 which would give an over-all tax of \$205,000. Obviously, it would use the 80-percent bracket of the present law. A corporation with a net income of \$150,000 would receive a slight benefit—a benefit of \$5,000 savings of tax as compared with a \$10,000 savings which a corporation making \$100,000 would have.

It is a well known fact that, particularly in the Middle West, a great many businesses suffered so greatly during the depression and had so slight a recovery prior to 1939, that the base period used in the excess profits tax law (the years 1936 to 1939) does not reflect a recovery to their real earning power as it existed before the depression. This is true even though compared to 1932 and 1933 these corporations had attained a small degree of prosperity during the base period. In other parts of the country 1936 and 1937 were almost "boom" years, while the Midwest was suffering a great drought disaster.

The proposed bill will give relief to these smaller corporations which are now greatly in need of it and especially to those corporations which are now doing business in the 90 percent bracket. Many have already reached a place in their 1943 incomes where they are paying 90 percent of their current profits to the Government. The effect of this on the morale of the management of small corporations does not need amplification.

The relief given to the small corporations by the proposed amendment should not greatly reduce the total amount of taxes collected by the Federal Government, for large corporations with greater earning power are not affected. It does not affect even small corporations if they had a favorable earning experience in the base years or had a large capital investment in proportion to their earnings. It should also be kept in mind that when the earnings of the corporations benefited by this amendment are distributed to the stockholders they will still bear the weight of the individual income taxes which will absorb a large part of what is left.

In the preparation of this amendment I have had the very valued assistance and cooperation of Mr. Elmer B. Hodges, who is a member of Mr. Gage's firm. He is one of the outstanding experts on taxation in Kansas City. I have also consulted with Mr. Perry Shrader, another tax expert, and I have collaborated with Mayor John B. Gage.

If you wish any additional information or have any questions about the matter or if there is anything in the measure which is not clear we will consider it a favor if you will give us the privilege of furnishing the information and answering your questions.

Respectfully submitted,

HENRY A. BUNDSCHU.

Mr. HATCH submitted an amendment intended to be proposed by him to the bill (H. R. 3687) to provide revenue, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

WARTIME METHOD OF VOTING BY THE ARMED FORCES—AMENDMENT

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (S. 1285) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, which was ordered to lie on the table and to be printed.

REGULATION OF INSURANCE BUSINESS—AMENDMENTS

Mr. O'MAHONEY submitted amendments intended to be proposed by him to the bill (S. 1362) to affirm the intent of the Congress that the regulation of the business of insurance remain within the control of the several States and that the acts of July 2, 1890, and October 15, 1914, as amended, be not applicable to that business, which were referred to the Committee on the Judiciary and ordered to be printed.

A SENATOR VISITS THE THEATERS OF WAR—ARTICLE BY SENATOR MEAD

[Mr. ELLEIDER asked and obtained leave to have printed in the RECORD an article entitled "A Senator Visits the Theaters of War," written by Senator MEAD and published in the Postmaster magazine for November 1943, which appears in the Appendix.]

ADDRESS BY LOUIS JOHNSON AT AMERICAN LEGION DINNER, OMAHA, NEBR.

[Mr. KILGORE asked and obtained leave to have printed in the RECORD the address delivered by Louis Johnson, former Assistant Secretary of War, at a guest dinner at the twenty-fifth national convention of the American Legion at Omaha, Nebr., September 21, 1943, which appears in the Appendix.]

FINLAND AND RUSSIA—ARTICLE BY JOHN O'DONNELL

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by John O'Donnell under the headline "Capitol Stuff," from the Washington Times-Herald of December 1, which appears in the Appendix.]

ELECTION IN KENTUCKY—ARTICLE BY ARTHUR KROCK

[Mr. ROBERTSON asked and obtained leave to have printed in the RECORD an article entitled "The Old Kentucky Home's 'Good Night'," by Arthur Krock, published in the New York Times of Thursday, December 2, 1943, which appears in the Appendix.]

EXEMPTION OF FIRE-INSURANCE COMPANIES FROM ANTITRUST LAWS

[Mr. TRUMAN asked and obtained leave to have printed in the RECORD an editorial entitled "Pointed Questions by O'MAHONEY," published in the St. Louis Post-Dispatch of November 30, 1943, and an editorial entitled "O'MAHONEY Turns the Tables," published in the Chicago Sun of December 1, 1943, which appear in the Appendix.]

REPORT BY SENATOR BUTLER ON HIS TRIP TO CENTRAL AND SOUTH AMERICA

Mr. TRUMAN. Mr. President, I should like to make a motion that the report

of the distinguished Senator from Nebraska [Mr. BUTLER] on his trip to South America be referred to the Committee on Banking and Currency. I have read the report, and it covers bureaus and matters that fall under the jurisdiction of the Committee on Banking and Currency. For that reason I move that the report be referred to the Committee on Banking and Currency.

Mr. WHITE. Mr. President, the Senator from Nebraska is not present at the moment. Is the motion of the Senator from Missouri agreeable to him?

Mr. TRUMAN. I am sure it is, because he is a member of the Banking and Currency Committee. If it is not, I shall be glad to put it in any way that is agreeable to him, but I am sure it is agreeable to him.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri.

The motion was agreed to.

Mr. BARKLEY. Mr. President, in the absence of the Senator from Nebraska, I do not want to make a statement in regard to the motion made by the Senator from Missouri or the subject matter of the unilateral report made by the Senator from Nebraska in regard to his pan-American trip. He asked unanimous consent that it be printed as a Senate document. Personally, I think that was a mistake, because it has turned out that it has aroused much controversy. The facts ought to be settled and determined before any document is made a Senate document because when anything goes out as a Senate document it is presumed to be accurate; but the Senator from Nebraska obtained consent. As frequently happens here, as a matter of courtesy, we consent to things that ought not to be done. I have suggested to the Senator from Nebraska—and I shall not go any further into it until he returns—that a certain course be pursued. I will wait until he is present on the floor to discuss it.

In the meantime I make the point that there is no quorum present.

The VICE PRESIDENT. The clerk will call the roll.

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

Alken	Guffey	Revercomb
Andrews	Hatch	Reynolds
Austin	Hawkes	Robertson
Bankhead	Hayden	Russell
Barkley	Hill	Scruggam
Billbo	Holman	Shipstead
Bone	Johnson, Calif.	Smith
Bridges	Johnson, Colo.	Stewart
Brooks	Kilgore	Taft
Buck	Langer	Thomas, Idaho
Burton	Lodge	Thomas, Utah
Butler	Lucas	Tobey
Byrd	McCarran	Truman
Capper	McClellan	Tunnell
Caraway	McFarland	Tydings
Chandler	McKellar	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Idaho	Maybank	Wagner
Clark, Mo.	Mead	Wallgren
Danaher	Millikin	Walsh
Davis	Moore	Wheeler
Eastland	Nye	Wherry
Elender	O'Daniel	White
Ferguson	O'Mahoney	Wiley
George	Overton	Willis
Gerry	Pepper	Wilson
Gillette	Radcliffe	
Green	Reed	

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

The Senator from Utah [Mr. MURDOCK] and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

The Senator from Texas [Mr. CONNALLY], the Senator from California [Mr. DOWNEY], and the Senator from Montana [Mr. MURRAY] are detained on public business.

The Senator from North Carolina [Mr. BAILEY] is necessarily absent.

Mr. WHITE. The Senator from Oregon [Mr. MCNARY], the Senator from South Dakota [Mr. BUSHFIELD], and the Senator from Minnesota [Mr. BALL] are absent because of illness.

The Senator from Wisconsin [Mr. LA FOLLETTE] is confined to his home with a cold.

The Senator from South Dakota [Mr. GURNEY] is absent because of a death in his family.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

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

ADMINISTRATION OF OATH TO SENATOR-DESIGNATE FROM NEW JERSEY

Mr. HAWKES. Mr. President, Hon. ARTHUR WALSH, appointed by the Governor of New Jersey to fill the vacancy caused by the death of my late colleague, Hon. W. Warren Barbour, is present in the Chamber and ready to take the oath.

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the oath will be administered to him.

Mr. WALSH, escorted by Mr. HAWKES, advanced to the Vice President's desk, and the oath prescribed by law was administered to him by the Vice President.

WARTIME METHOD OF VOTING BY THE ARMED FORCES

The Senate resumed consideration of the bill (S. 1285) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. TAFT].

Mr. LUCAS. Mr. President, I send to the desk an amendment in the nature of a substitute for the amendment offered by the distinguished Senator from Ohio, and ask that it be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In lieu of the matter proposed to be inserted by Mr. TAFT, it is proposed to insert the following:

SEC. —. The act of August 2, 1939, entitled "An act to prevent pernicious political activities," as amended, is hereby amended by adding thereto the following new sections:

"Sec. 22. It shall be unlawful for any officer or person employed in the executive branch of the United States Government, or any agency or department thereof, other than the Army and the Navy, to deliver or cause to be delivered to persons in the armed

forces of the United States any general communication, general order, Government magazine, Government newspaper, or other literature paid for in whole or in part with Government funds, or to make, or cause to be made, any broadcast to the armed forces of the United States, paid for in whole or in part with Government funds, containing political argument of any kind designed or calculated to affect the result of any election for President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives: *Provided*, That nothing herein shall prevent the sending of any letter, magazine, newspaper, or other literature by any individual, corporation, or political committee to any member of the armed forces, addressed personally to such member of the armed forces, and paid for by him, or by the person sending the same.

"SEC. 23. It shall be unlawful for any officer or person employed in the executive branch of the United States Government, or any agency or department thereof, including the Army and the Navy, to censor or interfere with any letter or communication addressed to an individual member of the armed forces for the purpose of removing therefrom political literature or political arguments or other matter sent to such individual member of the armed forces by any individual, corporation, or political committee, unless such literature or other matter contains military information which may be of value to the enemy.

"SEC. 24. Any person who violates the provisions of section 22 or section 23 hereof shall upon conviction thereof be fined not more than \$1,000 or imprisoned for not more than 1 year, or both."

Mr. LUCAS. Mr. President, the Members of the Senate who were present yesterday and listened to the debate upon the Taft amendment, which is now pending before the Senate, must realize the difficulties thrust upon the Army and the Navy and the ballot commission with respect to the proper administration of the subject matter contained in the amendment. I have offered a substitute which I think covers the real objective attempted to be reached by the able Senator from Ohio in his amendment, and which will be administratively possible if my substitute is accepted.

In my substitute amendment I have placed all the responsibility for the administration of its provisions upon the War Department and the Navy Department. I leave in it the same features as are found in section 22 of the Taft amendment. I eliminate the question of judgment as to what political magazine is fair insofar as political propaganda is concerned. I undertake to say that in all these matters affecting servicemen in this country or overseas we must rely upon someone, and in my opinion we must rely upon the Secretary of War and the Secretary of the Navy properly to carry out these functions.

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

Mr. LUCAS. I yield to the Senator from Ohio.

Mr. TAFT. Am I to understand that the Senator's amendment is exactly like my amendment, except that the Army and the Navy are entirely eliminated from the provisions of the amendment?

Mr. LUCAS. That is practically correct, but in addition to that, the ballot

commission, upon whom the Senator desired to place responsibility which the committee does not believe should be so placed, is stricken from the amendment.

Mr. TAFT. Of course the Senator realizes that the main purpose of my amendment was to require the Army and the Navy to be impartial, and of course the substitute proposed by the Senator from Illinois entirely destroys my amendment, except that he is willing to apply the prohibition to the O. W. I.; but so far as the Army and the Navy are concerned, he simply is eliminating them and permitting them to engage in political propaganda or anything else they choose to do. Of course, I could not possibly accept the Senator's amendment.

Mr. LUCAS. First, the Senator cannot cite an instance of the Army and the Navy having engaged in political propaganda, and I want him to do that in the course of the debate if he can. The Army and the Navy are engaged in fighting a war. The Army and the Navy are attempting to take care of the men overseas and in this country in such a way that their morale will be at the highest point at all times. Whenever we take away from the Army and the Navy and attempt to place in the hands of someone else the right to say what these boys overseas shall do in connection with Yank, in connection with Stars and Stripes, in connection with the other magazines and newspapers which go to them day after day and give them the information which builds them up to the highest type of soldiers, then I say we are doing a tremendous injustice to the war effort and that by such an amendment are militating against the effective prosecution of the war.

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

Mr. LUCAS. I yield.

Mr. ANDREWS. Assuming that the Army and the Navy might play politics, is it not true that the Secretary of the Navy and the Secretary of War both belonged to the other party at the time they were appointed?

Mr. LUCAS. Of course that is true. The Secretary of the Navy is one of the prominent Republicans of the country. He was a candidate for Vice President with Landon in 1936. He is an outstanding citizen of America.

Mr. ANDREWS. He is a good man.

Mr. LUCAS. He has made an excellent Secretary of the Navy. As a Democrat I defended him on the floor of the Senate when there were a number of Senators who would not vote to confirm his nomination. I think any reasonable man who wants to be fair and impartial will say that Frank Knox, as Secretary of the Navy, has done a remarkable job, not as a Republican, not as a Democrat, but as an outstanding American who looks to his country ahead of politics. And with respect to Henry Stimson—

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

The PRESIDING OFFICER (Mr. O'MAHONEY in the chair). Does the Sen-

ator from Illinois yield to the Senator from Ohio.

Mr. LUCAS. I yield.

Mr. TAFT. What is to prevent a regular campaign being organized by the Republicans and the Democrats among the officers of the Army so that they may in effect conduct political campaigns in all the camps in the United States and the camps abroad? I do not suggest that they would do so at the front, but most of the soldiers will not be engaged in active fighting. What is there to prevent such officers from conducting political propaganda? Whether it is Republican or Democratic, should it not be eliminated, and how is the Senator proposing to eliminate it?

Mr. LUCAS. Mr. President, I asked the Senator from Ohio a moment ago to cite one instance of the Army or the Navy at any time having played politics in this war.

Mr. TAFT. The answer is—

Mr. LUCAS. Just a moment. I do not yield further. I have more confidence, and I am glad I have, in the chiefs of the Army and the Navy than the Senator from Ohio has.

Mr. TAFT. Does the Senator mean—

Mr. LUCAS. I am not yielding. I do not desire to have the Senator break in on me. I want the Senate rules observed while I am participating in this debate.

Mr. President, insofar as carrying out the provisions of this amendment is concerned, I am glad that I have more confidence than the Senator from Ohio has in the two outstanding Republicans who are heading the war and the Navy Departments at this particular time in a creditable way, Mr. President, in a way that has the admiration of the allied world.

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

Mr. LUCAS. I yield.

Mr. TAFT. In the first place, answering the Senator's question about citing a case, I will say that there has not been an election—

Mr. LUCAS. Oh, there was one in 1942.

Mr. TAFT. If so, it was of very minor effect, and no one in the Army or in the Navy was particularly interested in it. But of course the decision is not made by the officers at the front. The selection of books is made right here in Washington by divisions of the Army and the Navy. The selection of the newspapers the soldiers are going to be allowed to read and the exclusion of those they are not going to be allowed to read rests in a department of the Army or of the Navy. The selection rests not in active Army officers at the front, but in special boards created for that purpose.

I ask the Senator, What would be the duty of the Secretary of the Navy if his attitude is as the Senator says? It would be to issue a general order to all who are in the Navy. In what terms? Exactly in the terms of the amendment I am proposing. Then, why cannot Congress do it? All I am asking Congress to do is exactly what the Senator says the Secretary of the Navy and the

Secretary of War will do if we leave it to them.

Mr. LUCAS. But the Senator forgets the other provisions of his amendment, which would be so exceedingly burdensome upon the ballot commission, as well as upon the Army and the Navy. I am speaking of what the ballot commission has to do with respect to censorship of almost anything that is on the border line of a political argument or political propaganda. No one would dare issue it until he submitted it to the ballot commission and obtained the ballot commission's approval, if he did not want to face a fine and imprisonment under the penalty clause of the section.

I return to one of the primary considerations I discussed yesterday with respect to the magazines and newspapers which are published by the boys overseas themselves—the Yank, the Stars and Stripes, and 1,200 other unit and local publications which are edited, prepared, and issued by the boys in the service. Not by my vote will the Senate ever take that initiative away from those men. I would rather have it in the hands of the boys at the front or the boys in the camps in this country than to have it in any other hands. We can rest assured that they will do a good job. If in these publications they wish to discuss political issues, I want them to do so on their own initiative. If in one of the issues they wish to condemn me, if I am a candidate for reelection in the next election, that will be perfectly all right. That is their privilege. It is the privilege of the newspapers of the country, and I will not vote to take away from the soldier who is fighting the battle for freedom, the right to carry on in his own way, as best he can, and in the best way he understands, in preparing and editing the newspaper of a particular camp or the newspaper which goes to the boys of our country who are overseas.

Mr. President, in that connection let me read a note which was given to me recently:

The Saturday Review of Literature recently recommended the Pulitzer Prize to the magazine Yank for its outstanding contribution to American letters.

That is how good the magazine is. Yet, under his amendment the Senator from Ohio would have someone in Washington, someone in the Army or the Navy, to prepare a political battle page for this magazine, one writer for the Democratic point of view, and one for the Republican point of view, thereby suppressing the creative genius of the boys who are writing for a magazine that has been recommended for the Pulitzer prize.

Mr. President, the morale of the boys in the Army and the Navy must not be torn down in this way. It must be maintained as it is, if we want to have effective prosecution of the war.

These publications entertain the boys, they give the boys an opportunity to find out what is going on in the camps and at home, in their leisure moments during the war, if they ever have any. The boys who read the magazines realize full well that they are literature which is being

compiled and created by their own fellows in the service in whom they are tremendously interested, for there develops in the military service a comradeship which everyone who has served in the armed forces during war knows is unique. That is one of the reasons why I cannot support the Taft amendment.

What I provide in the beginning of my amendment practically would take care of what the Senator from Ohio really desires. The Senator from Ohio and the Senator from New Hampshire are afraid of what the President of the United States would do if he should be a candidate for reelection; they are afraid of what he might do in connection with his broadcasts and in connection with the broadcasts of the members of his Cabinet and of other executive officers. My amendment would take care of that situation. I, too, want to have a fair and an impartial election, as does every Member of the Senate. I do not want to play politics with this bill at all; but, Mr. President, yesterday I heard the Senator from New Hampshire and the Senator from Ohio indulge in what was politics, in something which was wholly irrelevant to the pending measure.

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

Mr. LUCAS. No; not for a moment.

Mr. President, they dragged the O. W. I. over the political trail yesterday, at a time when very few Members of the Senate were on the floor. They had a great time on their side of the aisle playing politics with the pending measure, although everything they said was immaterial and irrelevant to the issue of whether we are to get the ballot to the soldier and give him an opportunity to vote. Oh, Mr. President, politics. They say we are playing politics with the pending bill; but every inference to be drawn from the remarks of Senators on the other side of the aisle is that the pending bill is a political measure for the benefit of the party represented by Senators on this side of the aisle. We are, however, expected to believe that the Senators on the other side of the aisle are pure, just as pure and undefiled as a new-born babe, on the question of politics.

Mr. President, I am amused. My good friend, the Senator from New Hampshire, has never played any politics since he has been in the Senate. He is certain to win the political Pulitzer prize for making such a statement as that, if one is ever granted.

I desire to read a statement which was made yesterday during the delightful colloquy between the Senator from Ohio and the Senator from New Hampshire. The Senator from Ohio said:

Whether the Arabs want lapel buttons, or whether they have lapels upon which to put them, I do not know, but the only way to which they can be gotten to the Arabs is to send them to the soldiers and have the soldiers distribute them.

Mr. President, the Senator from Ohio did not take time to ascertain the facts about that matter. He did not take time to verify the accuracy of that statement. The statement was made for purely po-

litical purposes. The Senator from New Hampshire wants the people of the country to understand, as the result of that statement, that the present administration is attempting to send to the soldiers, wherever they may be, badges with a picture of President Roosevelt on one side and with a picture of the American flag on the other, and with wording in the Arabic language. What are the facts?

Mr. President, since I have been in the Senate I have found that more misstatements of fact are made on the floor of the Senate than in any other single forum in which I have ever participated. Many Senators seem not to care anything about the facts. Half-baked truths and distorted facts are the things which make the headlines of the newspapers in this country. I have tried a great many lawsuits in my day, and I always was able to win them on the facts; but here in the Senate we cannot do that and make the headlines.

So, Mr. President, in the wonderful address which was delivered yesterday by the Senator from Ohio in the course of the gossipy colloquy between himself and the Senator from New Hampshire, those two estimable gentlemen on the other side of the aisle, two of my good friends, the Senator from Ohio said, "Oh, these buttons and these badges are being sent overseas and are being distributed by the soldiers." Why did the Senator from Ohio make that statement? He did so because he wants the American people to believe, of course, that the present administration is now propagandizing the soldiers with President Roosevelt's picture and with a picture of the American flag.

Let me state the facts about the matter. In the first place, let me say that the information I shall now give comes from an authentic source. First of all, not a single clip was distributed by the O. W. I. to or through the Army. General Osborn, of the Special Services Division, United States of America, attested to this. He is in charge of all troop news, entertainment, and other channels to the soldiers overseas which might have the slightest bearing on the allegations made by the Senator from Ohio. I talked over the telephone to General Osborn this morning. He absolutely denied the statement which was made yesterday by the Senator from Ohio for political reasons.

The hard facts are these: When it became known to agencies, including O. W. I., informed as to military plans that sooner or later our troops would be in north Africa, it became clearly apparent that every possible device should be used to gain the good will of the native population and to help them identify an American when they saw one.

Anyone who understands the situation which prevailed in north Africa when our troops made the first invasion believed then that in that invasion we would lose many more thousands of men than we actually lost. Anyone who knows the Arab picture knows the type of people the Arabs are. It was for the

benefit of the troops, for the benefit of the boys who were fighting and dying, that the American flag and the picture of Roosevelt was sent in there. They were sent in order to create a feeling of friendship and good will for some of our boys who might be lost in the desert because of plane wrecks or because of some other military reason. The Senator from Ohio and the Senator from New Hampshire could not give anyone credit for such a motive. So far as the Senator from New Hampshire is concerned, everything done in this war is done for political reasons. That is the attitude from beginning to end.

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

Mr. LUCAS. I yield.

Mr. BRIDGES. Does the Senator mean to imply that the soldiers in north Africa never see the clips or have anything to do with them? Do the Arabs wear blankets over the clips when they meet a soldier? What is the procedure?

Mr. LUCAS. The Senator cannot be humorous with me on this question. He can carry on his delightful colloquy and facetious remarks with the Senator from Ohio, but to me it is a serious matter.

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

Mr. LUCAS. I yield.

Mr. BARKLEY. Perhaps the Senator from New Hampshire is funny without knowing it.

Mr. LUCAS. He cannot make a serious situation look better by a weak joke.

Mr. BRIDGES. Perhaps if I really wished to be funny, I would ask the distinguished majority leader to explain the Kentucky election. Then I think we should have some real humor.

Mr. BARKLEY. That might be comical, but not funny.

Mr. WILEY. That is tragedy.

Mr. LUCAS. Requests were made from north Africa—not originated in the United States—for some such device as what is called a lapel clip, which was sent in very small amounts, beginning in September 1942. I have before me the schedule of those shipments, the amounts, and their destinations. A quantity of 10,000, showing a picture of Franklin D. Roosevelt and the American flag, with an inscription in Arabic, was sent to Cairo in September 1942; 10,000 were sent to Bagdad in March 1943; 17,000, in English and Arabic, were sent to Asia Minor in January and February 1943; 7,000 in English and Portuguese, showing the American and Portuguese flags, are awaiting transportation to Cape Verde; 5,000, in English, showing the British and American flags, are awaiting transportation to the Fiji Islands.

Those people are not going to vote in the 1944 election, I take it. Even if they wear these devices on their lapels, what difference does it make from the standpoint of whether it is political or not? It was a good-will measure, and that was all.

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

Mr. LUCAS. I yield.

Mr. BRIDGES. I wonder if the same procedure which the Senator is outlining

was followed by other nations—that is, whether Churchill sent his picture to the Arabs in north Africa.

Mr. LUCAS. I cannot answer the Senator, and I am not interested in that question.

I should like to return to the point I made a while ago. I wish to make clear that the soldiers are not delivering these badges, as was stated yesterday on the floor of the Senate. The soldiers have nothing to do with them. They are handled by the O. W. I. It is the O. W. I. which is making delivery of these buttons in the proper places.

Since every American flyer who might be forced down in his plane in native territory away from the military concentrations wears a device with an American flag, with an inscription in Arabic, "I am a friend from America," does the Senator object to the fact that there is at least a chance, through the efforts of the O. W. I., that the flag might be recognized? If it saved one American boy who came down in the desert 75 miles away from his camp, all that was spent and all that was done was worth while. That is the basis of it. I challenge anyone rightfully to contend that it was political propaganda. As I have previously stated, it was for the benefit of the American soldier, and no one else.

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

Mr. LUCAS. I yield.

Mr. BRIDGES. Does not the Senator from Illinois believe that it would be just as effective for the O. W. I. to distribute to the Arabs in north Africa clips bearing only a representation of the American flag, which is the symbol of America, rather than the picture of Franklin D. Roosevelt, or anyone else?

Mr. LUCAS. The Senator may be correct; but what is the difference? Roosevelt is a symbol of something worth while throughout the world, notwithstanding the opinion of the Senator from New Hampshire to the contrary.

Mr. BRIDGES. Mr. President—

Mr. LUCAS. Just a moment. I cannot be too serious about what is going on in north Africa, Italy, and other places. These clips are a gesture of good will, and, whether they carry the picture of the President and the American flag, or whether they carry only the American flag, they are worth while from the standpoint of saving the life of some American boy. An Arab who gets one of these buttons and wears it on his lapel may save the life of some American boy. That is the whole idea.

Let me tell the Senate what General Eisenhower says about it. The Senator from New Hampshire will not believe him, either, because, in the Senator's view, he, too, is playing politics over there. This is what General Eisenhower said in a cable from Algiers on October 7, 1943:

Fall of Naples seems appropriate moment send you message of appreciation for work of Psychological Warfare Branch, which comprises O. W. I., O. S. S., P. W. E., and M. O. I. In Tunisian campaign, later Pantellaria and Sicily, and now invasion of Italy, P. W. B. has unquestionably made its contribution as an

integral part of the fighting forces, and I look forward to continued valuable work by this branch.

Equally important has been base propaganda in north Africa and occupation propaganda in Sicily and initial spots in Italy, where P. W. B. efforts, working in closest liaison with civil administration in north Africa and military-government section in Sicily and Italy, have greatly contributed toward the friendly and cooperative attitude of the local inhabitants.

What is the situation in Lebanon at this particular time? What is it in Palestine at this particular moment? Ask any of the Senators who went around the world what they found over there among the various tribes in those countries. Anything could happen at any time; and any honest attempt on the part of the O. W. I. or any other branch of this Government to cause that condition to subside certainly is in the interest of the American soldiers who are fighting over there.

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

Mr. LUCAS. I yield.

Mr. BRIDGES. Will the distinguished Senator from Illinois please tell me, so long as he has made a big issue of this question, what different effect is produced by a clip bearing a picture of President Roosevelt, worn on the lapel of an Arab, or some part of his clothing, as compared with a similar device showing only the American flag? I have always been taught that the American flag is the emblem of America, regardless of individuals and regardless of governments. It means America. Certainly those people know what the American flag stands for. If it is desired to place a picture on the clip in addition to the representation of the American flag, why not use the picture of General Eisenhower, or someone like him? He is known to them. He represents something.

Mr. LUCAS. No picture would satisfy the Senator unless it were a picture of the Senator.

Mr. BRIDGES. I am sure I would like to see the picture of the Senator from Illinois on that clip. I would not object to it.

Mr. LUCAS. We will collaborate right upon that after this debate. [Laughter.]

One further word in response to what the Senator says. The good will of the Moslem world is of tremendous importance. This is evidenced by the fact that the recent conference of the President, Churchill, and Chiang Kai-shek was held in Moslem surroundings. I do not believe that Senators are fearful of the magic that might be wrought by the picture of the President of the United States on the burnoose of an Arab thousands of miles away from these shores. If so, I quote the well-known radio commentator, Earl Godwin, who said that in that event the clips were used in the wrong parts of the world, and should have been distributed in New York, New Jersey, and Kentucky. I am playing a little politics in the Senator's behalf when I make that statement. That is the truth of the matter. Godwin was right. These clips have absolutely nothing to do with the 1944 campaign; and

yet, judging from the colloquy yesterday, that was one of the big features of the 1944 campaign. Senators wanted the American people to believe that Roosevelt was trying to campaign in Morocco and some of the other countries in order to get the people of those countries to vote for him in the next campaign.

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

Mr. LUCAS. I yield.

Mr. TUNNELL. I was going to suggest to the Senator that, as I understand the pending bill, it is for the purpose of giving the boys the right to exercise their constitutional function. It is a recognition of a right which they already have. Does the Senator see any reason why we should begin to place restrictions about the boys so that they will be denied the right of seeing a picture of the American flag or a picture of the President of the United States? Are those privileges denied to other citizens of the United States? Would not such a denial to the American soldiers be a reflection upon them?

Mr. LUCAS. It would be a reflection upon their intelligence.

Mr. TUNNELL. I believe it would be.

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

Mr. LUCAS. I yield.

Mr. TAFT. What does the Senator say about the circulation by the O. W. I. throughout the world, and at all places where the armed forces are located, of the magazine Victory containing a large picture of the President, as well as four or five other pictures of the President, and a generally laudatory article?

Mr. LUCAS. I will say to the Senator from Ohio that I do not think it should have been done, and under the amendment which I have offered, as well as under the amendment of the Senator, it could not be done. I condemn such action as strongly as the Senator from Ohio condemns it. Under the amendment the O. W. I. could not engage in the distribution of such matter.

Mr. TAFT. I suggested that only to show that such things have been done and they might perhaps be done again. That is the only purpose of the suggestion which I made in my remarks.

Mr. LUCAS. I was dealing with the important point, though, with respect to the soldiers being taken, under the implication of the Senator, from their duties in order to deliver the clips containing pictures of President Roosevelt and the American flag.

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

Mr. LUCAS. I yield.

Mr. TAFT. I still am not at all convinced that the clips were not distributed by the soldiers. General Osborn's division in Washington did not distribute them. They were taken to Africa by the O. W. I. The O. W. I. does not have a force in Africa. Does the Senator, or does anyone, know whether they were distributed by soldiers in Africa?

Mr. LUCAS. No; I do not know. Once again I say to the Senator that I have to have faith, and if the American

people do not have faith in their Army and Navy, then in whom shall faith be reposed in conducting the war?

Mr. TAFT. It is not a question of faith. The O. W. I. takes approximately 50,000 buttons to Africa and they face the question of how they are going to distribute them to the Arabs. What do they do? They ask the soldiers to distribute them. That is the only way the buttons can be distributed in Africa. I would not condemn the Army for that. The O. W. I. is speaking for the Government of the United States in distributing the buttons. I am simply trying to make it clear that under the pending proposal from now on the Army and the O. W. I. cannot engage in activities of such nature.

Mr. LUCAS. I will believe General Osborn and not the Senator from Ohio.

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

Mr. LUCAS. I yield.

Mr. HATCH. I should like to invite the attention of Senators to regulations which have already been issued by the Army regarding political activity by officers. As I understand, the substitute offered by the Senator from Illinois would permit the Army and Navy officials to select the periodicals or make the determination with respect to them. The Senators opposing the amendment wish to write some further prohibition into the law which would tend to restrict or curtail the right of Army or Navy officials to engage in political activity. Am I correct about that? That is not a new subject. It has heretofore been thrashed out in detail on the floor of the Senate.

I will quote from a very eloquent and able speech by the majority floor leader [Mr. BARKLEY] on this exact question on the 8th day of April 1943, in which he quoted the present Secretary of War, Mr. Stimson, regarding a statement which the Secretary had issued in connection with an order relating to officers becoming candidates for public office. May I read that into the Record at this point?

Mr. LUCAS. I yield.

Mr. HATCH. The following is the statement of the Secretary of War as appears in the CONGRESSIONAL RECORD of April 8, 1943:

In response to a question asked by the press concerning a revision of Army Regulations issued February 25, 1943, the Secretary of War at his press conference, April 8, 1943, made the following answer—

The following is a sentence from the Secretary's statement—

As far back as 1925 Army Regulations (AR 600-10, June 30, 1925) prohibited persons on active duty from taking active part in political management of political campaigns.

So as far back as 1925 Army Regulations prohibited officials of the Army from taking active part in a political campaign.

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

Mr. HATCH. I shall not read the entire statement, but I ask unanimous consent that the entire statement made by

the Secretary of War on April 8, 1943, as it appears in the CONGRESSIONAL RECORD at page 3125, be printed in the RECORD at this point.

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

As far back as 1925, Army Regulations (AR 600-10, June 30, 1925) prohibited persons on active duty from taking active part in political management of political campaigns. As far back as 1937, Army Regulations (change 3 to AR 600-10, July 15, 1937) prohibited persons on active duty from participating in nonmilitary activities or interests which would tend to interfere with or hamper in any degree the full and proper discharge of their military duties, or would normally give rise to suspicion that such participation would have that effect. The above prohibitions were continued in effect at all times after they had first been promulgated. They were republished in the revision of AR 600-10 of September 6, 1938, which was the last revision of AR 600-10 before the current one of June 2, 1942.

In September 1941 the country being still at peace, the War Department relaxed the above rule as to elective office to the extent of allowing members of the Reserve components, who had been called to extended active duty and who were on leave status from public offices held by them, to run for election, on the condition that their election to and occupancy of such office would not interfere with their military duties (AG 000.1 (7-23-41) MB-A-M, September 26, 1941).

After Pearl Harbor, the country being then at war, it became essential to assure that all military personnel on active duty would devote their entire time and energy exclusively to the discharge of their military obligations. By War Department Circular No. 243, dated July 24, 1942, it was provided that "no individual on active duty will hereafter seek election or reelection to public office, or take an active part in political management or political campaigns."

Cases arose, however, in which this absolute prohibition worked unnecessary hardships, where members of Reserve components who were on leave status from public offices held by them were threatened with loss of substantial pension and retirement and other benefits, theretofore earned by them, if they could not stand for reelection. In consequence, the rule was relaxed by War Department Circular No. 413, dated December 18, 1942, so as to allow, in proper cases, individuals on active duty to become candidates for and accept reelection to public office held by them when they entered upon active duty, on condition that neither their candidacy for such office nor their occupancy thereof would interfere with their military duties.

The change, dated February 25, 1943, to AR 600-10, did not alter or modify anything in the foregoing. It merely consolidated the various outstanding directives, which were scattered in different places, and put them into one place, in the appropriate Army Regulations.

The War Department considers that the existing policy is not only wise and necessary from the point of view of the effective functioning of the Military Establishment in time of war, but, also, that it is the only policy which is compatible with democratic principles and procedures. Nothing could more directly expose a political system to the improper intrusions of the military, than to allow men to exercise military and civil (and more especially, legislative) office simultaneously. The existing War Department policy, which prohibits officeholders from exercising the functions of office while on active military duty, is essential for the maintenance

of the traditional American separation between the military and the civilian branches of government.

Mr. LUCAS. I thank the able Senator from New Mexico for his very valuable contribution. It refreshes my memory by calling to my attention the position taken on the matter by the Secretary of War.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	Reed
Andrews	Guffey	Revercomb
Austin	Hatch	Reynolds
Bankhead	Hawkes	Robertson
Barkley	Hayden	Russell
Bilbo	Hill	Scrugham
Bone	Holman	Shipstead
Brewster	Johnson, Calif.	Smith
Bridges	Johnson, Colo.	Stewart
Brooks	Kilgore	Taft
Buck	Langer	Thomas, Idaho
Burton	Lodge	Thomas, Utah
Butler	Lucas	Tobey
Byrd	McCarran	Truman
Capper	McClellan	Tunnell
Caraway	McFarland	Tydings
Chandler	McKellar	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Idaho	Maybank	Wagner
Clark, Mo.	Mead	Wallgren
Danaher	Millikin	Walsh, Mass.
Davis	Moore	Wheeler
Eastland	Nye	Wherry
Ellender	O'Daniel	White
Ferguson	O'Mahoney	Wiley
George	Overton	Willis
Gerry	Pepper	Wilson
Gillette	Radcliffe	

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

The question is on the amendment offered by the Senator from Illinois [Mr. LUCAS] in the nature of a substitute for the amendment of the Senator from Ohio [Mr. TAFT].

REHABILITATION OF DEMOBILIZED VETERANS

Mr. WILEY. Mr. President, I appreciated very much the discussion which took place on the floor this morning related to the bill before the Senate. It is a very important measure, designed to afford the men of our armed forces an opportunity to vote at the next election, if it can be done constitutionally; but I wish to discuss for a few moments a still more important measure. I have reference to a measure to provide that when the boys come back the opportunity for physical and mental rehabilitation shall be given them here in America. Mr. President, I am about to introduce a bill that relates to that subject.

I have heretofore briefly discussed this question, adding my several thousand words to the many thousands of words already spoken on behalf of the rehabilitation program. I have discussed the matter on the floor of the Senate on 2 previous days.

The political ramifications of this legislation are endless, but to my mind it is a matter in which politics should have no part.

I introduce the bill and I ask, Mr. President, that it be printed in the Rec-

ORD at this point in my remarks, and that it be appropriately referred.

The VICE PRESIDENT. Without objection, the bill will be received and appropriately referred.

The bill (S. 1566) to consolidate and coordinate governmental activities affecting reestablishment and rehabilitation of veterans in the Veterans' Administration, and for other purposes, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted, etc., That section 7 of the World War Veterans' Act of 1924, Public Law 242, Sixty-eighth Congress, June 7, 1924, Section 430, Title 38, U. S. Code, be amended to read as follows:

"The Administrator shall establish a central office in the District of Columbia, and such regional offices and suboffices as necessary within the territory of the United States and its outlying possessions as may be deemed necessary by him and in the best interests of the work committed to the Veterans' Administration and to carry out the purposes of the laws governing the Veterans' Administration. Such regional office and suboffices may, subject to final action by the Administrator in case of an appeal, and under such rules and regulations as may be prescribed by the Administrator, exercise such powers for hearing complaints and for examining, rating, and awarding compensation claims, granting medical, surgical, dental, and hospital care, convalescent care, and necessary and reasonable aftercare, granting vocational training and all other matters delegated to them, or some of them, by the Administrator as could be performed lawfully by the central office.

"The Administrator may abolish any regional offices or suboffices when in his judgment this may be done without detriment to the administration of work of the Veterans' Administration and upon such termination all records and supplies pertaining thereto shall be delivered to the central office, or as the Administrator shall otherwise prescribe."

SEC. 2. The Administrator of Veterans' Affairs is authorized and directed to assign a qualified representative or so many representatives as he may deem proper to each Army post, camp, and station, including discharge stations and each Navy, Coast Guard and Marine Corps post, yard, and station, including discharge stations in the United States and its Territories. It shall be the duty of such representative or representatives to consult with each member of the military, naval, Coast Guard, and Marine Corps forces, including the Women's Reserve components thereof, prior to discharge for the purpose of (a) informing him as to benefits afforded veterans by law, including national service life insurance; (b) ascertaining his vocational aptitude and experience; (c) directing him to suitable employment or training and educational facilities. The Army, Navy, Coast Guard, and Marine Corps shall require each member of the respective services, including the Women's Reserve components thereof, to submit in writing a statement showing vocational qualifications and preferences for future employment after discharge, such statement together with the complete service record shall be made available to the representative of the Veterans' Administration. The Administrator shall have the power to employ the facilities of other governmental and State employment agencies for the purpose of placing in gainful employment discharged personnel of the Army, Navy, Coast Guard, and Marine Corps. The Army, Navy, Coast Guard, and Marine Corps shall make available suitable office space and facilities for such representative

or representatives of the Veterans' Administration, shall facilitate and assist in arranging interviews and shall cooperate to the fullest with such Veterans' Administration representative in the reestablishment in civil life of discharged personnel of the services.

SEC. 3. The Administrator of Veterans' Affairs is authorized and directed to assign a qualified contact representative or so many representatives as he may deem proper at each Army, Navy, Marine, Public Health hospital, or contract hospital or institution, in which members of the Army, Navy, Coast Guard, and Marine Corps, including the Women's Reserve components thereof, are being treated or maintained. It shall be the duty of such Veterans' Administration contact representative or representatives to consult with each member of the Military, Naval, Coast Guard, and Marine Corps forces, including the Women's Reserve components thereof, prior to discharge from the hospital or institution for the purpose of (a) furnishing general information pertaining to benefits provided by the laws administered by the Veterans' Administration with particular attention to compensation, hospitalization, vocational rehabilitation, and National Service Life Insurance; (b) assisting members of the service forces in the execution of forms used in claims for benefits; and (c) directing members of the service forces to suitable employment or training and educational facilities as provided in section 2 hereof. The Army, Navy, Coast Guard, Marine Corps, and Public Health Service shall make available suitable office space in hospitals and institutions for such contract representative or representatives of the Veterans' Administration, shall facilitate and assist in arranging interviews and shall cooperate to the fullest with such Veterans' Administration representative or representatives in carrying out the purposes of this act.

SEC. 4. (a) The Administrator of Veterans' Affairs shall be and hereby is vested with the authority, duties, and powers heretofore vested in the Director of Selective Service by paragraph (g) of section 8 of the Selective Training and Service Act of 1940, Public Law 783, Seventy-sixth Congress, September 16, 1940. The Administrator of Veterans' Affairs shall have access to all records of the Selective Service System essential and proper to the exercise of the authority and duties hereby transferred to him.

(b) All orders, rules, regulations, or other issues made or granted in respect of any functions consolidated or coordinated under the provisions of this act and in effect at the date of its enactment shall continue in effect to the same extent as if such consolidation had not occurred, until modified, superseded, or repealed by the Administrator.

(c) It shall be the duty of the Administrator of Veterans' Affairs and he shall have authority to do all things necessary and proper to secure replacement of discharged personnel of the Army, Navy, Coast Guard, or Marine Corps, including the Women's Reserve components thereof, in their former positions and in securing employment in new positions to the end that every discharged person shall be reestablished in civil life as soon as possible after discharge; for the accomplishment of this purpose the Administrator shall have the power and duty to cooperate with and employ the facilities of other governmental and State employment agencies. If the Administrator of Veterans' Affairs deems such action necessary, he may create a special Veterans' Employment Service to carry out the purposes of this act.

SEC. 5. It is further provided that the administration of any law creating benefits for veterans, the administration of which has heretofore been vested in some department or agency other than the Veterans' Adminis-

tration, is hereby transferred to the Veterans' Administration, provided the Administrator of Veterans' Affairs may in his discretion permit the administration of any such benefit by the agency heretofore vested with it, when it seems best in the public interest so to do.

SEC. 6. Appropriations for the Veterans' Administration shall be available for the administration of this act, and there is hereby authorized to be appropriated such additional amount or amounts as may be necessary to accomplish the purposes of this act.

Mr. WILEY. Mr. President, in introducing this bill I have in mind not only the future of the returning young men and women but the future of our country, which is facing difficult times at best. We can well take to heart a lesson from the aftermath of World War No. 1 and avoid the obvious pitfalls which led to the catastrophes and bread lines of the late twenties.

In this war we are dealing with figures that stagger the imagination—ten or eleven million men and \$300,000,000,000; \$300,000,000,000 is a perturbing figure, but what should interest us most are the ten or eleven million men.

I am heartily in accord with the suggestion of the President in his message to Congress of November 21, 1943, which is Document No. 361. I am in full accord with every point made therein. Social security for these men of ours, these boys who come back, is an important matter and certainly should not be overlooked; nor should insurance, either Government insurance or Government-insured private policies; but the social and economic security of these men at the moment is the real question which I am discussing before the Senate today.

Already 500,000 men have been discharged from the armed services, and, from my investigation, little, if anything, has been done to assist them. With a discharge and a little money in their pockets, they have been turned loose on the streets to find employment as best they can. I understand that many of my colleagues are in receipt of messages from constituents protesting the manner in which their sons are discharged. I, too, have received such messages.

Mr. President, I am thinking not only in terms of these boys of ours; I am also thinking in terms of our beloved America. I do not want any sores in America that need not be there. I do not want these boys—and God knows many of them have gone through hell—to come back home confused and befuddled mentally, as many of them are, because they have gone through the hell of war and have been thrown out upon the streets of America with \$100, \$200, or \$300 in their pockets, as suggested by the President.

No; America owes them something more. None of us who have been in a situation which caused us to become confused can forget what it meant to have a helping hand, to have the guidance and direction of someone with an understanding heart. I say to the Senate that the measure I am proposing is more significant by far than the one having to do with sending ballots to the boys. I am interested in seeing that when the boys

return they shall remain voters, that they shall remain competent to take their part in determining the destiny of this great Nation. The youth are entitled to be protected.

I have in mind one message received by a colleague from a constituent, the mother of a son just discharged from the service, who, she protested, was given his fare home and nothing else. I can read between the lines of that letter. We are not quite as heartless as that. The boy had more than merely his fare home when he was discharged. What he did with it is a matter of conjecture rather than discussion. But we are realists. We remember what took place after the last World War. Leaders of veterans' organizations in this city have said to me it was that class which created the great problem which cost America billions of dollars. I know we are all concerned with our own petty affairs, partisan politics, or what not, but this is far above that field. This is something which calls for the preservation of the very fundamentals of America.

We can all be glad that the boy about whom I have spoken had the good fortune and the fortitude to return home safe in body and mind. But I ask any of my colleagues, if you had gone through months of torture in the hell holes of the East, or if you had gone through the fire of hell at Salerno or in the north African campaign, and were to come home with a discharge in your pocket, and were given a hundred or two hundred, or three hundred dollars, what would you do? If you were the average individual in the service of the country, what would the result be? Naturally you would feel like a duck out of water. You would be coming out of active service, out of war, and returning to the homeland, which knows not war, which cannot appreciate war, on which no bombs are falling. Frankly the tendency on the part of anyone would be to spend the money and go the limit. Then what? Confusion, regret, mental chaos. These boys are wandering on the highways and byways and the lanes of America. So what are we to do about it?

Mr. President, that brings me to an important feature of the bill presented by the administration, and incorporated as a part of the bill which I have introduced today. I refer to demobilization pay. That is an extremely important item. Our boys must be discharged with sufficient funds on hand for their immediate needs, but, more important than that is the mind of every returning veteran, and in his mind is the question: What will I do when I cease to be in uniform? I have no hesitation whatever in saying that 95 percent of them will want jobs, and I say, Mr. President, that our greatest problem is providing jobs for demobilized veterans.

I have presented to the Senate the views of two of our greatest veterans' organizations, the American Legion and the Veterans of Foreign Wars. Their expressions have been printed in the RECORD during the last 2 days. Their letters were written to me in support of

the measure or the suggestion I am proposing today. It is important, to my mind, to know that both these organizations join in urging that veterans' affairs be kept under the jurisdiction of a centralized organization.

We already have such an organization, the Veterans' Administration, but it would seem that many others have a finger in the pie of administration of veterans' affairs, and those not already interested are doing all they can to become interested. I do not like that attitude. We already have too many bureaus and too many bureaucrats. We have a Veterans' Administration which is doing a fine job, and my bill suggests that the Veterans' Administration be given the sole responsibility in this angle of rehabilitation.

There is only one organization, I repeat, an organization established by law, to administer the affairs of the veterans, namely, the Veterans' Administration. The Selective Service System would now like to have a portion of the work to do. I say it is not part of their business or their work. We do not want the Selective Service System retained as another bureau or arm of the Government, whoever may be in power when the war shall end. There will be no need for it. Yet there is an attempt now to perpetuate that bureau in office. I say rehabilitation is no part of their work. The returning veteran will not wish to return to his selective service board for advice as to how to rehabilitate himself, but to an organization especially established for the purpose.

Mr. President, we have created a new man—first a man who was proud to wear the uniform, medals, and insignia of the service to which he belonged; now a man who will be proud to wear the button designating him as a member of the discharged armed forces of World War No. 2. I am certain we all understand what his attitude will be. I am sure we understand that he will wish to be ministered to as a war veteran by a veterans' administration, rather than by a selective service board.

Let us compare these two organizations. What is the function of the Selective Service System? Its function is to select the men for the armed services. What is the function of the Veterans' Administration? Now, Mr. President, we come to a complicated matter—the administration of benefits for our veterans. It will, I am sure, be of interest to the members of the Senate to go briefly into the activities of the Veterans' Administration. It was highly enlightening to me. Just briefly let us review the activities of this organization for the relief of World War No. 2 veterans and dependents from December 1941 to August 31, 1943.

During that period pensions for service-connected veterans were paid out in a total of \$3,997,848.18, while to the dependents of veterans was paid \$5,352,413. During the same period, under our national service life insurance benefits, cash payments for death have been disbursed in the amount of \$9,416,947.90.

The approximate cost of hospitalization and domiciliary care for World War No. 2 veterans to date has been \$4,301,095.96.

Who received this money? How was it spent? During that period admissions to hospitals and patients under domiciliary care totaled 26,052 persons. Remaining under hospitalization or under domiciliary care at the end of September 1943, were 7,799. It may be presumed that the difference between the admissions and those remaining is made up of those who were discharged, and there is no means of finding out where they went or what became of them. That, I insist, is reprehensible. I do not intend to imply that these men should be carrying identification cards or report as parolees. But I should like to see another figure in that report. Of those 18,253 men I should like to see a figure indicating that approximately so many returned to their previous occupations, so many obtained jobs with the assistance and guidance of the Veterans' Administration, and so many more did not wish to avail themselves of the services established for them.

Mr. President, it is vital to know how many mentally healthy persons live in America. If conditions arise whereby men are discharged and we do not know their condition, we are sabotaging our own security.

It will be apparent from the figures I have given that the Veterans' Administration is already fully familiar with the returning servicemen. It is cognizant of all the difficulties incident to discharge from the armed services of prior wars.

Mr. President, I have an outline of the activities on behalf of veterans of previous wars, which I ask unanimous consent to have printed in the RECORD at this point.

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

ADMINISTRATION OF ACTIVITIES AFFECTING RETURNING WORLD WAR NO. 2 VETERANS

Ninety-three facilities (84,388 beds of all types with program for additional beds).

Fifty-two regional offices. (Veterans' Administration Bulletin No. 1-J, January 30, 1943, attached.)

Administers all veterans' benefits: National service life insurance and United States Government (converted) life insurance; protection of commercial insurance policies under Soldiers and Sailors Civil Relief Act of 1940, as amended; pensions and compensation for disability or death; hospitalization and domiciliary care, prosthetic appliances, and out-patient treatment; vocational rehabilitation of service-connected disabled World War No. 2 (Public Law 16, 78th Cong., March 24, 1943, copy attached).

Emergency officers retirement pay, World War No. 1, and pays reserve officers retired pay; guardianship and supervision, in cooperation with State courts, over payments of any benefits made on account of insane or minor beneficiaries; burial allowances.

It also has under its jurisdiction other departments and agencies:

1. Reemployment of discharged veterans: Reemployment Division, Selective Service System; War Manpower Commission (see Reemployment Bulletin No. 1, September 29, 1943, copy attached).

2. Veterans Placement Service and United States Employment Service, War Manpower Commission (includes civilians).

3. Civil Service Commission, veterans' preference.

4. Federal Security Agency: Job training, rehabilitation, non-service-connected disability (State plans), includes civilians. (Public Law 113, 78th Cong., July 6, 1943, copy attached.)

5. Old-age and survivors' insurance: Federal Security Agency.

6. Unemployment insurance: Federal Security Agency.

Mr. WILEY. Mr. President, obviously, the Veterans' Administration should be designated to administer all veterans' affairs. It is for that reason that on November 29 I suggested to the Senate that it be the task of the Veterans' Administration to establish a division to assist in the reemployment of our veterans under two main points.

Mr. President, I ask unanimous consent to have the two points printed in the RECORD as a part of my remarks.

Without objection, the matter referred to was ordered to be printed in the RECORD, as follows:

1. Before his discharge from the service prior to or after the armistice, each veteran is to submit his qualifications and desires for future employment. His questionnaire is to contain a complete dossier of his pre-service and his service record. It is important that this be done while he is still under military jurisdiction and discipline.

(I would stress here again the importance of having each man's desires as to employment and locality of employment established. We cannot turn these young men onto the streets without some concrete objective for their future. Demobilization pay is important only if there is a definite plan: Where they are going; what they are going to do. That plan should be executed immediately upon their discharge. If we do not, they will pile up in every large city and community of the country—again the beginning of the bread line.)

2. Acting upon information contained in the questionnaire, an employment expert of the Veterans' Administration will personally consult with each of the veterans about to be discharged. Through the facilities of other organizations—American Legion, Veterans of Foreign Wars, Red Cross, State and Government Employment Services, the United States Employment Service, etc.—this operative will have at his disposal recorded lists of jobs and of qualifications for employment therein. After discussion with the veteran, through his experience and training, he will be in a position to determine the man's qualifications for the job best suited for him. He will know the locality to which the young man wishes to return, and why. He will not act arbitrarily, but will attempt to guide the veteran through the confusion of this readjustment—return him to the section of the country which he desires, with a definite appointment for trial to the job he wants.

Mr. WILEY. Mr. President, again I strongly urge the Senate and the Congress as a whole to consider the immediate plight of the returning serviceman. Give him money in his pocket, and a job to look forward to; do not turn him loose on the streets without first offering him all the facilities to obtain reemployment and readjust himself to normal, everyday life. He cannot immediately forget all he has learned in the service.

World War No. 1 should have taught us many lessons, among them, that the returning servicemen, fresh from the grimness of battle and death, must not be expected immediately to adjust themselves to the normal, quiet channels of everyday life. They have lived each day for the moment; and those periods when they touched upon civilian life while on leave, were days that were carefree and happy, days when they were not held under disciplinary restraint, and when the dollar in their pockets was for only the moment's pleasure. Such responsibility as they did assume was taken from them and automatically transferred to the government of their commanding officers.

Mr. President, the outline contained in my bill is not a plan for the future. It is a plan for the immediate now, and I trust the bill will receive the immediate consideration of whatever committee takes charge of it. Failure to do this job will mean the stabbing of America in the back.

The plan is a plan for this very hour. At this very hour, within the boundaries of our country, a hundred men, or 200 men, or 300 men, are doffing the uniform they have worn for months, or years. It may startle Senators to learn that at this very moment there are over 500,000 discharged servicemen back in civilian life, with little if any aid coming from us in their readjustment.

I repeat the figures I gave yesterday. In Cleveland, Ohio, 130,000 men were taken into the service. There have already returned to that one city alone over 7,000 men; and men discharged from the services are pouring back at the rate of 35 or 40 a day into that one city. Think of what the figure amounts to in the whole country. These men have gone through the stress and hell of war, and we are sending them back into the stream of life as though they were normal and ready to take what you and I are taking every day.

Mr. President, if we fail now we may at some time in the not too distant future be cursed for our failure.

There have been these thousands of men discharged. There will be thousands more discharged before Christmas, and men will continue to be discharged, according to the record presented on the floor by the majority leader, at the rate of from 70,000 to 80,000 a month. That includes those who are injured physically, those who are injured mentally, those who have both kinds of injury. We are making provision for their physical rehabilitation. But I say we must not delay a day, we should not delay an hour, in taking appropriate action so that these boys, these heroes who are giving their all, may have a little of the paternalism, a little of the paternal handling and consideration, a little of direction and guidance, to which they are justly entitled.

WARTIME METHOD OF VOTING BY THE ARMED FORCES

The Senate resumed consideration of the bill (S. 1285) to amend the act of

September 16, 1942, which provided a method of voting in time of war by members of the land and naval forces absent from the place of their residence, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from Illinois [Mr. Lucas] to the amendment, as modified, of the Senator from Ohio [Mr. Taft].

Mr. GILLETTE. Mr. President, I wish to speak not more than 10 minutes on the amendment of the Senator from Ohio [Mr. Taft], and from a little different angle than that from which it has previously been discussed. The amendment, of course, would amend the measure before the Senate, but as a matter of actual fact it would also amend the Federal Corrupt Practices Act. The amendment definitely discloses its purpose by its opening sentence, which reads:

SEC. —. The act of August 2, 1939, entitled "An act to prevent pernicious political activities," as amended, is hereby amended by adding thereto the following new sections.

To amend the Corrupt Practices Act, the so-called Hatch Act.

Mr. President, the amendment offered by the Senator from Ohio and also the substitute proposal offered by the distinguished Senator from Illinois [Mr. Lucas] are subject to the charge that they create a new statutory crime, a statutory crime in a field which embraces the most cherished right of the American people. That being the case, it follows as night follows day that all the elements of the crime, if there is ever to be a conviction, must be proved, and proved beyond a reasonable doubt.

I do not know whether the distinguished Senator from Ohio ever had the misfortune to serve as a prosecuting attorney, but I should like to ask a few questions in analyzing this proposal.

What are the elements which will constitute this new crime and which must be proven if a conviction under it shall ever be secured? I venture the assertion that it will be an absolute impossibility to secure a conviction under it.

What is the first factor? That it shall be unlawful for any officer or person employed in the executive branch of the Federal Government, or any agency or department thereof, to do certain things.

At this point I call attention to the fact that the type of literature which is sought to be controlled could be disseminated by the senatorial committees of this body on either side, and by similar committees on the House side, and not be brought within the purview of this measure. The political committees which are set up in the legislative branch or in other branches could send out such literature and not be brought within the purview of the proposed amendment if it became law. That is the first factor.

What is the next factor? That the type of literature in question must be delivered or caused to be delivered. That

is a factor in the crime that must be proved.

Delivered where?

To persons—

Not one person. It must be delivered to more than one person.

Where must it be delivered?—

in the armed forces of the United States.

Where? In Africa? Yes. In India? Yes. In Alabama? Yes. In Iowa? Yes. It is an attempt to throw around the men in the armed forces of the United States a safeguard which would not be thrown around citizens outside the armed forces. That is a factor.

What is the next factor? That it must be—

Literature paid for in whole or in part with Government funds, or sponsored by the Government or any officer, agency, or department thereof, including the Army and Navy.

That is the next factor which must be proved.

What is the next factor? That it is such matter—

containing political argument or political propaganda of any kind.

What constitutes political propaganda? The reference is to political propaganda, not partisan propaganda. Any prosecutor assigned to prosecute under such an act would be faced with proving that the matter was political propaganda and political argument.

What is the next factor? That it is—

designed or calculated to affect the result of any election for President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives.

Mr. President, I will ask any prosecutor how he would prove that. Here I will interpolate several questions: Where would a prosecutor prove it? Where would the venue of the crime be? When would the crime be completed? It would have to be completed by delivery in New Delhi, for instance. It could not be completed until there was delivery to the persons there. Where would the venue of the crime be? How would it be possible to prove all those elements of the crime in order to secure a conviction, and where would they be proved? Where would be the jurisdiction of the venue of the crime?

What is another factor? It is whether the new commission which is to be created shall exercise a judicial function superseding the amendment of the act to which it applies—not the pending measure—but the so-called Hatch Act. It is left to the commission to determine whether an act violates this section or does not violate it. That is a judicial act. Does any person, does any lawyer in the United States Senate or elsewhere, think that such a decision, made by a commission, would not be evidential matter which would prevent a conviction under the Corrupt Practices Act, the Hatch Act, from which I shall read:

It shall be unlawful for any person employed in any administrative position by the

United States, or by any department, * * * or agency thereof, * * * to use his official authority for the purpose of interfering with, or affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, Delegates or Commissioners from the Territories and insular possessions.

I ask this question in all candor: Is there any lawyer who thinks that such a decision by a commission could not be presented in evidence, if the pending amendment became a part of the law, and thus preclude a conviction under the present act?

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

Mr. GILLETTE. Certainly.

Mr. TAFT. Of course no lawyer thinks so. That is the very purpose of the amendment—to preclude a conviction under the act if the commission finds it is not political. That is why the section is there.

Mr. GILLETTE. I am heartily in agreement with the distinguished senior Senator from Ohio as to the purpose of the amendment; but the Senator is seeking to amend a law of the United States, a law which denominates and defines a crime, and fixes a penalty for it. In so doing the Senator would create an additional crime, with additional factors which would be impossible of proof in any venue in the country in time to be of any value in a campaign, even if the purpose the Senator fears—and I fear with him—or abuses which might be developed, existed.

Mr. TAFT rose.

Mr. GILLETTE. I ask the Senator to permit me to conclude my remarks on this point. This brings up another question. A fine of \$1,000 would be imposed. Mr. President, I had the dubious privilege of serving as chairman of a committee of this body to investigate campaign expenditures in the 1940 Presidential campaign. I had occasion to know the practices which were indulged in by members of both parties, by the organizations of both parties. I know there were many millions of dollars spent on both sides. If members of the political parties wish to abuse that situation, what would be the effect of a prospective fine of \$1,000, dependent upon a conviction secured on the basis of a multiplicity of factors, a conviction which could not be secured until long after the election was over?

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

Mr. GILLETTE. Certainly.

Mr. TAFT. Of course, the argument the Senator is making regarding the difficulty of proving a crime could be made against half the criminal statutes on the statute books. Certainly it could be made against the Hatch Act. The Hatch Act provides:

No officer or employee of any State or local agency whose principal employment is in connection with any activity which is financed in whole or in part by loans or grants

made by the United States or by any Federal agency—

That must be proved, and that is a very doubtful question—

shall (1) use his official authority or influence for the purpose of interfering with an election—

What is his official authority or influence? That would have to be proved. The provision of the Hatch Act continues—

for the purpose of interfering with an election or a nomination for office, or affecting the result thereof, or (2) directly or indirectly coerce, attempt to coerce, command, or advise any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

In other words, every objection the Senator is making against the amendment could be made at least as strongly, if not more strongly, against the Hatch Act. I cannot understand the strength of the Senator's objection.

Mr. GILLETTE. Mr. President, I will endeavor to explain it as best I can. It is true, as the Senator has said, that those elements of the crime that is defined under the Hatch Act would have to be proven before a conviction could be secured, by proving the integral elements which make up the crime. But the Senator is seeking to amend that act by his amendment.

Mr. TAFT. Mr. President, if the Senator will yield, let me say I do not see what the amendment of the Hatch Act has to do with the matter. These sections of the Hatch Act have exactly the same effect as if they were a separate act. They in no way are affected by any other provision of the Hatch Act, and they in no way qualify any other provision in the Hatch Act.

Mr. GILLETTE. Yes; but the Senator will realize that if his amendment is agreed to it would be a part of the Hatch Act, and that the Hatch Act—

Mr. TAFT. The amendment is similar to the Hatch Act, but the penalties of the Hatch Act would not apply to it. The amendment provides its own penalties, which would apply to two different sections.

Mr. GILLETTE. Certainly.

Mr. TAFT. The penalties of the Hatch Act apply only to section 8 of the Hatch Act, not to sections 22 and 23. I cannot understand the Senator's point about amending the Hatch Act.

Mr. GILLETTE. The amendment would amend the Hatch Act by setting up a new and distinct crime.

Mr. TAFT. Exactly.

Mr. GILLETTE. That is the position the Senator takes.

Mr. TAFT. And it is no different than if I had proposed to add these sections to the law, and had forgotten the Hatch Act. The legal effect would be exactly the same.

Mr. GILLETTE. Mr. President, if the Senator will permit me to continue, let me say that, while it is true that under the present Hatch Act, in order to

secure a conviction thereunder, it would be necessary for a prosecuting officer to prove all the factors making up the crime, if there were an attempt to secure a conviction under the pending bill, as amended, if and when it is amended, and if and when enacted, it would be necessary to prove the additional factors I have listed, and which are not component parts of the crime as defined in the statute as it now exists. It is a new crime, with new factors which do not now exist.

Mr. TAFT. It is an entirely different crime from the crime set out in the Hatch Act. It does not modify the Hatch Act. It is not modified by the Hatch Act. All reference to the Hatch Act could be omitted from my amendment, and it would have no different effect. I cannot understand the Senator's objection to the amendment on that ground.

Mr. GILLETTE. Mr. President, I do not wish to take the time of the Senate longer, except to say this: The amendment would create a new crime in a cherished field of American citizenship rights, namely, the right of freedom of expression. It would introduce certain factors to make up that crime. Every one of those factors would have to be proved in order to secure a conviction. It would create a crime with no venue.

There is another point which I did not mention in that connection. How many crimes would be committed? If 1,000,000 pamphlets or magazines were distributed, would that constitute 1 crime, or many crimes? Would each and every piece of literature distributed constitute a separate crime? It would be only 1 crime, and a person could not be put in jeopardy more than once for the same crime.

The Senator asks how the amendment would affect the existing law. It is an additional provision. It would be a new law clothing a new commission with judicial authority to make certain decisions, and those decisions could be used as evidence in connection with prosecutions for the crime already defined in the Hatch Act. As one who had a short and very unpleasant experience as prosecuting attorney, let me say that, in my humble opinion, the amendment would absolutely preclude securing a conviction before any jury that could be impaneled.

Mr. TAFT. Of course, that is the purpose of the provision. If two Democrats and a Republican should find that certain material is not political propaganda, my amendment would preclude the conviction of anyone for distributing it, as against a prosecutor who might claim that it was political propaganda. That is the very purpose of the provision.

Mr. GILLETTE. Then it is an unfortunate purpose, because the decision of a nonjudicial body would be the determining factor in a prosecution for a crime now defined on the statute books. No commission should be clothed with such authority.

Mr. President, I do not wish to consume further time of the Senate. I am convinced that however laudable the purpose—and I know it is laudable and sincere—not only would the amendment be unworkable and ineffectual, but it would be dangerous. It is an attempt to protect the armed forces from the great mass of campaign literature to which the civilian in this country is subjected. It is not limited in its application to those outside the United States. It would be a crime to make certain documents available to any citizen of the United States.

Mr. TAFT. That sounds like a proper criticism. The justification is that, as to at least 5,000,000 men, all means of communication are in the hands of the United States Government, and the Government may permit access to such means of communication, or it may not, as it sees fit. All my amendment would do would be to set up a flag, and to say, "The Congress expects the Government, in getting this information to the soldiers, to be fair as between political parties." That is the purpose, and the only purpose. If no one were ever convicted, that would not bother me, because I am satisfied that if Congress says what the law is, practically every department in the Government will comply with the law. But if we leave the law open, and if a captain can say to a soldier, "There is nothing illegal in your conducting a political campaign in the Army," or if a commanding officer in a section can tell the editor of a magazine, "Be very careful not to attack the President in this election campaign, but always support him," and if there were nothing illegal in doing so, that situation might easily arise in the Army or Navy, or any other department of the Government. Men are naturally partisan; and if Congress refuses to say that such activity is illegal, it seems to me they would have a perfect right to engage in it. I think many of them would.

Mr. GILLETTE. Mr. President, in closing let me say that I am entirely in sympathy with what the eminent Senator is trying to do. As I have endeavored to outline the situation, it seems to me that the amendment would be ineffectual, destructive, and unworkable. It might be dangerous, and might prevent conviction for a crime defined in the present act.

Before I take my seat, let me say that I feel that I have not wasted my time when the Senator from Ohio admits that one of the arguments which I have presented has some appearance of validity.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS] in the nature of a substitute for the amendment of the Senator from Ohio [Mr. TAFT].

Mr. CHAVEZ obtained the floor.

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

Mr. CHAVEZ. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	Reed
Andrews	Guffey	Revercomb
Austin	Hatch	Reynolds
Bankhead	Hawkes	Robertson
Barkley	Hayden	Russell
Bilbo	Hill	Scrugham
Bone	Holman	Shipstead
Brewster	Johnson, Calif.	Smith
Bridges	Johnson, Colo.	Stewart
Brooks	Kilgore	Taft
Buck	Langer	Thomas, Idaho
Burton	Lodge	Thomas, Utah
Butler	Lucas	Tobey
Byrd	McCarran	Truman
Capper	McClellan	Tunnell
Caraway	McFarland	Tydings
Chandler	McKellar	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Idaho	Maybank	Wagner
Clark, Mo.	Mead	Wallgren
Danaher	Millikin	Walsh, Mass.
Davis	Moore	Wheeler
Eastland	Nye	Wherry
Ellender	O'Daniel	White
Ferguson	O'Mahoney	Wiley
George	Overton	Willis
Gerry	Pepper	Wilson
Gillette	Radcliffe	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

ADVANCEMENT IN GRADE OF AMERICAN PRISONERS OF WAR

Mr. CHAVEZ. Mr. President, on September 24, 1943, I introduced Senate bill 1374. It has for its purpose the promotion of certain American prisoners of war in the custody of the Japanese. This bill is short, containing one and one-half pages, and I ask that it be printed in the RECORD at this point as a part of my remarks.

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

Be it enacted, etc., That effective December 8, 1942, each officer of the Army, Navy (including the Coast Guard), or Marine Corps below the grade of colonel or corresponding grade in the other services, and each warrant officer and enlisted man below the grade of master sergeant or corresponding grade in the other services, who was serving in the Philippine Islands or on Wake or Guam on December 8, 1941, and who is now a prisoner of war, shall be advanced one grade from the grade he held on that date; and similar promotions shall be made December 8, 1943, and December 8 in each year thereafter in the case of each person below the grades above specified on such dates, respectively: *Provided,* That nothing in this act shall be construed to reduce the grade or pay of any person promoted between December 8, 1941, and the date of his capture.

Sec. 2. Each of the persons specified in section 1 who, by reason of the character of his service, such as aviation personnel, persons serving on submarine duty, and the like, received special pay, shall continue to receive such pay during the time he is a prisoner of war notwithstanding the fact that by reason of his status he is unable to engage in the service qualifying him for such additional pay.

Mr. CHAVEZ. Mr. President, in bringing about the enactment of laws, committee work is extremely essential, and legislation desired to be enacted is generally referred to a committee of the Senate which has jurisdiction over the

particular class of legislation which is being proposed. Senate bill 1374 was referred to the Committee on Military Affairs. In the practical way of handling legislation, and notwithstanding that the particular committee which has jurisdiction over a proposed bill is supreme, and that neither the Congress, nor either body of it must necessarily consult the various departments of the Government with reference to the legislation being proposed, nevertheless, it is the practice of the standing committees of both Houses to submit bills referred to them to the various Government departments with which the proposed legislation would have to do.

Senate bill 1374 was therefore referred by the Committee on Military Affairs to the War Department and to the Navy Department, the two departments affected by the proposed bill. As I have said, the bill would permit the promotion of certain officers and personnel of the Army who were captured by the Japanese at Guam, Wake Island, and the Philippine Islands.

A most sympathetic response to the bill was received from various parts of the country, especially from the relatives of the boys who had been made prisoners by the Japanese. Not only the committee but myself as the sponsor of the bill have received many letters in its support. I have a list of those letters with me, and as I state the names and addresses of those who submitted the letters, I ask consent that their messages be inserted in the RECORD after the name is mentioned.

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

Mr. CHAVEZ. Mr. President, this proposed legislation affects officers and soldiers all over the United States. It happens that I was particularly interested because the entire National Guard of New Mexico, which was designated as the Two Hundredth Coast Artillery Anti-aircraft, was in the Philippines. More than 2,000 boys from New Mexico were there, and so were officers and soldiers from every other State of the Union.

In order to show the response of those interested in the bill I have asked permission to insert the letters to which I have referred. One of them came from Dr. Arthur Schramm, of Los Angeles, Calif.

(The letter from Dr. Schramm is as follows:)

LOS ANGELES, CALIF., November 15, 1943.

Senator DENNIS CHAVEZ,
Washington, D. C.

DEAR SENATOR: Delighted to hear about S. 1374. Will you please send me a copy of the bill?

I have a son in prison camp in the Philippine Islands.

Hope the bill will be coming up soon and that it will be passed.

Sincerely,

Dr. A. SCHRAMM.

Mr. CHAVEZ. Another letter came from Mrs. Abran Sena, of Santa Fe, N. Mex., the mother of a private who is a prisoner of the Japanese.

(The letter from Mrs. Sena is as follows:)

SANTA FE, N. MEX., November 9, 1943.

HON. DENNIS CHAVEZ,
Senate Building, Washington, D. C.

DEAR SENATOR: As a mother of a prisoner of war interned at Fukuoka Prison Camp, island of Honshu, Japan, I wish to express my deepest gratitude for your farsightedness in the introduction of Senate bill No. 1374.

I feel that you have at heart and fully well know the anxiety and mental torture that we mothers suffered throughout that trying ordeal, the fall of Bataan and surrender of Corregidor. Your action merits the highest of gratitude.

My son is Pvt. Louis Sena, who was with the Two Hundredth.

Very truly yours,

Mrs. ABRAN SENA.

Mr. CHAVEZ. I have another one, from Mrs. Vida R. George, of San Antonio, Tex.

(The letter from Mrs. George is as follows:)

NOVEMBER 10, 1943.

DEAR SIR: This is in commendation of bill No. 1374, whereby we remember those who, once active, are inactive, not by choice, in our armed forces.

Yours sincerely,

VIDA R. GEORGE.

Mr. CHAVEZ. I have a letter from R. N. Dosh, of Ocala, Fla., the father of Captain—or Major—Dosh, a West Point graduate of the class of 1938.

(Mr. Dosh's letter is as follows:)

THE OCALA STAR-BANNER,
Ocala, Fla., November 7, 1943.

Senator DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.

DEAR SENATOR: Will you be kind enough to have your secretary mail me a copy of Senate bill 1374, which, I understand, is sponsored by you, and has for its purpose the promotion of the American officers who served in the Philippines during the early days of the war. My son, Capt. (or Maj.) Louis N. Dosh, who graduated from the West Point Military Academy with the class of 1938 (and one of the principals in the West Point wedding in Life of that year), served with the Fifty-seventh Filipino Scouts on Bataan and is a prisoner of the Japanese.

It might be of interest to recall to your memory the evening you spent in Ocala as a guest of the Florida Canal Authority, and the dinner party held at Hotel Marion, with some 17 Senators and all members of the State cabinet present. As I remember it, you made one of the wittiest speeches of that occasion. I think I told you so at the time. My son, then a second lieutenant, was present on that occasion and sat with me next to the late Senator Lundeen.

As most all the classmates of the men who served on Bataan have been advanced in rank, although many of them have not been out of the country, you are to be commended for your efforts to do tardy justice to the boys who made new military history in their heroic defense of the Philippines.

With warmest personal regards, I beg to remain

Sincerely yours,

R. N. DOSH.

P. S.—In case you care to do so, you might mention my having written you in connection with Senate bill 1374 to Senators ANDREWS and PEPPER, both of whom are my personal friends.

Mr. CHAVEZ. We have another letter from the Mothers' Club of Deming, N. Mex., a city that furnished two of the

troops that were in the Philippines at the time of the surrender.

(The letter from the Mothers' Club is as follows:)

MOTHERS' CLUB,
Deming, N. Mex., October 28, 1943.
HON. DENNIS CHAVEZ.

DEAR SIR: We will appreciate it so much as individuals, also as a club, if you will support bill No. 1374 which provides (as you, of course, know) for promotion of our boys, who are now prisoners of war.

We believe this would help their morale as well as help them financially.

It does seem like everything possible should be done for our boys who gave so much for us and for their country.

Yours truly,

Mrs. W. B. LINDSAY,
Secretary.

Mr. CHAVEZ. Then, we hear from Mrs. Gracious Galbraith, the wife of a naval officer of the 1929 class at Annapolis.

(The letter from Mrs. Galbraith is as follows:)

KNOXVILLE, TENN., October 27, 1943.
HON. DENNIS CHAVEZ,
United States Senate,
Washington, D. C.

DEAR SENATOR CHAVEZ: Thank you so much for your nice letter of October 13 in reply to my telegram, and also for bringing up, at the preliminary hearing with the Committee on Military Affairs on Friday, October 15, the matter of including in your bill S. 1374, officers and men surviving naval vessel sinkings, such as the late cruiser *Houston*, who are now in Japanese prison camps or missing.

I wish to bring to your attention the fact that the present naval regulations apparently do not consider such prisoners of war or the missing for promotions when their classmates are considered.

Yesterday, a letter from Navy friends tells me that some of my husband's best friends and classmates (class 1929 Annapolis) have been made full commanders and even some in the class of 1930 are full commanders. This both surprises and, I admit, hurts me and his family, as it must all the families in our unfortunate predicament. These same friends were promoted to lieutenant commander along with my husband. Therefore, his time for consideration should also have normally come up.

I do not grudge in any way promotion to these men. On the contrary, they deserve it by virtue of long naval training and good work. It is simply that I do not see why my husband or any of his co-sufferers in prison, who put their country before their wives and children, should now be quietly passed—forgotten, if you like—when their turns would normally have come.

Further, I have been informed that West Point graduate officers, regardless of their status, are automatically promoted. If this is so, why this uneven situation?

My one consolation through 3 years of continuous separation (this will be the fourth Christmas and, as you know, not the last even if I am lucky enough to have my husband returned eventually); through the anguish of uncertainty endured for 1 year and 3 months following the message "missing in action"; through the consequent impairment of my good health to the extent that I had to give up a writing job on a paper; through the receipt of a solitary letter only this August, the entire 100 words of which are taken up with concern over the future, my allotment, retirement plans, indicating a troubled mind while in prison; through all these things, my one consolation was simply this: We were sacrificing, I told myself, for

something bigger than us and our personal happiness, our health and finances. It was for something fine, traditional, our grand Navy and country which he served faithfully.

Now—this country which stood first in his life, duty, and loyalty, fails to consider him, not for a reward, medal, or ribbons, but simply for an earned promotion.

Does it not amount to a punishment for being a prisoner of war or missing in their country's behalf? And they, as a friend with no one in this war, put it, "held the line when it was so thin and only went down to defeat because of the great odds against them."

Surely, this regulation must be due to lack of precedent set by a similar situation. Whatever it is due to, it is a wrong which needs righting, and we thank you for bringing the matter up.

Very respectfully yours,

GRACIOUS GALBRAITH,
(Mrs. W. J. Galbraith.)

P. S.—You mentioned receiving "both of your telegrams." I sent only one, and assume the other was from another Galbraith family. We understand there is another Galbraith naval man among the prisoners, and his home is in Seattle, I believe.

Mr. CHAVEZ. The bill is supported by the American Legion national legislative committee in Washington, as evidenced by their letter.

(The letter from the American Legion national legislative committee is as follows:)

THE AMERICAN LEGION,
NATIONAL LEGISLATIVE COMMITTEE,
Washington, D. C., October 28, 1943.
HON. DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR CHAVEZ: The national legislative committee of the American Legion is interested in your bill S. 1374 to provide for promotion of certain American prisoners of war.

We do not have a specific resolution on this subject but we do have a broad covering resolution from one of our national conventions and I, as executive director of the national legislative committee, could support your bill.

If there is anything the national legislative committee can do to further the progress of this bill, I shall appreciate it if you will advise me.

Sincerely yours,

FRANCIS M. SULLIVAN,
Executive Director.

Mr. CHAVEZ. Mrs. Beth King, secretary-treasurer of the Two Hundredth Club of Artesia, N. Mex., which furnished many a boy to the forces in the Philippines wrote a letter.

(The letter from Mrs. King is as follows:)

ARTESIA, N. MEX., October 25, 1943.
HON. DENNIS CHAVEZ,
Senator, United States Senate,
Washington, D. C.

DEAR SIR: We greatly appreciate the information furnished our club by you in regard to our soldiers who served with the Two Hundredth Coast Artillery Division in the Philippine Islands and who are now interned in the different countries occupied by Japan. We will greatly appreciate any information you may have in regard to our prisoners of war in Japanese prison camps.

Again, thanking you for your efforts, we are
Yours very truly,

THE TWO HUNDRETH CLUB,
BETH KING, Secretary-Treasurer.

Mr. CHAVEZ. Then I have a letter from Mrs. Dow G. Bond, of Taos, N. Mex. Mrs. Bond is the mother of a war prisoner.

(Mrs. Bond's letter is as follows:)

TAOS, N. MEX., October 28, 1943.
Senator DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.

HONORABLE SIR: It is so considerate of you to introduce bill No. 1374, which provides for the promotion of all members of the armed forces who were serving in the Philippines, Guam, or Wake on December 8, 1941.

The B. R. O., Veterans of Foreign Wars, and its auxiliary are all behind you.

Thanking you for your efforts in behalf of our boys of the Two Hundredth and Five Hundred and Fifteenth Coast Artillery.

Very truly yours,

Mrs. Dow G. Bond.

Mr. CHAVEZ. A letter from Mr. F. L. Anders, who resides at Ennis, Mont., and is the father of Capt. Franklin Albert Anders, of the same city. That letter was addressed to the Senator from North Dakota [Mr. LANGER].

Representative WIRT COURTNEY, of the Seventh District of Tennessee, writes in support of the measure.

(Representative COURTNEY's letter is as follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., October 26, 1943.
HON. DENNIS CHAVEZ,
United States Senator, Senate
Office Building, Washington, D. C.

MY DEAR SENATOR: Thank you for your letter of October 25 concerning your S. 1374.

I plan to introduce the companion bill in the House, with the additions you have suggested.

With kindest regards.

Very sincerely yours,

WIRT COURTNEY,
Member of Congress.

Mr. CHAVEZ. Mrs. R. H. Vesey, one of the wives who were evacuated in 1941 from the Philippines, who left her officer husband in the Philippine Islands to be the victim of Japanese superiority in materials and supplies, writes a letter.

(Mrs. Vesey's letter is as follows:)

LOS ANGELES, CALIF., October 21, 1943.
Mr. CHAVEZ,
United States Senator from New Mexico,
Capitol Building, Washington, D. C.

DEAR SENATOR: In a recent issue of the Army and Navy Register, I noticed that you had introduced a bill (S. 1374) to advance in grade certain officers, warrant officers, and enlisted men who were serving in the Philippines or on Wake Island or Guam on December 8, 1941, and who are now prisoners of war. This is, of course, as it should be, since these men were the first to begin the fighting in this war and will be the very last to see the end of it. They are constantly in the minds and hearts of us who have our men there.

I was one of those wives evacuated from the Philippines in the spring of 1941, and a great percentage of my friends of recent years are still there.

Most of us who have our men there have been piecing together bits of news that we have garnered from many sources and we know that most of those who are listed as missing in action since the fall of Corregidor are still alive and most of them are still fighting. I am enclosing one of those pieces

of information, although this is not particularly specific.

Perhaps these men are included in your bill; but from what I gathered in the Register, it does not seem so. There may be some technical reason why they could not be included in the bill. I am extremely interested to know about this. Would you be so kind as to let me know?

Very sincerely yours,

(Mrs. R. H.) EFFIE B. VESEY.

Mr. CHAVEZ. Dr. and Mrs. Byron B. Thorpe, and Mrs. J. D. Thorpe, wife of Lt. Joseph D. Thorpe, of Artesi, N. Mex., write a letter in support of the bill.

(The letter referred to is as follows:)

ARTESIA, N. MEX., October 21, 1943.

HON. DENNIS CHAVEZ,

c/o Senate Office Building,

Washington, D. C.

DEAR SENATOR: We wish you to know we are with you in behalf of your Senate bill, No. 1374, 100 percent, introduced by you September 24, 1943. We have a son and husband in Philippine Islands, First Lt. Joseph D. Thorpe.

Very truly yours,

Dr. and Mrs. BYRON B. THORPE.

Mrs. J. D. THORPE.

Mr. CHAVEZ. Mrs. Mary E. Schuster of Elsmere, Del.—and I am sure my good friend the Senator from Delaware [Mr. TUNNELL] knows where Elsmere is, and probably knows the family—writes a letter. Mrs. Schuster has a son who is a war prisoner.

(Mrs. Schuster's letter is as follows:)

SEPTEMBER 27, 1943.

DEAR SIR: I seen in the paper Sunday where you was going to introduce a bill to sought promotions for our captives in the Philippines and thank God someone thinks of our prisoners. I have a son, Wesley W. Wilson, signalman first class, U. S. N. He has been in the Navy since he was 19. Will be going on 11 years this November and I have not seen him for 6 years. He was in China and in the Philippines and waiting to come home when this war came and, you see, he would stay the same rank. But if your bill passes it would raise him, so I hope your bill will pass, and I thank you for thinking of our men. I know everyone that has anyone prisoners will think the way I think and I will not forget you in my prayers. I just want you to know I think you are a very nice man to think of our boys.

Thanking you again,

MRS. MARY E. SCHUSTER,

Elsmere, Del.

Mr. CHAVEZ. Mrs. Sarah Perry Harrell, of Albuquerque, writes a letter.

(Mrs. Harrell's letter is as follows:)

ALBUQUERQUE, N. MEX.,

September 26, 1943.

DEAR SENATOR CHAVEZ: What a wonderful suggestion you have given the United States Army. How like you to think of such a fine thing for those brave young men who have been held prisoners of war so long. Most of the 200 C. A. were stationed at Camp Bowie at Brownwood, Tex. I was there at the time they left. They were moved out by train, leaving at 4 o'clock in the morning. My daughter, Phyllis, and I bought several cases of candy bars, chewing gum, cigarettes, and took to the train and personally distributed them. Almost to a man, that group came from New Mexico. They were attacked immediately upon landing. We never heard from them after our good-bye at the train. We hope your bill will go through quickly. You will live in the hearts of your countrymen always for this step. Perhaps you may remember my daughter and I had a lovely

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tea room in the Sena Plaza years ago. We have been warm friends of Dave and Genevieve for many years, and it was due to their friendship we were in Santa Fe. I recall with much pleasure the fried chicken dinners you and your family had with us. At present my daughter is in defense work at Kirkland Field here. We are stopping in a friend's home only temporarily until I can find an apartment, so I am having our mail sent to a box at the post office (875). I saw the enclosed notice in the Journal and felt that I wanted to thank you personally for your effort in behalf of those young soldiers who deserve much, and are receiving so little. You are giving them new hope and much solace. I only wish it might have been done sooner. Nothing during the whole war has hurt me as deeply as the plight of those brave boys. I hope each of them may receive some personal recognition by the Army before it is too late—so many of them are dying.

With sincere good wishes,

Mrs. SARAH PERRY HARRELL.

Mr. CHAVEZ. Mrs. C. J. Peters, of Seattle, Wash., the State of the distinguished Senator from Washington [Mr. WALLGREN], who is presiding over the Senate at the moment, writes a letter.

(The letter of Mrs. Peters is as follows:)

SEATTLE, WASH., September 27, 1943.

HON. DENNIS CHAVEZ,

Senate Office Building,

Washington, D. C.

DEAR SENATOR CHAVEZ: It was with a great deal of interest that I read in the Seattle Times of your bill recently introduced, proposing the advancement of rank for our war prisoners.

My brother, and the husbands and sons of many of my friends, are prisoners of war in the Philippines, having been in the islands since November 1940, and we all want you to know of our appreciation of your efforts in their behalf.

The purpose of your bill has been one of the foremost wishes expressed by many as one of the few ways to repay our men for their sacrifices, and we sincerely trust it will receive majority consideration and prompt passage.

Please accept my sincere appreciation and best wishes for the success of your bill.

Very truly yours,

Mrs. C. J. PETERS,

Care of Consolidated Dairy Products Co.

Mr. CHAVEZ. Mrs. John C. Coleman, of Wellington, Tex., writes in support of the bill.

(Mrs. Coleman's letter is as follows:)

WELLINGTON, TEX., September 26, 1943.

Senator CHAVEZ of New Mexico,

Washington, D. C.

DEAR SENATOR: I have just read that you have introduced a bill for the promotion of men who were serving in the Philippines. I am greatly in favor of this bill. I have a husband who was on Bataan and is now a prisoner of war in Japan. The families of these men think something should be done. It was true that we could not help them on Bataan but you have a chance to help them now in Washington. I hope Washington will not fail them now.

We are really behind you in this move. I think our men in the Philippines knocked a home run even though many of them will never reach the homeland again. I think the promotion should begin from the fall of Bataan or the war.

Thanking you for the help you have been to the many families with loved ones in the Philippines, I am,

Yours truly,

Mrs. JOHN COLEMAN.

Mr. CHAVEZ. The Honorable R. Q. Mills, of Wichita Falls, Tex., who has a son who is a prisoner of the Japanese, also writes in support of the bill.

(The letter of Mr. Mills is as follows:)

STATE OF TEXAS,

HOUSE OF REPRESENTATIVES,

Wichita Falls, Tex., September 27, 1943.

Mr. CHAVEZ,

United States Senator,

Washington, D. C.

DEAR SENATOR CHAVEZ: Just noticed an item in the newspaper about your bill, S. 1374, that has reference to the automatic promotion for the boys that were lost in the Philippines and Wake Island. I just wanted to call your attention to the One Hundred and Thirty-first Field Artillery that was last heard from in Java, May 10, 1942.

I wish that you would include the One Hundred and Thirty-first Field Artillery in your bill mentioned above. I think that your bill is a wonderful bill and hope that you will be successful in getting it enacted into a law. I am,

Yours very truly,

R. Q. MILLS,

State Representative,

One Hundred and Twelfth District.

Mr. CHAVEZ. Mrs. Gladys Peters, of Osseo, Minn., writes in support of the bill.

(The letter of Mrs. Peters is as follows:)

OSSEO, MINN., October 5, 1943.

HON. CHAVEZ,

Washington, D. C.

DEAR SENATOR CHAVEZ: I am writing to tell you how grand I think you are for introducing a bill about the promotion of those poor forgotten souls in Japanese prison camps. I have told many people about it, and you should hear the praises sung about you.

We who love them and find our lives empty without them haven't forgotten, but we sort of felt that everyone else had.

My husband is a doctor in the Regular Army and was on Bataan during the entire campaign. He is now in Philippine prison camp No. 1.

There are so many boys from Minnesota there. I have read that you have over 2,000 from New Mexico.

We have all felt that they, too, deserve promotion in grade for the way they fought. We believe everyone was too busy fighting to think about advancement at that time. They fought and lost, but we, too, believe that they should be promoted as well as their fellow soldiers everywhere else. When this is over and they come back, they will know that they were remembered by the country for which they fought.

Senator, is there anything that I, as an individual, can do to help you or advice I can pass on to hundreds of fellow Philippine evacuees who have had to leave dear ones there? We are all so willing to help in any way if you will advise us.

I want to wish you the best of luck in your work. May God bless you.

Very truly yours,

GLADYS W. PETERS

(Mrs. Joseph F.).

Mr. CHAVEZ. Mr. Carl F. Whittaker, of Albuquerque, N. Mex., who has a son in a prison camp and still suffering from wounds which he received in resisting the Japanese, writes also in support of the bill.

(The letter of Mr. Whittaker is as follows:)

STATE OF NEW MEXICO,
WAR VETERANS INFORMATION BUREAU,
Albuquerque, N. Mex., September 30, 1943.
HON. DENNIS CHAVEZ,
United States Senator,
Washington, D. C.

DEAR SENATOR: Mrs. Whittaker joins me in extending our appreciation for your sincere efforts in behalf of American prisoners now held by the Japanese.

We have received a post card from our son indicating he is under treatment for injuries and is improving.

I think your Senate bill providing for promotions is a step in the right direction toward recognition of the splendid service rendered and the extreme hardships endured by these Americans.

The thought occurred to me that you might acquire more House and Senate support for this bill were it to apply to all prisoners of war.

Very truly yours,

CARL F. WHITTAKER.

Mr. CHAVEZ. Mrs. Robert D. Montgomery, whose husband, Lieutenant Montgomery, was captured at Corregidor, also writes a letter. She resides at Milton, Pa.

(Mrs. Montgomery's letter is as follows:)

MILTON, PA., September 27, 1943.

Senator DENNIS CHAVEZ,
Washington, D. C.

DEAR SENATOR CHAVEZ: I read with much interest the notice in the paper yesterday about the bill you have introduced to Congress under which men who are captives of the Japanese would be promoted. I commend you for this fine step and want you to know that I hope your bill will pass.

My husband was sent to the Philippine Islands in October 1941 as a first lieutenant and was captured on Corregidor in May 1942, and no promotion had gone through for him, even though war had begun and he had fought bravely, even being wounded and receiving the Purple Heart. Naturally, I would certainly like to have him receive a promotion, one that I feel he deserved before being captured—so I trust your bill will pass. I feel it would greatly improve the mental state of the prisoners of war out there to know they had been promoted, for their spirits are low enough. Those fine, brave men deserve this promotion as much as some men in this country who are receiving annual promotions and who will never see actual overseas service. Don't you agree? I hope so.

Please do all you can for our husbands out there, our dear ones whom we have loaned to Uncle Sam for 2½ years now—we would love to have a future home the same as others. But it will take more than the bonds I can buy to help us when they return.

Thank you for your interest in our heroes of Corregidor.

Sincerely,

Mrs. ROBERT D. MONTGOMERY.

Mr. CHAVEZ. Mr. H. E. Barron, of Hobbs, N. Mex., writes about his son.
(Mr. Barron's letter is as follows:)

HOBBS, N. MEX., September 22, 1943.

Senator DENNIS CHAVEZ.

DEAR SENATOR: I was read'ng in the Bataan Relief Organization Bulletin No. 6, that you were a member of the Senate Appropriations Committee, to have the prisoners of war held by the Japanese promoted with corresponding pay increases according to the average promotions of soldiers in this country and elsewhere in our armed forces.

According to this I think my son, Private Charlie R. Barron, who is captured by the

Japanese, is due a promotion according to the average promotions of soldiers. It breaks my heart to hear my son is still a private and has been in the Army 2½ years, while these soldiers over here are being promoted fast. I think all the soldiers that are captured deserve a promotion. I have noticed that several of those that are captured have been promoted since the war.

Trusting that you will do all that is in your power to do in this matter and thanking you very much, I am,

Your friend,

MR. H. E. BARRON.

Mr. CHAVEZ. Dr. A. A. Brooks, minister of the First Methodist Church of Omaha, Nebr., the father of Capt. Lee C. Brooks, who is a prisoner of the Japanese, writes in support of the bill.

(The letter of Dr. Brooks is as follows:)

FIRST METHODIST CHURCH,
Omaha, Nebr., September 20, 1943.

HON. DENNIS CHAVEZ,
Washington, D. C.

DEAR SENATOR CHAVEZ: In the last bulletin issued by the Bataan Relief Organization I noticed in Dr. Spensley's report that you were going to introduce a bill in the Senate through which authority would be given for the soldiers in the prison camps of Japan to receive promotion in rank the same as those who have been fortunate enough to be either here at home or fighting in some place where odds were not so terrifically against them that there was no other possible thing for them to do than surrender.

I feel very keenly that these splendid men who had the misfortune to be sent to the Philippines when we were so patently unprepared to defend the islands and put up such a brave fight against overwhelming odds of men and equipment should be given the same promotion that would have come to them in the ordinary run of Army life, just the same as the boys here and abroad are receiving promotion.

We have a son, Capt. Lee C. Brooks, now a prisoner of war in Zentsuji prison camp on the island of Shikoku, Japan. He was commanding a battalion of the Thirty-first Infantry, United States Army, on Bataan for some weeks before and at the time of the surrender, and we feel he and others of his comrades who fought so splendidly should receive the same recognition by promotion even though they are enduring God only knows what in the prison camps of Japan.

I have acquaintance with the two United States Senators from Iowa, both of the Senators from Nebraska are close personal friends, and also the two Senators from Colorado.

I shall take it up with them and with our own Congressman and some half dozen other Congressmen who are friends of mine also, just as soon as I may hear from you that it would be helpful.

Thanking you on our own behalf and the behalf of the young men who will be benefited as well as their parents and friends I am,

Sincerely yours,

A. A. BROOKS.

Mr. CHAVEZ. Mrs. Kathryn E. Bailey, of Los Angeles, Calif., writes a letter. Her letter is short, but it tells a story, and I shall read it:

Please support bill 1374 and be ever vigilant in demanding relief be sent our boys in the Philippines; also that supplies be sent MacArthur so that he may fulfill his promise to free our boys.

Mr. President, in view of the letter written by the War Department in re-

sponse to the request of the Military Affairs Committee of the Senate to give their views, let me say that if the suggestions made by this good lady had been followed prior to Pearl Harbor, the War Department would not be dubious of the courage or failure of our boys in the Philippines.

Mr. W. H. Magill, of Fargo, N. Dak., writes to Senator LANGER about Senate bill 1374. His son, William H. Magill, Jr., naturally, could have been one of those the War Department had in mind in doubting their ability to resist.

(The letter of Mr. Magill is as follows:)

W. H. MAGILL SEED CO.,
Fargo, N. Dak., October 16, 1943.

Senator WILLIAM LANGER,
Senate Chambers, Washington, D. C.

DEAR SENATOR LANGER: It has come to my attention that Senator DENNIS CHAVEZ, of New Mexico, introduced Senate bill 1374 on September 24, providing for automatic promotion in rank of certain officers and enlisted men in the armed forces who were taken prisoner by the Japanese in the Philippine Islands and other Pacific islands.

As you know, my son, First Lt. William H. Magill, Jr., was in the Philippines at the time of their capture in April 1942 and has been listed as a prisoner of the Japanese by the War Department. A card from him received about a month ago indicated that he is in Philippine Military Prison Camp No. 2.

At the present time these men who are held prisoners by the Japanese are receiving no promotion in rank and are being discriminated against to this extent. I understand the bill provides for one promotion in rank as of December 1942 and each December thereafter while still being held prisoner. It seems to me eminently fair that these men should receive this consideration and I believe it would meet with the hearty approval of the country as a whole.

I hope you will find it possible to support this bill and make every effort to see that it is acted upon by the Congress in the near future.

Yours very truly,

W. H. MAGILL.

Mr. CHAVEZ. Mr. James Howell, of Clayton, N. Mex., writes in regard to the bill.

(Mr. Howell's letter is as follows:)

CLAYTON, N. MEX.

DEAR SENATOR CHAVEZ: I wish to take a stand with you on your proposal that the boys in the prison camps receive their promotion in rank and file. It seems to me that is the least thing we can do, and I also wish that we could send the Mikado of Japan word that we are holding him personally responsible for the treatment of our boys and that it makes no difference whether he is the rising sun or some other god that off comes his head when this thing is over if he sits and let them boys rot in a prison camp. These boys should have never been sent where they were in the beginning as I think everyone knew in the start we could not hold the Philippine Islands.

JAMES HOWELL.

Mr. CHAVEZ. Mr. and Mrs. Nick Mares, of Albuquerque, N. Mex., a couple whom I have known all my life, and who have a boy who is a prisoner of the Japanese in the Philippines, write in support of the bill.

(The letter of Mr. and Mrs. Mares is as follows:)

ALBUQUERQUE, N. MEX., October 13, 1943.

HON. SENATOR CHAVEZ: This is to advise that we are interested in your support of the bill No. 1374 concerning our boys of the Two Hundredth Coast Artillery, who are, we presume still prisoners of the Japanese Government. Hoping that this bill will pass, we remain as always,

Sincerely,

Mr. and Mrs. NICK MARES.

Mr. CHAVEZ. Miss Eunice Biggar—and I want my colleagues to listen to this letter—Miss Eunice Biggar, of Milwaukee, Wis., bless her soul, presents a different angle. She writes about her fiancé, Capt. Franklin Anders, of the Fifty-seventh Infantry, who is now a prisoner of the Japanese. She has a right to feel that he did not surrender because he did not have the fortitude to resist.

(The letter of Miss Biggar is as follows:)

MILWAUKEE, WIS., October 12, 1943.

Senator DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.

DEAR SIR: I should like to congratulate and shout, "Bravo!" for the bill which I am told you have introduced in the Senate relative to promotions for our prisoners in the Philippines. Wisconsin, too, had men on Bataan and I have a personal interest because my fiancé, Capt. Franklin Anders, was intelligence officer for the Fifty-seventh Infantry and is now a prisoner there. I know I voice the opinion of all others who have friends and relatives there, that your bill will become law.

In order for me to correctly inform people about your bill, I should appreciate it very much if you could send me a copy of it. There are many people I know who would like to write to their Senators, but they, as well as I, would like to know the exact provisions. So if your secretary can send a copy to the above address, you will indeed have my gratitude.

Sincerely,

EUNICE BIGGAR.

Mr. CHAVEZ. Mr. President, I have received a telegram from V. H. Spensley, president, Bataan Relief Organization, of Albuquerque, N. Mex., which reads as follows:

ALBUQUERQUE, N. MEX.,
December 1, 1943.

HON. DENNIS CHAVEZ,
Senate Office Building,
Washington, D. C.:

How could Bataan, Corregidor, Guam, Wake heroes know your splendid legislation would be presented? They even prayed Almighty God to give them strength to continue fighting. About time War Department from top to bottom realizes it was defeated on Bataan, not our boys.

Furious resentment aroused in all appreciative Americans by Stimson's insinuations. We urge you to carry fight to floor of Senate. Your splendid cooperation and stand greatly appreciated.

BATAAN RELIEF ORGANIZATION,
V. H. SPENSLEY, President.

Mr. President, we know that it is not necessary for any committee of this body or of the other body to ask the views of any department, but it has come to be the practice to ask for their views, and they are considered and respected even at times when a committee does not agree with them. If the War Department and the Navy Department had

written to the Military Affairs Committee and had stated that the legislation did not meet the general ideas of the War Department as to the promotion of officers and personnel of the Army, no one would have complained, even though we disagreed with the views thus expressed. But, Mr. President, I was surprised, extremely surprised, I was actually depressed, when I read a part of the letter that was written by the War Department to the Senator from North Carolina [Mr. REYNOLDS], chairman of the Committee on Military Affairs, and at this time I wish to read the letter to the Senate.

The report they made was adverse to the legislation proposed. That is all right. The War Department can think that way, and no one is going to make any complaint or criticism. But, Mr. President, you know and I know the circumstances under which the boys surrendered in the Philippines; you know and I know under what circumstances a few American prisoners were taken on Wake Island; you know and I know the history of Guam; and the War Department knows it just as well as we do. It knows the circumstances under which General MacArthur left the Philippine Islands. It knows the circumstances under which General Wainwright was placed in command in the Philippine Islands. Under such circumstances, why the Department should write to a standing committee of this body and give the excuses they set forth as reasons for their opposition to the proposed legislation is beyond the comprehension of anyone who has any red blood in his veins, and has any feeling over what the boys in the Pacific have gone through.

Mr. President, I believe in the integrity and the honesty of purpose of Secretary Stimson, and I say this with Christian charity, I cannot get myself to believe that he saw the paragraph I am about to quote to the Senate. Remember, the War Department is passing on proposed legislation, Senate bill 1374, and nothing else. They were requested by a standing committee of the Senate to give their views, and this is a part of their views. They made an adverse report, and in explaining and talking about those affected, the officers and the men who have gone through the agony of the damned and are prisoners of the Japanese, listen to this wonderful idea:

In the case of captured personnel—

Every man who is alive in the Philippine Islands is "captured personnel"—there is no way to distinguish—

They are going to distinguish, now, as between two classes of American soldiers—

between those men who (1) by virtue of having fought to the last might be deserving of a reward—

That is not what the bill provides for. It provides for promotions under a sound line of reasoning, not for reward or sympathy. They do not need that; they need fair play and justice—

deserving of a reward in the form of promotion—

And the second class—

and those who surrendered in circumstances under which they might reasonably have been expected to continue to resist.

Two classes of prisoners we have now, according to the interpretation of the man who wrote this letter to the Committee on Military Affairs, one class composed of those who, by virtue of having fought to the last, might be deserving of a reward in the form of a promotion. That is how the War Department would recompense the men who fought to the last. They want to reward them by promotion. Then they take another class, "and those who surrendered in circumstances under which they might reasonably have been expected to continue to resist."

Mr. President, I ask, what right has the War Department even to insinuate that one man at Guam, at Wake Island, or in the Philippine Islands, did not resist to the last? Who was the commanding officer in the Philippines, placed there after General MacArthur left? It was General Wainwright, a courageous man, respected and loved by every Army prisoner who ever saw him, and who had the opportunity to see him in everyday life, in the Philippines and elsewhere. He was respected by the soldiers. He was the one who gave the orders, and for the second time, so far as I remember my history, a general of the United States Army had to surrender his sword to the enemy. As I recall, the other one was Gen. William Hull, who surrendered to our now beloved ally, England, at Detroit. I have never known of any other.

Would they imply that it is possible that General Wainwright did not know what he was doing, and that he might have surrendered "in circumstances under which he might reasonably have been expected to continue to resist"?

Mr. CHANDLER. Will the Senator from New Mexico yield?

Mr. CHAVEZ. I yield.

Mr. CHANDLER. I think that is a most unfortunate expression. I have had opportunity to talk with General MacArthur about the surrender at Bataan and Corregidor, and I am positive that the men under General Wainwright fought as long as they could stand. Then they starved. General MacArthur said they were too weak even to get up. They were out of food, and when they lay down at night, they were too weak to rise and fight another day. This is one of the most unfortunate statements I have ever read.

Mr. CHAVEZ. Having great respect for and belief in the sincerity of purpose and honesty of the Secretary of War, I will not believe, until he says so, that he read that particularly unfortunate statement when he signed this letter, if he did sign it. Presumably he did; the original is in the office of the Committee on Military Affairs.

"In circumstances under which he might reasonably have been expected to

continue to resist." The regular reports we hear are to the effect that the men in the Philippines were barefooted, unclad, with no ammunition to fire, with no airplanes, no guns, eating monkeys and mules for subsistence; yet a homeland hero in the War Department suggests that there could have been circumstances in which they could have continued to resist!

Mr. President, I have known of General Wainwright for years, I have known of General King for years, I have known of General Sharp for years, and I know of other generals who are now in the Philippine Islands, and if the War Department can make this sentence stick, believe me, they had better not talk about morale.

I know why those soldiers could no longer resist; I know why they could not shoot back; I know why they could not exist at Corregidor. The water mains were ripped to pieces by the Japanese guns and bombs, and there was no water to drink, and there were no hospitals in which to put the wounded, and no shoes for the soldiers. I say this, and I do not care who knows it, they quit because they had nothing with which to fight. Those who could have helped them, who could have aided them in resisting, were thinking too much of going east instead of going west. That was the whole trouble, and everyone knows it.

My protest is that the War Department, under the signature of Secretary of War Stimson, should dare to say that there could have been in the Philippine Islands those who surrendered "in circumstances under which they might reasonably have been expected to continue to resist."

Mr. President, I have in my hand a list of every boy from New Mexico who was in the Philippine Islands. The list comprises 38 pages of closely typewritten names, with addresses. I find here the name of Frederick B. Howden, of Roswell, N. M., and I find the name of Richard M. Riley, of Albuquerque, N. Mex., both captains. Young Howden was the son of the bishop of the Episcopal Church of my State. Dick Riley was born and reared in Albuquerque. I know his father and his mother, and I have known the youngster since he was born. Both men were captured by the Japanese. Both of them died in a Japanese prison camp. And then, Mr. President, to think of someone in the War Department writing a letter saying that those two boys, who are now dead, could have surrendered "in circumstances under which they might reasonably have been expected to continue to resist"! Shame on the writer of that letter!

Mr. President, I find in the list of names the name of Col. Charles G. Sage, of Deming, N. Mex., the name of Lt. Col. Memory H. Cain, of Deming, N. Mex., and of Lt. Col. John C. Luikart, of my colleague's home town—all prisoners. But under the interpretation and the words of this letter it could have been possible that those men surrendered "in circumstances under which they might reasonably have been expected to continue to resist."

I find in my list the name of Maj. George T. Colvard. I know George Colvard. He was practicing medicine in my State and belonged to the National Guard. He was a delegate to the national conventions in 1932 and 1940 and helped nominate a President of the United States. He was captured while working his head off with the sick and the wounded. Under the interpretation of the letter, Major Colvard could have surrendered "in circumstances under which he might reasonably have been expected to continue to resist."

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

Mr. CHAVEZ. I yield.

Mr. BRIDGES. I was, unfortunately, out of the Chamber when the Senator began to speak, and I did not hear whether he stated who wrote the letter from which he was quoting.

Mr. CHAVEZ. Mr. President, as the Senator knows, when proposed legislation is introduced it goes to a committee, and the committee refers it to the particular department interested. Senate bill 1374 was introduced by me. It went to the Committee on Military Affairs, which requested the views of the War Department. I have stated that the Department has a right to express its views, though the committee is not obliged to accept them. The committee can do as it sees fit. Nevertheless, the committee obtained the views of the War Department. If the War Department had said, "The legislation is not in keeping with the program of the moment; it is contrary to the general policy or the strategy of the War Department in bringing about promotions," no complaint would have been made. But, notwithstanding the thousands of prisoners over there, the Department used this language, and I want the Senator to follow me:

In the case of captured personnel—

That includes all of them—

there is no way to distinguish between those men who—

To distinguish now—

by virtue of having fought to the last might be deserving of a reward in the form of a promotion, and—

And the next class—

and those who surrendered in circumstances under which they might reasonably have been expected to continue to resist.

That is the part of the letter to which I object, and which I think should be resented and will be resented by everyone who knows the American soldier. No one should know better as to what happened in the Philippine Islands and on Wake Island and in Guam than the War Department itself. When the American people did not know what the boys were going through, the War Department did. When the American people did not know that the boys were fighting when they were starving, sick, and wounded, the War Department knew about that. I am sure, in my own mind at least, that the Department instructed General Wainwright that if a certain circumstance should arise wherein it was necessary that an American general sur-

render his sword to a Japanese officer, he should do it. He was in command, and there were other generals there. I think there were 13 or 14 at least, and perhaps more, besides the other officer personnel.

As I interpret that letter it is possible to accuse even General Wainwright of possible surrender "in circumstances under which (he) might reasonably have been expected to continue to resist."

Mr. President, with what were the boys to resist? The tanks were in Tunisia, the airplanes were in Europe, the medicine was elsewhere. The needed quinine was not in the Philippine Islands. For the War Department under such circumstances to make a statement of this nature is beyond my comprehension.

Mr. BRIDGES. Mr. President, I think it is a very unfortunate remark, because it does cast a reflection upon all these men, because there is no segregation, and so far as I know they all resisted and went the limit of human endurance.

Mr. CHAVEZ. Mr. President, of course I am interested in the boys from New Mexico. I happen to know them. Another boy who was captured was named Silva. I have known him since he was a boy. He was a former employee of the Albuquerque Fire Department. What I resent and what his mother resents is that someone in the War Department should say that he died because he might have surrendered "in circumstances under which" someone in the War Department thought he "might reasonably have been expected to continue to resist."

I find in the list the name of Capt. Alfonso Melendez, of Santa Fe, N. Mex., and First Lt. Reynaldo F. Gonzales, of Taos, N. Mex. As I have said, Mr. President, the list comprises 38 pages of closely typewritten names and addresses of home boys from New Mexico. I resent the implication contained in the letter which was written by someone in the War Department. I repeat I do not think Secretary Stimson wrote the letter, even if it were signed by him. I resent the intimation that all those boys, or that even one of them, would surrender when he might still be able to continue to resist. Mr. President, the reason for the surrender was that they no longer had anything with which to fight. They had no bullets. That was the reason for the surrender. The American people know that to be so.

Mr. President, here in Washington there are hundreds of wives of Army officers and of Navy officers who left their husbands at the pier at Manila. Ask them how they feel with respect to the suggestion that their husbands could have quit under the circumstances implied by the letter from the War Department.

I have made this statement before, and I wish to make it again: To show how the people of New Mexico took their defeat and their suffering and their sorrow I will tell the Senate of a little incident which occurred when I was in New Mexico. I was in New Mexico at the time when Bataan fell. I was in the little city of Deming. Two of the highest

officers of our National Guard came from that little town. Colonel Sage and Lt. Col. Memory H. Cain came from Deming. I was there. I knew Mrs. Colvard to whose husband I have referred. She is the wife of Captain Colvard, the boy who went to help us nominate a President at Chicago, and, another time, at Philadelphia. I knew Mrs. Colvard well. She asked Mrs. Chavez and me to come to see her. She said she was going to have a group of women meet at her home. It was the day Bataan fell. Those women were not crying. They were feeling bad. Their dear ones were over there; possibly they had surrendered, although I deny that they surrendered under the circumstances implied by the War Department. She had approximately 40 women in her home. We talked to them. What can one do under the circumstances, Mr. President? Very little. One feels so helpless, but at least he can say a kind word, instead of giving an insult.

Mr. President, in New Mexico we have what we call the Mexican population, also referred to as natives. I asked Mrs. Colvard what about the native soldiers from Deming.

She said, "A large portion of our troops were so-called natives."

I said, "Do you have a list of them?"

She said, "Yes." She gave me a list next morning after going to church. I went to the little Mexican Catholic church and asked the priest, "How are they feeling?"

He said, "Senator, they have not reached the crying stage yet. They are holding novenas, and burning candles, and saying group prayers, and so forth."

So we went from house to house. Late in the afternoon I went to a little Mexican adobe jacal, a one-room place, across the railroad tracks. A nice little woman about 5 feet tall met me. I told her who I was. Two little children were hanging onto her apron. I said, "How do you feel?"

She said, "Senator, I feel all right. I am poor; I don't have 10 cents to my name. I can't obligate myself to a dollar to buy a bond. But if my three boys in the Philippine Islands who are represented by those three burning candles need to give their lives to win what we are fighting for, I am still satisfied."

Mr. President, what more does the War Department want? Does it want even by implication to accuse the three sons of that woman of having surrendered under circumstances under which they might reasonably have been expected to resist? I have stated before, and I repeat, that it is not necessary to get the views of the War Department or of any other department in order that this body may act. It is my purpose to fight for this bill in the Senate committee and on the floor of this body because I think it is fair, because I think it is just. I know that every American mother, wife, or sister affected is not interested in reward. Their loved ones are fighting for their country and are willing to die for their country. But we do insist on fair play. We do not want the War Department to be sending let-

ters to committees of this body insinuating about even the commanding general of the American Army who—the second time in history such a thing has happened—surrendered his sword. I hope General MacArthur and our other men in the Pacific are given all they want. We can whip the Japs. The boys in the Pacific can whip the Japs; and I do not want the War Department or anyone else to think the war is Europe only.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed without amendment the bill (S. 861) to increase the amount of Federal aid to State or Territorial homes for the support of disabled soldiers and sailors of the United States.

The message returned to the Senate, in compliance with its request, the bill (H. R. 2207) to amend the Nationality Act of 1940.

WARTIME METHOD OF VOTING BY THE ARMED FORCES

The Senate resumed consideration of the bill (S. 1285) to amend the act of September 16, 1942, which provided a method of voting in time of war by members of the land and naval forces absent from the place of their residence, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Illinois [Mr. LUCAS] in the nature of a substitute for the amendment of the Senator from Ohio [Mr. TAFT].

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	Reed
Andrews	Guffey	Revercomb
Austin	Hatch	Reynolds
Bankhead	Hawkes	Robertson
Barkley	Hayden	Russell
Bilbo	Hill	Scruggam
Bone	Holman	Shipstead
Brewster	Johnson, Calif.	Smith
Bridges	Johnson, Colo.	Stewart
Brooks	Kilgore	Taft
Buck	Langer	Thomas, Idaho
Burton	Lodge	Thomas, Utah
Butler	Lucas	Tobey
Byrd	McCarran	Truman
Capper	McClellan	Tunnell
Caraway	McFarland	Tydings
Chandler	McKellar	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Idaho	Maybank	Wagner
Clark, Mo.	Mead	Wallgren
Danaher	Millikin	Walsh, Mass.
Davis	Moore	Wheeler
Eastland	Nye	Wherry
Ellender	O'Daniel	White
Ferguson	O'Mahoney	Wiley
George	Overton	Willis
Gerry	Pepper	Wilson
Gillette	Radcliffe	

The PRESIDING OFFICER. Eighty-three Senators have answered to their names. A quorum is present.

Mr. TAFT. Mr. President, before the vote is taken on the substitute offered by the Senator from Illinois [Mr. LUCAS] for the amendment which I offered, I desire to modify my amendment. I send

the modification to the desk and ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out lines 5 to 7, inclusive, on page 1 of the amendment, and lines 1 to 20, inclusive, on page 2, and insert:

Sec. 22. It shall be unlawful for any officer of, or person employed in, the executive branch of the Federal Government, or any agency or department thereof, including the Army and Navy, to deliver or cause to be delivered to persons in the armed forces of the United States any general communication, Government magazine, Government newspaper, motion-picture film, or other literature or material, or to make, or cause to be made, any broadcast to the armed forces of the United States, paid for in whole or in part with Government funds, or sponsored by the Government, or any officer, agency, or department thereof, including the Army and Navy, containing political argument or political propaganda of any kind designed or calculated to affect the result of any election for President, Vice President, Presidential elector, Member of the Senate, or Member of the House of Representatives, except as hereinafter provided:

(1) Nothing herein shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but equal time must if requested be given for such purposes to representatives of each political party presenting a candidate for President at the election.

(2) Nothing herein shall prevent the distribution to members of the armed forces of books, magazines, and newspapers which have a general circulation in the United States, or of servicemen's magazines or newspapers, such as Yank and Stars and Stripes; but the list of such books, magazines, and newspapers of general circulation shall be determined in accordance with the preference of the members of the armed forces in some reliable method to be determined by the Secretary of War and the Secretary of the Navy, and the conduct of.

In line 9 on page 3 it is proposed to strike out the word "selection" and insert the word "list."

Mr. TAFT. I ask further permission to change the subsection numbers in lines 1 and 8 on page 3, from (2) and (3) to (3) and (4), respectively.

The PRESIDING OFFICER. The Senator has that right.

Mr. TAFT. Mr. President, the modification I have made is in accordance with two or three suggestions made yesterday in the debate on this question. The first modification is to make it clear that the prohibition against broadcasts applies only to broadcasts sponsored or paid for by the Government. There was an ambiguity before, which made it appear to prevent any broadcasts.

At the same time, in order to meet the objection made by the Senator from Connecticut [Mr. MALONEY], there is inserted this new clause:

Nothing herein shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but equal time must, if requested, be given for such purposes to representatives of each political party presenting a candidate for President at the election.

That is the rule which prevails today among commercial radio stations. It is

reasonable that if the Government-sponsored short-wave stations are to rebroadcast over the entire world any political address for one party—an address by the President, for example, as suggested by the Senator from Connecticut—the other party should also have similar time to rebroadcast its addresses.

The other change relates to the method of selecting magazines. I have adopted in substance the suggestion made by the Senator from New Mexico that the list of books, magazines, and newspapers of general circulation "shall be determined in accordance with the preference of the members of the armed forces in some reliable method to be determined by the Secretary of War and the Secretary of the Navy," instead of having them "fair as between the different political parties," which was the language used in the original amendment.

I have also changed the word "selection" to "list," so it is clear that the only thing that is to be passed on in any event is the list of magazines, books, and circulars, and not the material contained in each one. I do not think that would have been the interpretation of the word "selection," but in order to make it clear I have simply changed the word "selection" to "list." The same change is made in line 9, on page 3.

Mr. President, the issue between the substitute and my amendment as modified is whether the prohibition against political propaganda and political argument under Government control or Government sponsorship should extend to the Army and Navy. The substitute offered by the Senator from Illinois provides such a prohibition with respect to all Government departments except the Army and Navy.

Of course, the only purpose of this amendment arises out of the peculiar condition that all means of communication to at least half the members of the armed forces is in the control of the United States Government.

It seems to me perfectly clear that in the case of the Army and the Navy we should lay down in Congress the rule that in providing Government facilities for the distribution of information we should be absolutely fair and impartial in any political election. I see no reason why the provision should not apply to the Army and Navy, as well as to any other department of the Government.

Mr. President, on the substitute offered by the Senator from Illinois I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS] in the nature of a substitute for the amendment of the Senator from Ohio [Mr. TAFT], as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Green	Reed
Andrews	Guffey	Revercomb
Austin	Hatch	Reynolds
Bankhead	Hawkes	Robertson
Barkley	Hayden	Russell
Bilbo	Hill	Scrugham
Bone	Holman	Shipstead
Brewster	Johnson, Calif.	Smith
Bridges	Johnson, Colo.	Stewart
Brooks	Kilgore	Taft
Buck	Langer	Thomas, Idaho
Burton	Lodge	Thomas, Utah
Butler	Lucas	Tobey
Byrd	McCarran	Truman
Capper	McClellan	Tunnell
Caraway	McFarland	Tydings
Chandler	McKellar	Vandenberg
Chavez	Maloney	Van Nuys
Clark, Idaho	Maybank	Wagner
Clark, Mo.	Mead	Wallgren
Danaher	Millikin	Walsh, Mass.
Davis	Moore	Wheeler
Eastland	Nye	Wherry
Ellender	O'Daniel	White
Ferguson	O'Mahoney	Wiley
George	Overton	Willis
Gerry	Pepper	Wilson
Gillette	Radcliffe	

The PRESIDING OFFICER. Eighty-three Senators having answered to their names, a quorum is present.

Mr. DANAHER. Mr. President, I ask unanimous consent that we proceed to reconsider House bill 2207, the papers on which, pursuant to a motion agreed to last night, have been returned from the other House.

Mr. TAFT. Mr. President, I object. The pending amendment has been under consideration so long that I think we should dispose of it.

The PRESIDING OFFICER. Objection is heard.

Mr. DANAHER. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LUCAS] in the nature of a substitute for the amendment of the Senator from Ohio [Mr. TAFT], as modified.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BANKHEAD. I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I transfer that pair to the junior Senator from Utah [Mr. MURDOCK], and will vote. I vote "yea."

Mr. WALLGREN. My colleague, the senior Senator from Washington [Mr. BONE], is unavoidably absent. I am informed that if he were present and voting he would vote "yea."

Mr. HILL. I announce that the Senator from Idaho [Mr. CLARK] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Texas [Mr. CONNALLY], the Senator from California [Mr. DOWNEY], and the Senator from Montana [Mr. MURRAY] are detained on public business. I am advised that, if present and voting, the Senator from Montana would vote "yea."

The Senator from Georgia [Mr. GEORGE] and the Senator from Rhode Island [Mr. GERRY] are detained in a committee meeting.

The Senator from North Carolina [Mr. BAILEY] and the Senator from New Jersey [Mr. WALSH] are necessarily absent.

The Senator from Utah [Mr. MURDOCK] and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

The Senator from Colorado [Mr. JOHNSON] is detained in one of the Government departments on matters pertaining to the State of Colorado.

Mr. WAGNER. I have a pair with the Senator from Kansas [Mr. REED]. I transfer that pair to the Senator from Idaho [Mr. CLARK] and vote. I vote "yea."

Mr. WHITE. The Senator from Minnesota [Mr. BALL] is absent because of illness.

The Senator from Wisconsin [Mr. LA FOLLETTE] is confined to his home with a cold.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

The Senator from Colorado [Mr. MILLIKIN] is absent on departmental matters. If present, he would vote "nay."

The Senator from Oregon [Mr. McNARY] is absent because of illness. He has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from South Dakota [Mr. BUSHFIELD] is absent because of illness. He has a pair on this question with the Senator from Oklahoma [Mr. THOMAS]. The Senator from South Dakota would vote "nay" and the Senator from Oklahoma would vote "yea."

The Senator from South Dakota [Mr. GURNEY] is absent due to a death in his family. He has a pair with the Senator from Montana [Mr. MURRAY]. The Senator from South Dakota would vote "nay" and the Senator from Montana would vote "yea."

The result was announced—yeas 36, nays 39, as follows:

YEAS—36

Andrews	Guffey	O'Mahoney
Bankhead	Hatch	Pepper
Barkley	Hayden	Radcliffe
Bilbo	Hill	Russell
Caraway	Kilgore	Scrugham
Chandler	Lucas	Stewart
Chavez	McCarran	Thomas, Utah
Clark, Mo.	McClellan	Truman
Eastland	McFarland	Tunnell
Ellender	McKellar	Van Nuys
Gillette	Maybank	Wagner
Green	Mead	Wallgren

NAYS—39

Aiken	Holman	Smith
Austin	Johnson, Calif.	Taft
Bridges	Langer	Thomas, Idaho
Brooks	Lodge	Tobey
Buck	Maloney	Tydings
Burton	Moore	Vandenberg
Butler	Nye	Walsh, Mass.
Byrd	O'Daniel	Wheeler
Capper	Overton	Wherry
Danaher	Revercomb	White
Davis	Reynolds	Wiley
Ferguson	Robertson	Willis
Hawkes	Shipstead	Wilson

NOT VOTING—21

Bailey	Downey	McNary
Ball	George	Millikin
Bone	Gerry	Murdock
Brewster	Glass	Murray
Bushfield	Gurney	Reed
Clark, Idaho	Johnson, Colo.	Thomas, Okla.
Connally	La Follette	Walsh, N. J.

So Mr. LUCAS' amendment in the nature of a substitute for Mr. TAFT's amendment, as modified, was rejected.

The VICE PRESIDENT. The question recurs on the amendment offered by the Senator from Ohio [Mr. TAFT] as modified.

Mr. LUCAS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. LUCAS. Mr. President, under the amendment on which the Senate is about to vote, I want to remind the Senate that the ballot commission has the power of censorship over practically every political speech or political argument or any kind of propaganda, and the person who makes the speech or undertakes to use material as propaganda may be compelled, if he has any doubt at all, to submit it to the ballot commission. The ballot commission was never set up for that purpose.

Furthermore, I want the Senate to know that under the Taft amendment the Congress would be saying to the Army and the Navy that the individuals who are publishing the Stars and Stripes and the boys who are in control of Yank and the other newspapers would have nothing to say insofar as they are concerned individually as to what political material can go into these newspapers in the 1944 campaign. The amendment would take away from the men in the field the very initiative and responsibility which they should have in order to keep up the Army morale. I hope the Senator's amendment will be voted down.

Mr. MALONEY and Mr. TAFT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Illinois yield; and if so, to whom?

Mr. LUCAS. I yield first to the Senator from Connecticut.

Mr. MALONEY. The Senator would be very helpful to me if he would point out where in the amendment he finds such restrictions and limitations as he suggests. I do not so understand the Taft amendment. I do not understand that there is any censorship on political speeches, as the Senator has just stated. It is my understanding that the amendment simply provides that a like amount of time shall be allowed to each political party and that the Stars and Stripes, and Yank, and all such regular soldier publications can go, without censorship of any kind, to the soldiers.

Mr. LUCAS. I fear the Senator is not familiar with the amendment.

Mr. MALONEY. I thought I had an understanding of it.

Mr. LUCAS. I read what is now paragraph (4) on page 3 of the amendment as modified:

(4) No communication, order, magazine, newspaper, or other literature, and no broadcast, and no list of books, magazines, or newspapers, shall be deemed to be in violation of this section if it is first submitted to the United States War Ballot Commission, and found by such Commission not to be in violation of this section, but it shall not be compulsory to make such submission.

Mr. MALONEY. That is not at all what the Senator said a moment ago. He talked about political speeches and publications of the soldiers, but as I understand the amendment, these are not censored, and do not have to be submitted to the war ballot commission.

Mr. LUCAS. I did not say that publications of the soldiers had to be submitted to the ballot commission; I say that under section 22 if there is any question at all in the mind of any officer

or person in the executive department as to a speech being political, or an argument being political, or propaganda being political, even if it is on the border line, he is compelled to submit the speech in advance to the ballot commission for its approval. If he does not submit it, and if it should later develop that it is political in its implications, he is subject to a fine and a jail penalty.

What I have been trying to do all the way through is to take away from the ballot commission any power of that kind whatsoever. And again I maintain, as I said in my previous remarks, that the power of determination among these men on the battle front who are responsible for Yank and other newspapers should not in any way be interfered with by congressional legislation.

Mr. MALONEY. Mr. President, may I ask the Senator one or two questions?

Mr. LUCAS. Certainly.

Mr. MALONEY. Am I correct in assuming that all regular newspapers and all regular magazines, such as Yank, and Stars and Stripes, and similar publications can go to the soldiers without censorship or am I in error about that?

Mr. LUCAS. The Yank and Stars and Stripes and 1,200 other publications now edited by different service commands or on different ships, of course, are sponsored by the Army and Navy, but, if those in charge advise me correctly, the boys themselves prepare all the matter which is printed, including the editorials. There is a cable and news service in New York which serves, for instance, the Yank, with 14 different editions scattered throughout the world. Each day that governmental sponsored organization in New York sends a daily clip sheet, and also a daily cable of news. When it reaches the Yank or the Stars and Stripes and the 1,200 other newspapers of the Army and Navy, they can take from the clip sheet or from the cable service whatever they desire and print it, and the rest they can throw into the waste basket. In other words, the responsibility is on these boys, and they have done a great job. The Yank, for instance, has been recommended for the Pulitzer prize.

Mr. MALONEY. I appreciate the Senator's speech, but will he answer my question?

Mr. LUCAS. I thought I had answered it.

Mr. MALONEY. I want to know whether the Stars and Stripes or the Yank will be affected by this amendment?

Mr. LUCAS. Certainly will be affected.

Mr. MALONEY. In what way?

Mr. LUCAS. I shall read from the amendment:

Nothing herein shall prevent the distribution to members of the armed forces of books, magazines, and newspapers which have a general circulation in the United States, or of servicemen's magazines or newspapers, such as Yank, and Stars and Stripes; but the list of such books, magazines, and newspapers of general circulation shall be determined in accordance with the preference of the members of the armed forces in some reliable

method to be determined by the Secretary of War and the Secretary of the Navy.

Mr. MALONEY. It says the question shall be determined by the armed services, does it not?

Mr. LUCAS. Certainly that is what it says, but I still think under this amendment which has been offered, that the men who are editing these publications will not be free of the authority of the Army and the Navy such as exists at the present time.

Mr. BUTLER. Mr. President, I send to the desk an amendment to the amendment under consideration, which I should like to have read.

The VICE PRESIDENT. The clerk will read.

The CHIEF CLERK. On page 3, after line 24, it is proposed to insert the following new paragraph:

It shall be unlawful for any person to solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription, or contribution for any political purpose whatever from any person known by him to be a member of the armed forces of the United States.

Mr. BUTLER. Mr. President, the amendment speaks for itself, and if there is a possibility that the Senator from Ohio will accept it, I should like to say that the words are copied almost verbatim from the Hatch Act.

Mr. TAFT. I have no objection to the amendment.

The VICE PRESIDENT. The fact that the yeas and nays have been ordered prevents the Senator accepting the modification at this time.

Mr. HATCH. Will the Senator from Ohio let me have a copy of the modification of his amendment?

Mr. TAFT. Certainly.

Mr. HATCH. He made a modification of the amendment beginning in line 18, page 2. I do not have the exact language of the modification.

Mr. TAFT. I am glad to furnish the Senator a copy.

Mr. HATCH. I thank the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska to the amendment offered by the Senator from Ohio, as modified. [Putting the question.] The "ayes" seem to have it.

Mr. RUSSELL. Mr. President, may the amendment be reported?

The VICE PRESIDENT. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to insert a new paragraph on page 3, after lines 24, as follows:

It shall be unlawful for any person to solicit or receive or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political purpose whatever from any person known by him to be a member of the armed forces of the United States.

Mr. LUCAS. A point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. LUCAS. I thought the yeas and nays had been demanded and ordered before the Senator from Nebraska offered the amendment. If they were, I

make the point of order that the amendment is not in order, but that we should vote on the amendment of the Senator from Ohio as modified.

The VICE PRESIDENT. The point of order made by the Senator from Illinois is overruled.

Mr. BUTLER. May I request the Senator from Ohio—

Mr. RUSSELL. Mr. President, I thought I had the floor.

The VICE PRESIDENT. Did the Senator from Georgia ask for a division?

Mr. RUSSELL. No; I sought recognition from the Chair, and the Chair very kindly recognized me, and I requested that the amendment be stated. I did not understand that by requesting that the amendment be read I lost the floor.

The VICE PRESIDENT. The amendment was read. Did the Senator still desire to occupy the floor?

Mr. RUSSELL. I desire to say, Mr. President, that we will be going a very long way if we pass an act which will make it illegal for any person to receive a voluntary contribution from any person who is in the armed services. We would be denying such a person the right every other citizen possesses if we say that he cannot contribute to any political campaign. If I understand the amendment correctly—and I have not seen it in print—it provides that any person who so much as receives a campaign contribution from anyone who is known to be in the armed services of the United States shall be guilty of a crime. Certainly it could have no other effect than to deny the soldier or sailor or marine of the United States the right to contribute to a political campaign, a right enjoyed by every other citizen of the United States. Why should we so discriminate against those we have called to the colors to save our country?

Mr. BUTLER. Mr. President, I think no one has any idea of presenting an amendment which will not be entirely satisfactory to each side, and with that thought in mind, with the consent of the Chair, I shall withdraw the amendment at this time, and present it later.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio [Mr. TAFT], as modified.

Mr. TAFT. Mr. President, I merely desire to make perfectly clear the effect of the provision relating to the ballot commission. The ballot commission would have no veto power on anything. Any Government department would send out any Government matter if it wished to take the responsibility of determining whether it was political propaganda or not. If there were any doubt, they should not send it out, anyway, but to take care of various timorous people I have provided that if they wish to go to the ballot commission and get a release, they will be protected for all time to come. If they should not do so, they could take the responsibility themselves. If there is any doubt at all about the matter being political propaganda sponsored and sent out through Government

channels, then it should be eliminated. So it seems to me the statement regarding the ballot commission is not at all in accord with the facts.

Mr. LUCAS. Will the Senator from Ohio yield?

Mr. TAFT. I yield.

Mr. LUCAS. Am I correct in understanding that if a Cabinet officer desired to make a speech of any kind in 1944, which might be considered nonpolitical by him, but which someone would say was political, it is a fact that under the Senator's amendment he would have to go before the ballot commission and get their approval if he wanted to be safe?

Mr. TAFT. No, because he could make any speech he desired to make, anywhere he wanted, but if he wanted to have the Government, through the O. W. I., or through any board, broadcast information to the soldiers of the United States, then he would have to go to the ballot commission in order to ascertain whether it was political propaganda or not.

Mr. LUCAS. Suppose the Attorney General of the United States is making a broadcast over a Government hook-up, and United States soldiers are listening to the broadcast. If there is any question about that kind of a broadcast at all, the Attorney General of the United States would be compelled, under the amendment, to go to the ballot commission and get their O. K. before he could make a political speech?

Mr. TAFT. Certainly. He should not make a political speech at Government expense and broadcast it from a Government radio station. This is intended to prohibit that. What is provided is that—

Nothing herein shall prohibit the rebroadcast over Government-controlled radio stations of any political address, but equal time must if requested be given for such purposes to representatives of each political party presenting a candidate for President at the election.

That is the rule of commercial radio stations, and I see no reason why it should not apply to the Government radio stations.

Mr. LUCAS. Will the Senator yield for one more question?

Mr. TAFT. I yield.

Mr. LUCAS. Under the Senator's amendment, if an individual were a candidate for an office that is named in the amendment, anyone who would even mention his name in any way whatsoever on Government-controlled radio stations would be subject to a penalty, unless he went before the ballot commission, would he not?

Mr. TAFT. If it is political argument or propaganda he would be subject to a penalty. If he thought there was any question about it, he could go to the ballot commission and get a release.

Mr. GUFFEY. Mr. President, when the question at issue in the pending bill was first raised, I thought we were going to have an honest, patriotic bill, which would permit the soldiers, sailors, and marines to vote at the coming election, but it has now drifted into a vigorous partisan bill.

I was not surprised when we came here yesterday and saw lobbying on the floor a former Senator, who I think was the agent of Mr. Pew of Philadelphia, and possibly the du Ponts of Delaware, telling Senators about their votes on this bill. Of course, Joe Pew does not want to extend the voting franchise.

We made Pennsylvania a Democratic State by doing away with the poll tax, and by having personal registration and adopting the voting machine. That is why Pennsylvania has been Democratic, and that is why Pennsylvania will be Democratic next fall, if the soldiers in the front ranks and the sailors and marines shall be accorded the right and shall have an opportunity to cast their votes.

SEVERAL SENATORS. Vote! Vote!

Mr. GUFFEY. Mr. President, am I out of order?

The VICE PRESIDENT. No, the Senator from Pennsylvania is not out of order. [Laughter.]

Mr. GUFFEY. Mr. President, I am very glad to know it. I want to obey the rules of the Senate, even though some of the New England Members do not.

Yesterday the Senate voted on the question of permitting men in the merchant marine to vote. I was very much surprised when checking the names of those who voted against the extension of that privilege to the sailors in the merchant marine to note how the New England Senators voted, and how the Senators from coast States below New England voted. The two Republican Senators from Maine voted against extending that privilege. The two Republican Senators from New Hampshire voted against it. The one Republican Senator from Massachusetts, who I understand is for various fishermen and sailors, voted against it.

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

Mr. GUFFEY. I yield.

Mr. LODGE. The Senator is entirely misinformed when he says that any Senator voted against giving anyone the right to vote. The sailors have the right to vote.

Mr. GUFFEY. Mr. President, the Senator from Massachusetts has the right to vote as he sees fit. I am not questioning that right. The Senator has that privilege.

Mr. LODGE. No, Mr. President; I say that the merchant marine sailors have the right to vote, and no one has denied them the right to vote, and the Senator from Pennsylvania knows that to be so.

Mr. GUFFEY. The Senator from Massachusetts denied it yesterday.

Mr. LODGE. No.

Mr. GUFFEY. The Senator tried to. He voted against giving them the privilege. Then we come down to New Jersey, Mr. President, and we find that the Republican Senator from that State voted against giving them the right to vote.

We then come down to Delaware, and we find that the Republican Senator from that State voted against giving them the right to vote.

My own colleague from Pennsylvania [Mr. DAVIS]—and many men engaged in the merchant marine come from Pennsylvania—voted against giving the men in the merchant marine the right to vote.

Mr. President, I merely call attention to this feature of it because the pending amendment is of a partisan nature.

Mr. MOORE rose.

Mr. GUFFEY. Mr. President, I have nothing to say about the Members of the Senate representing the farmers of the Middle West voting as they please. I have merely called attention to how Senators from New England States and Atlantic Coast States voted.

I have now completed my remarks, Mr. President, and I yield the floor to the Senator from Oklahoma.

Mr. MOORE. Mr. President, I merely wanted to say that I am astonished to hear that the Senator from Pennsylvania discovered only yesterday that there were any partisan features to the bill.

Since I am on my feet, Mr. President, I might say that I am probably the only Senator present who has not discussed the bill. From the very time we began to consider the bill in the Committee on Privileges and Elections several months ago, and since we have been discussing it here on the floor of the Senate day in and day out there has never been any question in my mind that it is a measure of the most partisan character.

I have not yet found a Senator—and there are many able lawyers among the Members of the Senate—who is even willing to say that the bill is constitutional under the express provisions of the Constitution. There certainly cannot be any doubt in the minds of the people of the country today that this is a purely political discussion. I doubt very much if any Senator present, or anyone throughout the country, has any idea about who would profit by the votes of the soldiers if and when they are cast, under a law which is certainly unconstitutional, unless it shall be declared constitutional under what are called the embedded provisions of the Constitution which may be discerned whenever necessity requires. Of course, everyone understands that the bill is definitely partisan in every shape, form, and manner, and that it is not anything else.

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

Mr. MOORE. I yield.

Mr. KILGORE. I should like to inquire of the Senator from Oklahoma if it is his contention that the armed forces of the United States and the merchant marine are made up entirely of Democrats?

Mr. MOORE. I did not understand the question. Will the Senator repeat it?

Mr. KILGORE. I wondered if the Senator from Oklahoma contended that the armed forces of the United States, and the merchant marine, were composed entirely of Democrats.

Mr. MOORE. I will say to the Senator from West Virginia, if I correctly understand his question, that I do not believe he will assert that there is a Senator on

the floor or an American citizen who is not in complete sympathy with the so-called objectives of the bill. Does that answer the question?

Mr. DAVIS. Mr. President, I dislike very much to have to disagree with my very distinguished colleague, but I want to keep the record straight in the matter of the repeal of the poll-tax law in the State of Pennsylvania. I myself can take a little honor for the repeal of that tax. A former very distinguished member of this body, who served with such distinction and ability as, I am satisfied, have few who have served in the Senate, was one of the strongest advocates in the State of Pennsylvania for the repeal of the poll tax. He is a Republican. His name is David A. Reed, of Pennsylvania, former United States Senator from that State.

I also wish to call the attention of my distinguished colleague to the fact, as I recall it, that a Republican State senator from the downtown section of the city of Pittsburgh, was a very strong advocate of the repeal of the poll tax in Pennsylvania. I am very proud of the fact that it was a Republican legislature which passed the anti-poll-tax measure. Its authors were Republicans.

Mr. President, I am not ashamed of the vote which I cast yesterday, to which my colleague has called attention. I believe that everyone in the armed forces should have a vote. I shall be willing to debate the question with my distinguished colleague not only on the floor of the Senate but on the platform when the time comes for the people of the country to vote for the next President of the United States.

Mr. DAVIS subsequently said: Mr. President, referring to the repeal of the poll-tax provision in the constitution of the State of Pennsylvania, and granting the right to people to vote without paying a poll tax, I have looked up the record, and find that on February 4, 1929, a joint resolution to repeal the poll tax provision of the constitution of the State as a requisite to voting was introduced in the senate by Senator Albert Davis, of Lackawanna County, and was passed during the 1929 session. The matter went over to the next session of the general assembly, and again the joint resolution was passed, in the 1931 session. It was accepted by the people of Pennsylvania on November 7, 1933, by a majority of 204,189, and the poll-tax provision was removed from the constitution. So from that time it has not been necessary in Pennsylvania that a poll tax be paid before one is entitled to vote.

Mr. TAFT. Mr. President, I do not like to permit to go unchallenged one statement which has been made. The charge was made by the Senator from Pennsylvania [Mr. GUFFEY] that a former Senator had been lobbying on the Senate floor with Senators on behalf of my amendment or against the bill. Of my knowledge nothing of the kind has occurred. Certainly nothing of that kind has occurred with respect to my amendment. I wrote the amendment myself. In it I tried to meet the suggestions made

by different Senators. So far as my amendment is concerned it is not political. It provides, for instance, that the contents of these magazines shall be wholly nonpartisan, nonpolitical, which is exactly the rule which was in force in World War No. 1, as explained by the senior Senator from Missouri [Mr. CLARK] yesterday or the day before. The effort is to give absolute equality to both parties throughout. My amendment, provides that if an article is not nonpartisan, nonpolitical, equal space shall be given to the other side of the question. If an editorial is proposed to be written favorable to one side, space must be permitted for the insertion of an editorial in behalf of the other side. That is all I want to provide for. I wish to say that in my amendment I have not the slightest idea of partisanship or politics. But when we have a peculiar situation where the Government has the only access to the servicemen it is important that Congress tell the executive departments that it expects them to be absolutely nonpartisan and perfectly fair in handling this means of communication upon which the sacredness of the soldier's absentee ballot depends.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Ohio [Mr. TAFT], as modified. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. McNARY]. I transfer that pair to the junior Senator from Utah [Mr. MURDOCK], and will vote. I vote "nay."

The roll call was concluded.

Mr. WALLGREN. The senior Senator from Washington [Mr. BONE] is unavoidably absent. I am informed that if he were present he would vote "nay."

Mr. HILL. I announce that the Senator from Idaho [Mr. CLARK] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from North Carolina [Mr. BAILEY] and the Senator from New Jersey [Mr. WALSH] are necessarily absent.

The Senator from Texas [Mr. CONNALLY], the Senator from California [Mr. DOWNEY], and the Senator from Montana [Mr. MURRAY] are detained on public business.

The Senator from Georgia [Mr. GEORGE] and the Senator from Rhode Island [Mr. GERRY] are detained in a committee meeting.

The Senator from Colorado [Mr. JOHNSON] is detained in one of the Government departments on matters pertaining to the State of Colorado.

The Senator from Utah [Mr. MURDOCK] and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

Mr. WHITE. The Senator from Minnesota [Mr. BALL] is absent because of illness.

The Senator from Wisconsin [Mr. LA FOLLETTE] is confined to his home with a cold.

The Senator from Oregon [Mr. McNARY] is absent because of illness. He has a general pair with the Senator from Alabama [Mr. BANKHEAD].

The Senator from Maine [Mr. BREWSTER] is necessarily absent. He has a pair on this question with the Senator from Oklahoma [Mr. THOMAS]. The Senator from Maine would vote "yea," and the Senator from Oklahoma would vote "nay."

The Senator from South Dakota [Mr. GURNEY] is absent due to a death in his family. He has a pair with the Senator from Montana [Mr. MURRAY]. The Senator from South Dakota would vote "yea," and the Senator from Montana would vote "nay."

The result was announced—yeas 42, nays 35, as follows:

YEAS—42

Alken	Hawkes	Reynolds
Austin	Holman	Robertson
Bridges	Johnson, Calif.	Shipstead
Brooks	Langer	Taft
Buck	Lodge	Tobey
Burton	McCarran	Tydings
Bushfield	Maloney	Vandenberg
Butler	Millikin	Walsh, Mass.
Byrd	Moore	Wheeler
Capper	Nye	Wherry
Danaher	O'Daniel	White
Davis	Overton	Wiley
Ferguson	Reed	Willis
Hatch	Revercomb	Wilson

NAYS—35

Andrews	Guffey	Radcliffe
Bankhead	Hayden	Russell
Barkley	Hill	Scruggam
Bilbo	Kilgore	Smith
Caraway	Lucas	Stewart
Chandler	McClellan	Thomas, Utah
Chavez	McFarland	Truman
Clark, Mo.	McKellar	Tunnell
Eastland	Maybank	Van Nuys
Ellender	Mead	Wagner
Gillette	O'Mahoney	Wallgren
Green	Pepper	

NOT VOTING—19

Bailey	George	Murdock
Ball	Gerry	Murray
Bone	Glass	Thomas, Idaho
Brewster	Gurney	Thomas, Okla.
Clark, Idaho	Johnson, Colo.	Walsh, N. J.
Connally	La Follette	
Downey	McNary	

So Mr. TAFT's amendment, as modified, was agreed to.

Mr. BRIDGES. Mr. President, I move that the vote just taken on the amendment of the Senator from Ohio [Mr. TAFT], as modified, be reconsidered.

Mr. TOBEY. Mr. President, I move that the motion to reconsider be laid on the table.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from New Hampshire [Mr. TOBEY] to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. VANDENBERG. Mr. President, I desire to call attention to the language on page 34, under the paragraph entitled "Act To Be Liberally Construed." It seems to me, upon reflection, that all Senators will find themselves challenged by the nature of the escape clauses which are included in the bill. I desire to read the two sentences, which are very brief:

ACT TO BE LIBERALLY CONSTRUED

SEC. 119. No mere informality in the manner of carrying out or executing the provisions of this title shall invalidate any ballots cast under it or otherwise be permitted to defeat its purposes. The provisions of this title shall be construed liberally in order to effectuate its purposes, and substantial compliance with its requirements shall be deemed to be sufficient.

I call attention to the fact that these escape clauses do not apply alone to the casting of the ballot by the soldier in some far-off place. They would follow the ballot right down to the local, home precinct where it is counted; and we are inviting informality in connection with this operation.

Mr. President, we have had certain informalities, in our experience and observation, in some of the rotten boroughs in this country in connection with the handling of elections; and I doubt whether, upon reflection, any Senator will desire to invite, by statute, any more informality than that with which we already have to contend.

The purpose is obviously good. The authors of the bill obviously have been trying to see to it that no pure technicality shall be pleaded against the right of the soldier to use his ballot. But, Mr. President, I think every voter will find himself adequately protected under the precedents; and I doubt whether we want to set a precedent for informality in the operation of an election law.

Not satisfied with merely inviting or condoning informality, we add that the law is to be liberally construed; and, not satisfied with that, after we have identified informality and liberal construction, we then complete the circuit by saying that mere substantial compliance with the act will suffice.

Mr. President, I do not believe we can write a voting law in the United States on that basis. I shall move to strike the language on page 34, from line 3 to line 10, both inclusive. I am wondering whether I am colliding with my good friend the Senator from Illinois [Mr. LUCAS] or my good friend the Senator from Rhode Island [Mr. GREEN] in that connection.

Mr. GREEN. Mr. President, did the Senator from Michigan ask me a question?

Mr. VANDENBERG. Yes. I am inquiring whether an amendment of the nature I have suggested would be acceptable to the Senator from Rhode Island.

Mr. GREEN. Mr. President, the Senator from Michigan is quite correct as to the motive which prompted the inclusion of these phrases in various parts of the bill. There are difficulties either way, as the Senator has indicated. On the one hand, casting a vote for President, Senators and Representatives is an important thing, and we do not want the intention to be vitiated by technicalities. On the other hand, however, we do not want the language of the bill to be so strictly construed, as it easily might be, that a soldier voting, often under informal circumstances, in an informal way, would not have his vote counted.

Where to draw the line between the two extremes is difficult, as no doubt the Senator from Michigan realizes.

It seemed to us that this language was fair under the circumstances. Doubtless mistakes will be made by the soldier in marking his ballot. Doubtless mistakes will be made by the officer or the person who takes his acknowledgment. Doubtless mistakes will be made in addressing the outer envelope strictly in accordance with the language of the bill. In all such cases, with the soldier casting his vote in a place where no expert is available to advise him, as there is in most voting precincts, and where he has only the officer in charge to ask about these points, or acts without consulting the officer, it seemed to us to be fair to the soldier, sailor, or seaman to let his vote be counted in accordance with his obvious intent. That was the sole purpose of this language. I admit that there may be abuses; but I think the abuses which would result from including the language would be fewer than would result from excluding it. That is a question of opinion.

Mr. VANDENBERG. Mr. President, I yield to the Senator from Illinois [Mr. LUCAS] for his observation on the subject.

Mr. LUCAS. Mr. President, let me say to the able Senator from Michigan that when this provision was written the committee had in mind the type of ballot which will be used in connection with the election. As the Senator knows, it will be a write-in ballot. A soldier might write in, we will say, the word "Republican." That ought to be construed as a Republican ballot. He might write in the word "Democrat." In that event the ballot should be construed as a Democratic ballot.

Among the election-contest cases in which the Senator from Illinois has been interested as a lawyer, I distinctly recall one case in central Illinois in which the name of a candidate for mayor was written in. As I recall, the name was Burnsmeier. That name was written in probably 25 or 30 different ways. Nevertheless, the court, in making the decision under the laws of the State of Illinois, took into consideration the intention of the voter in writing that name, and counted the ballot for Burnsmeier, even though the name might have been misspelled, so long as it was apparent from the name, regardless of how it was spelled, that the voter intended to vote for that particular candidate.

I am willing to compromise with the Senator from Michigan. I do not know how my colleague the gentleman from Rhode Island [Mr. GREEN] feels about it. I am willing to compromise by striking out lines 4 to 6 inclusive, and the words "its purposes" at the beginning of line 7, leaving the general provision:

The provisions of this title shall be construed liberally in order to effectuate its purposes, and substantial compliance with its requirements shall be deemed to be sufficient.

I think that such a provision should remain in the bill as a matter of protec-

tion to the soldiers themselves. Certainly there could be nothing wrong with that. It would be a matter ultimately for the election judges in the particular precinct where the vote finally is lodged, to say whether or not the ballot is effective. I cannot see the danger in the paragraph which the able Senator from Michigan reads therein.

Mr. GREEN. Mr. President, may I add an illustration from my own State?

Mr. VANDENBERG. Let me first respond to the Senator from Illinois by calling attention to the language beginning at the bottom of page 21. It seems to me that that language ought to care for the general situation to which he refers. The language reads:

No ballot shall be invalid by reason of mistake or omission in writing in the name of the candidate or his political party where the candidate or party intended by the voter is plainly identifiable.

In other words, we have already cared for the situation which the Senator now defines, and it is a situation which I wish to care for. It seems to me that it is already adequately cared for.

We are not only dealing with a section which relates to the casting of the ballot by the soldier somewhere in Africa, Asia, or somewhere else outside the United States, but we are also dealing with the entire electoral system after the ballot comes back home, after it goes to the secretary of state, and after it goes back to the local voting precinct where it is to be counted. We are saying that informality is to be permitted even in the counting of the ballots.

It seems to me that in view of the language at the bottom of page 21, which fully covers the point appropriately raised by the able Senator from Illinois, all of the language from line 3 to line 10, on page 34, should be eliminated, because it seems to open the door to a loose administration of the election laws. I know that the Senator from Illinois is as much interested in preventing that as I am.

Mr. LUCAS. Mr. President, I agree with the Senator from Michigan. I do not want any loose administration of election laws in the respective States where votes are to be counted. Obviously, when the ballot reaches the State of Michigan or the State of Illinois the election judges will count it in line with what is required by State law. That is my judgment about it, notwithstanding what we may say here. Personally I cannot see any objection to the liberal construction of the proposed act. I cannot see the danger which the Senator sees in a provision that the act shall be liberally construed. It may be an over-statement of the case, in view of the language pointed out by the Senator from Michigan with respect to mistakes which might be made in writing in the ballot, and other irregularities.

Mr. VANDENBERG. I would have no objection to leaving in the language:

The provisions of this title shall be construed liberally in order to effectuate its purposes.

However, I do not like to add—and substantial compliance with its requirements shall be deemed to be sufficient.

I think that goes too far.

Mr. GREEN. Mr. President, so far as I am concerned, I am willing to accept that modification.

Mr. VANDENBERG. The Senator from Rhode Island finds the amendment agreeable. How about the Senator from Illinois?

Mr. LUCAS. Mr. President, I can see no objection. I believe that the language "The provisions of this title shall be construed liberally in order to effectuate its purposes" is wholly sufficient to cover the purpose of the other language which we have used.

Mr. VANDENBERG. I also move, in line 7, to strike out the word "title" and insert in lieu thereof the word "act."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG], on page 34, to strike out lines 4, 5, and 6, and the first two words in line 7; in line 7, to strike out "title" and insert "act"; and in line 8, after the word "purposes" to strike out the comma and insert a period, and strike out the remainder of line 8 and all of lines 9 and 10.

Mr. WHITE. Mr. President, may we have the section read as altered?

The PRESIDING OFFICER. The section, as proposed to be amended, will be read.

The LEGISLATIVE CLERK. On page 34, after line 3, in the committee amendment, it is proposed to strike out lines 4 to 10, with the exception of the following:

The provisions of this title shall be construed liberally in order to effectuate its purposes.

And in the foregoing language, to strike out "title" and insert "act."

Mr. WHITE. That part is to remain?

Mr. VANDENBERG. That is all that would remain.

Mr. LUCAS. I have no objection to the amendment.

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

The amendment was agreed to.

Mr. BURTON. Mr. President, as I understand, the clause will stand, as amended:

The provisions of this act shall be construed liberally in order to effectuate its purposes.

Is not that the established law in interpreting any election statute anyway?

Mr. VANDENBERG. I suppose it is; but if it is desired to reiterate it, I have no objection, so long as the other two back doors are closed.

Mr. BARKLEY. Mr. President, the law with regard to the interpretation of election statutes would not apply to a Federal election law, because there is no Federal election law today to which it could apply. The statement of the Senator from Ohio is generally true in the States; but the proposed law would

not require the interpretation of any State law in regard to the holding of elections, so it seems to me not inappropriate that this provision should be in the bill.

REPORT BY SENATOR BUTLER ON HIS TRIP TO CENTRAL AND SOUTH AMERICA

Mr. BARKLEY. Mr. President, in view of the fact the Senator from Nebraska [Mr. BUTLER] is now on the floor, I wish to make a brief statement. A few days ago he asked to have printed as a Senate document a so-called report which he, as an individual Senator, had brought to the attention of the Senate as the result of his travels through Latin America. Regardless of the fact that the report has turned out to be controversial, it still retains its status as a Senate document when printed and circulated.

I have requested every department of the Government of the United States, every agency, and everyone who has had anything to do with the expenditure of money in any of the countries to which the Senator from Nebraska referred to furnish me with the exact facts, not only with reference to any appropriations which have been specifically made or earmarked by Congress, but any expenditures out of any other funds for any purpose and for all purposes, by all the agencies of the Government of the United States, so that there can be no longer any controversy about the accuracy of the amounts and the purposes for which the money was spent. When that information is obtained and has been gathered together in some form which will be suitable in order that the facts may be disclosed, I shall then desire that the compilation shall also be made a Senate document. I am not asking now, in advance, that that be done, but I am inviting the attention of the Senator from Nebraska and other Senators to the fact that I think that when the information shall be obtained in a way which will be indisputable, it ought to be printed in a form which will be handy and accessible.

As a matter of fact, if there were any way by which it could be done, it should be combined with the material submitted by the Senator from Nebraska and all the information put together, but I presume that would be impractical at this time. I merely call attention to the fact that we are seeking to gather minutely and meticulously any facts in regard to the matters brought to the attention of the Senate by the Senator from Nebraska. When that information is gathered, I shall wish to have it made available to the country.

Mr. BUTLER. Mr. President, I have just heard the remarks made by the distinguished leader of the majority, and what he suggests is perfectly satisfactory to me. I wish him every success in the world in arriving at the complete story of expenditures in Latin America. I am sure the result will be interesting to everyone.

During my absence from the Chamber today the distinguished Senator from

Missouri [Mr. TRUMAN] made a motion, and, if I may be permitted, I shall read what was said:

Mr. TRUMAN. Mr. President, I should like to make a motion that the report of the distinguished Senator from Nebraska [Mr. BUTLER] on his trip to South America be referred to the Committee on Banking and Currency. I have read the report, and it covers bureaus and matters that fall under the jurisdiction of the Committee on Banking and Currency.

In the absence of the Senator from Nebraska, the acting leader of the minority asked if the motion of the Senator from Missouri was agreeable to the Senator from Nebraska. The Senator from Missouri replied:

I am sure it is because he is a member of the Banking and Currency Committee. If it is not, I shall be glad to put it in any way that is agreeable to him, but I am sure it is agreeable to him.

The Vice President put the question, and the motion was agreed to.

Since then, I have visited with the Senator from Missouri, and, as I understand his agreement, it is that any investigatory work that is to be conducted will be left with the Truman committee because the Committee on Banking and Currency, of course, has no investigators. I suggested that the report be referred to the committee of which the distinguished Senator from Missouri is chairman for the purpose of investigating war expenditures. Therefore, I request again that it remain as established by the action taken by the Senate the other day, with the understanding that it may be referred, so far as legislative questions are concerned, to any other committee which the Chair thinks appropriate.

Mr. BARKLEY. Mr. President, if the Senator will yield, the fact that the report was referred to the Committee on Banking and Currency does not mean that it was taken away from the Truman committee, so far as its power to investigate is concerned. That committee has the authority, anyway, whether the report is referred to it or not. I think it well to leave the situation as it is.

Mr. BUTLER. That is satisfactory to me.

AMENDMENT OF THE NATIONALITY ACT OF 1940

Mr. DANAHER. Mr. President, yesterday a motion was made to return from the other House all papers relating to Calendar No. 393, House bill 2207. It was agreed on the floor between my distinguished colleague the senior Senator from Connecticut [Mr. MALONEY] and the senior Senator from Maine [Mr. WHITE] that a motion to reconsider could be made after the papers were returned from the House. The matter involves a very brief amendment, which has been agreed to by all parties concerned, and which has the recommendation of the Attorney General of the United States. I note that the matter has been recently concluded. I therefore move that the Senate now proceed to a reconsideration of the votes by which, day before yesterday, the committee amendment was

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

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was agreed to.

Mr. DANAHER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER (Mr. KILGORE in the chair). The amendment will be stated for the information of the Senate.

The CHIEF CLERK. It is proposed that at the end of the bill there be inserted the following:

Sec. 3. Section 339 of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1160), is hereby amended to read as follows:

"Sec. 339. A person who claims to have derived United States citizenship through the naturalization of a parent or through the naturalization or citizenship of a husband, or who is a citizen of the United States by virtue of the provisions of section 201 (c) (d) (e) and (g) of the Nationality Act of 1940 (54 Stat. 1138; U. S. C., title 8, sec. 601), may apply to the Commissioner for a certificate of citizenship. Upon proof to the satisfaction of the Commissioner that the applicant is a citizen, and that the applicant's alleged citizenship was derived as claimed, or acquired, as the case may be, and upon taking and subscribing before a member of the service within the United States to the oath of allegiance required by this act of a petitioner for naturalization, such individual shall be furnished by the Commissioner or a deputy commissioner with a certificate of citizenship, but only if such individual is at the time within the United States."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

Mr. BARKLEY. The Senator from Connecticut [Mr. MALONEY] is interested in this matter. He does not happen to be present on the floor, but it seems to me that he should be here, particularly if an amendment to the bill is to be agreed to.

Mr. DANAHER. Mr. President, I was not present when House bill 2207 was called up the other day. The senior Senator from Connecticut, my distinguished colleague, has now entered the Chamber. I am sure he knows all about the matter.

Mr. BARKLEY. The Senator has just come into the Chamber.

Mr. MALONEY. Inasmuch as I have just come into the Chamber, I want to let it be known that I was busy at a meeting of the Banking and Currency Committee.

Mr. BARKLEY. Not that it is necessary to confirm anything the Senator from Connecticut says, but I am glad to confirm that statement.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Connecticut [Mr. DANAHER].

The amendment was agreed to.

Mr. DANAHER. Mr. President, I wish the RECORD to contain a brief statement by way of explanation of the amendment which has been adopted. While it pur-

ports to speak for itself on its face, the fact is that children of American citizens born abroad have no way whatever by which to achieve a certificate of citizenship. Congress provided long ago that those who derive citizenship through naturalization may obtain certificates of citizenship through the court in which the naturalization process was had; but there has been no remedy for a citizen born to American parents, let us say, in Montreal. The hiatus obviously produced so many dilemmas and so many embarrassments that it is a wonder it was not long ago cured. The Attorney General, in a letter to the chairman of the Senate Committee on Immigration under date of July 5, 1943, recommended the adoption of the proposed measure, and states that the Director of the Bureau of the Budget has told him that there is no objection to the submission of the report. I want that to appear of record.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

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

The bill was read the third time and passed.

WARTIME METHOD OF VOTING BY THE ARMED FORCES

The Senate resumed consideration of the bill (S. 1285) to amend the act of September 16, 1942, which provided a method of voting in time of war by members of the land and naval forces absent from the place of their residence, and for other purposes.

Mr. DANAHER. Mr. President, I have an amendment to submit to the pending bill, S. 1285. Because it is rather lengthy, I think I may proceed with an explanation of it without causing it to be stated by the reading clerk for the present. I ask Senators therefore to bear with me on the understanding that in due course the proposed amendment will naturally be read.

I think it would be apropos, Mr. President, to suggest the absence of a quorum, and I do so.

The PRESIDING OFFICER. The clerk will call the roll.

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

Aiken	Eastland	Maloney
Andrews	Ellender	Maybank
Austin	Ferguson	Mead
Bankhead	George	Millikin
Barkley	Gerry	Moore
Bilbo	Gillette	Nye
Bone	Green	O'Daniel
Brewster	Guffey	O'Mahoney
Bridges	Hatch	Overton
Brooks	Hawkes	Pepper
Buck	Hayden	Radcliffe
Burton	Hill	Reed
Bushfield	Holman	Revercomb
Butler	Johnson, Calif.	Reynolds
Byrd	Johnson, Colo.	Robertson
Capper	Kilgore	Russell
Caraway	Langer	Scruggam
Chandler	Lodge	Shipstead
Chavez	Lucas	Smith
Clark, Idaho	McCarran	Stewart
Clark, Mo.	McClellan	Taft
Danaher	McFarland	Thomas, Idaho
Davis	McKellar	Thomas, Utah

Tobey	Wagner	White
Truman	Wallgren	Wiley
Tunnell	Walsh, Mass.	Willis
Tydings	Walsh, N J	Wilson
Vandenberg	Wheeler	
Van Nuys	Wherry	

The PRESIDING OFFICER. Eighty-five Senators having answered to their names, a quorum is present.

Mr. DANAHER. Mr. President, on the desks of Senators there has been for several days the proposal of a substitute for the committee bill, printed in form, and bearing the date of November 29, 1943, as will appear. I am abandoning the suggestion of a substitute for the entire bill, in view of the many amendments which have already carried on the floor of the Senate.

I, therefore, move an amendment, Mr. President, which will commence on page 20 of the committee amendment, line 15, and strike from the committee amendment all material there inserted down to and including line 10 on page 34 of the committee amendment, and in lieu of the matter thus stricken I would insert material which will be stated in due course by the reading clerk, but which may be found commencing on page 5, line 13, of the print which I had caused to be placed on Senators' desks, running through line 5, page 21, in the November 29 proposed substitute.

Actually what I am proposing to do is to substitute for the mechanism contemplated by the committee bill a method of voting by absentee soldiers, and members of the merchant marine and others comprehended by the Aiken amendment, which will bring the election itself and the actual casting of the votes back to the States. The ballot will be cast in the State, it will be cast under a power of attorney which will be executed by the absentee voter. The vote when cast within the State shall be subject to all the State laws. The voters will be canvassed and counted and certified in each State by its proper canvassing board in the usual manner obtaining in the State.

The entire subject, after everything is said and done, finds us in rather a precarious position as a matter of law. I am personally of the opinion that under article I, section 4, of the Constitution of the United States, we do have the right, in voting for Members of Congress, at the very least, to supersede State laws, or to make regulations with respect to the manner of voting. Whether or not under the war powers we have that power with reference to Presidential electors, I do not know. That has never been canvassed in court, so far as I know; it has never been decided in any jurisdiction, except insofar as the Senate itself undertook to do so in 1942 in Public, No. 712, and in that action the House concurred, and the President approved Public, No. 712. Able lawyers here urge that our war powers under the Constitution are equal to our extending the vote for Presidential electors, such vote to be cast by absentees in the manner suggested by the committee bill. I voted, as I yesterday intimated, against the Aiken amendment, because I seriously doubt if

we have any power whatsoever to extend our war powers to civilians who are serving with the armed forces, irrespective of the capacity in which such civilians serve. That is especially true in view of the fact that 47 out of the 48 States have already seen fit to enact absentee voters legislation in favor of such civilians. Therefore there is an existing mechanism under the laws of all but 1 of the States.

Moreover, I perceive from the committee bill that in title 3, section 302, this language is to be found:

Nothing in this act shall be deemed to restrict the right of any member of the armed forces of the United States or of any other person to vote in accordance with the law of the State of his residence, if he does not elect to vote in accordance with the provisions of title I of this act.

Therefore, Mr. President, since this is an alternative proposal to the existing laws of the overwhelming plurality of our States, I would employ a mechanism which it seems to me is essential if we are to preserve the character of the States with reference to their control of voting within their borders, not only as to the manner, insofar as we can comport with existing State law, but also as to the certification and the canvassing and the counting of all the ballots.

Moreover, under the proposal as I intend to explain it in detail, there will actually be a person within the jurisdiction of the State who is actually casting a ballot in the State.

Mr. REYNOLDS. Mr. President, I indeed regret that I shall not be present tomorrow to vote for the amendment of the Senator from Connecticut, which he is discussing so ably. If I were able to be present, I should vote for it. I am sorry also I shall not be here to vote for the substitute to be offered by the senior Senator from South Carolina [Mr. SMITH]. I should also be glad to have opportunity to vote for the Eastland-McClellan-McKellar substitute, but I shall not be present tomorrow, and consequently shall not be able to vote for these amendments.

However, I recognize that there is going to be a final vote on the bill in some form or other giving a right to our soldiers to vote, and I want to say that I should like very much to be present when the vote is had, and if I were present I should vote to give the soldiers the privilege of voting.

I thank the Senator from Connecticut very much for yielding to me.

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

Mr. DANAHER. I yield.

Mr. WHITE. I wish to call the Senator's attention to a matter which is of some concern to me and to the people of Maine. Some of us think that the election to be held there next September is the most important election to be held throughout the country. But it seems to me that the Senator's amendment, as it is now drafted, excludes from the benefits of the legislation, if they be benefits, the soldiers and sailors of my State who may be abroad. Let me call

the Senator's attention to the language on page 6 of his amendment.

You having been appointed my proxy to vote in my behalf in the general election to be held November 7, 1944.

In Maine, Mr. President, our Senators and our Representatives are not elected in the November election at all, but are elected in September. I wish the Senator would consider an amendment of that language so that it will read substantially in this wise:

You having been appointed my proxy to vote in my behalf in the general elections—

Making that word plural—
to be held in 1944.

That would cover both the September election in my State and the elections held in other States in November. Much the same suggestion should be made with respect to the language appearing on the top of page 8. That language is as follows:

Oath of elector for voting in the general election to be held on November 7, 1944.

That language has the same infirmity as the other language of which I have just complained. If the Senator will consider making the word "election" plural, so that it will read "elections," and then to have the remainder read "to be held in 1944" I think that would cover my State as well as other States, and I see no reason for any objection to the alteration.

Mr. DANAHER. Mr. President, I not only agree in the suggestion of the Senator from Maine but gladly adopt his suggestion. I would point out to him that on page 22 of the committee bill, after line 12, the same thing appears, and it was on that account that I carried over into the mechanism I propose the suggestion of the committee.

Mr. WHITE. The Senator is quite right. The same infirmity appears in the committee bill, and I had intended at the appropriate time to call attention to it.

Mr. DANAHER. Let me ask the Senator from Maine, while we are on the subject: So far as this enabling legislation is concerned, in the State of Maine it would apply in September so far as Members of Congress are concerned.

Mr. WHITE. That is quite right.

Mr. DANAHER. And would apply again in November so far as Presidential electors are concerned. Is that not so?

Mr. WHITE. Yes; that is correct, with the change made as I suggested. In September we elect all officers voted for in the State of Maine save Presidential electors. Every fourth year we have a second election, that second election coming in November, at which time we choose our Presidential electors.

Mr. DANAHER. Let me ask the Senator from Maine another question. Is there an absentee voters' law in Maine?

Mr. WHITE. There is.

Mr. DANAHER. And under that law may absentee voters vote in both elections to which the Senator has referred?

Mr. WHITE. They would have the privilege of voting in both elections, but they would have to make their applications for their ballots to be cast in both elections.

Mr. DANAHER. And in that election may they also vote on an absentee ballot for all State officers?

Mr. WHITE. On an absentee ballot they may vote for every officer who is a candidate for office in our State.

Mr. DANAHER. It is perfectly clear that a citizen of the State of Maine who will be absent at either election date would be much better off were he to avail himself of the privileges conferred by the law of the State of Maine than were he to avail himself of this bill. Under the law of the State of Maine he would be permitted to vote for all officers.

Mr. WHITE. If he wanted to vote in the September election he could proceed under the State law and vote without regard to the provisions of the proposed legislation. The same thing is true with respect to the November election. He could proceed under our absentee ballot law and vote in that election. But it seemed to me that the statute which we are proposing to enact ought to make it clear that he could utilize the provisions of the committee amendment if he saw fit to do so.

Mr. DANAHER. Let me further ask the Senator from Maine, with reference to his State, Would not the citizens of his State be infinitely better off if we were to adopt title II of the committee bill and create a mechanism which the Army and Navy would be required to follow in taking the applications of the Maine absentee voters from the field to the State House, or to whatever appropriate election centers there be in Maine?

Mr. WHITE. I am not clear in my own mind without checking what title II is.

Mr. DANAHER. It begins in line 11, on page 34.

Mr. WHITE. There has always been a question in my mind whether with absentee voting laws in force in 47 States we ought not to confine ourselves to that method in any event.

Mr. DANAHER. Let me point out to the Senator from Maine that in the committee print in title I there is a provision that the Army and Navy officials in administering the act shall expedite the ballots, and shall do everything possible to make certain that opportunity shall be given, through air carriage generally, to carry the ballots from the field to the respective States. There is no such provision in title II. Does the Senator notice that?

Mr. WHITE. That is quite true, I believe.

Mr. DANAHER. So that if we were to amend title II to require that the Army and Navy give the same expedition to applications as has previously been authorized by State law we would be doing a very real service to the absentee voters of the State of Maine, would we not?

Mr. WHITE. I quite agree.

Mr. BURTON. Mr. President—

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

Mr. DANAHER. I yield.

Mr. BURTON. I was interested in the proposal made by the Senator from Maine. I think a unique situation exists in his State. I am not familiar with the language of the amendment proposed by the Senator from Connecticut; but the statement made by the Senator from Maine raises an unusual situation, and I want to inquire whether or not the language which has already been proposed by the Senator from Connecticut will take care of it. In the event the proxy or power of attorney is presented in September, can it remain on file until November, and can it be used again at that time, or is there any language which needs to be altered so that the same proxies can be used at the two State elections?

Mr. DANAHER. The language of my amendment would not so provide because it provides that the vote shall be had in accordance with the laws of the State where the vote is to be cast.

Mr. BURTON. My question is whether the proxy which is presented in time for the September election could remain on file and be used in the November election also?

Mr. WHITE. I do not believe that could be done under the Maine State law. I think an application would have to be made for absentee ballots for both elections.

Mr. DANAHER. And the same thing would be true under the committee bill, would it not?

Mr. WHITE. I think so.

Mr. DANAHER. Except that no application would be required, but there would be a separate ballot in each instance.

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

Mr. DANAHER. I yield.

Mr. AUSTIN. My recollection is that the committee had no intention at all of having this machinery apply to the election of State officers.

Mr. DANAHER. Oh, that is true. I agree.

Mr. AUSTIN. It was a voluntary and willful separation from the permission to use the State machinery for State elections, simply because of the complication and extraordinary work that would be imposed on the Army and the Navy if we made this machinery useful in all the different kinds of elections which might be held.

Mr. DANAHER. But I am sure that even the answer of our distinguished friend from Vermont does not go to the question asked by the Senator from Ohio. Am I not correct?

Mr. BURTON. Yes; the question I raised—

Mr. AUSTIN. Oh, Mr. President, I was not trying to answer that question.

Mr. DANAHER. I thought the Senator was.

Mr. AUSTIN. No. I am sorry. I was not trying to answer that question. I was trying to answer a previous question.

Mr. BURTON. If I may inquire again, then, referring solely to the election of the Federal officers—that is, of Senators and Representatives in September, and the Presidential electors in November—would it be necessary for the soldier from Maine to have two powers of attorney, or could the soldier sign one power of attorney and have his proxy use that to vote in the September election, and then let it remain on file, to be used again by his proxy in November for casting a ballot in the election for Presidential electors?

Mr. WHITE. I do not know the answer to that question. The use of a proxy in casting votes in my State is something I never heard of. It is not a part of our law. Under the Maine law as it now stands I have no question that an application would have to be made for an absentee ballot for the September election, and a separate and distinct application would have to be made for an absentee ballot for the November election.

Mr. DANAHER. But what the Senator from Maine says about the proposed amendment applies alike to the committee bill. There would have to be two separate ballots; is that not so?

Mr. WHITE. I believe that to be true.

Mr. DANAHER. Yes. Would the Senator from Rhode Island differ with that statement?

Mr. GREEN. Yes, Mr. President; I would differ. Because the committee amendment applies only to the Presidential election—

Mr. DANAHER. Mr. President, I am sure the Senator does not mean that. The committee amendment applies to both—

Mr. GREEN. To the Presidential election and the congressional election.

Mr. DANAHER. To both the Presidential and congressional elections.

Mr. GREEN. Yes; I said it applies to both.

Mr. DANAHER. I am sorry; I did not understand the Senator.

The Senator from Maine has also said that, in Maine, the soldier would have to have two ballots, one in order to cast his vote in the September congressional election and the other in order to cast his vote in the November Presidential election. Is that not so?

Mr. GREEN. I presume it is.

Mr. DANAHER. Yes.

Mr. BURTON. Mr. President, I should like to clarify the situation, if I am able to do so. I understood the Senator from Maine to suggest that the language relative to the power of attorney be so changed that it would cover the power of attorney for the general elections in 1944, thereby requiring the soldier to sign but one instrument. I am simply wondering whether that would be sufficient, if the suggestion were adopted.

Mr. DANAHER. Mr. President, the Senator from Maine did not say only one application would be required. He did not even mean that. What he did mean by making the statement "general elections," in the plural, was to cover all general elections. Is that not so?

Mr. WHITE. That is correct, Mr. President; the general elections, both the

general election in November, when candidates for President are voted for, and the general election in September, when candidates for Senator and Representatives are voted for. I do not know what the proposed interpretation is, but I should assume there would be two powers of attorney, although I suppose they could be incorporated into one power of attorney, granting the power to act in both elections. However, that is mere guesswork on my part.

Mr. DANAHER. But whatever the fact may be, it applies alike to the committee proposal, so far as the State of Maine is concerned; does it not?

Mr. WHITE. The Senator is correct.

Mr. DANAHER. Mr. President, it raises, obviously, an additional phase of the intricacy of an attempt by the Congress to override in this manner the election laws of the 48 States. It certainly does present, as I said when I commenced my remarks, what can at best be described as a precarious situation.

While the Senator from Maine has said that in his State there has never even occurred to the very able people who live there the notion of a vote by proxy, the fact remains that in the State of Connecticut it has been the practice for a good many years, and it works admirably. What I am seeking to do is to call to the attention of the Congress a method which, in principle, would be adapted to the ends we all seek to accomplish, to make it possible for absentees to vote, but to vote in person, through their alter egos within the State, and in accordance with its laws.

Not only can that be done; but I respectfully submit, that the method I have suggested can be adapted to every single recommendation of the committee. Indeed, Mr. President, I have done no more in the proposed amendment than to substitute the principle of the proxy vote for the language which came from the committee. I have followed its structure, I have followed its framework, I have even adopted the very form of declaration with reference to the ballot which the committee itself has set forth. There is no variance in that particular.

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

Mr. DANAHER. I am glad to yield.

Mr. LUCAS. Of course, the Senator from Connecticut has admitted that the secrecy of the ballot would be violated by having a proxy vote.

Mr. DANAHER. No, Mr. President; I do not admit that. This is what I say: Take, for example, the way the thing operates in the State of Connecticut, at this moment.

Mr. LUCAS. Mr. President, I am not so much interested in that.

Mr. DANAHER. That is a good way to find out—to have me tell the Senator.

Mr. LUCAS. Perhaps so; but let me inquire whether the pending bill is patterned after the Connecticut laws.

Mr. DANAHER. No; the bill before us is patterned after the committee's recommendation, simply adapting to it a mechanism which in principle is the Connecticut mechanism, and which works admirably.

Mr. LUCAS. What advantage could there be in having a boy at Guadalcanal send the information to his father in Havana, Ill., and say to him, "I want you to vote the way I have instructed"? What advantage would there be?

Mr. DANAHER. Let us assume a case. Assume that in Havana, Ill., there is a gentleman named John W. White who presents himself to the moderator in his own election precinct on the morning of November 7, 1944, and demands to vote; and the moderator runs his finger down the list, and ascertains that on the list is the name John W. White. The moderator asks, "Where do you live?"

The reply is, "22 Evergreen Avenue, Havana, Ill."

Then his name is checked off, and he is permitted to vote. He can come back in 2 or 3 minutes, and can say, "Now I want to vote for my son, John W. White, Jr." The registrar or moderator would say, "What is your authority to vote for him?" He would say, "He is an absentee soldier. He is in Munda. He has sent me this power of attorney."

The power of attorney would be identical with the inner-envelope idea the committee has suggested. It would contain on its face a statement that the soldier was 21 years of age, or whatever his actual age might be, that he was in the armed services. I would also require that his serial number be set forth. Moreover, I would require that he appear before a superior officer and attest and take oath to the power of attorney in fact; that the commissioned officer further certify that he knows the individual who presented himself to him, and that in fact he is the soldier who purports thus to create the power of attorney. That, I submit, is a very marked difference from the language of the committee bill.

Mr. LUCAS. However, Mr. President, what is the—

Mr. DANAHER. Mr. President, I should like the Senator to permit me to continue, and to take up the matter step by step.

Mr. LUCAS. Very well.

Mr. DANAHER. Then he would present the power of attorney, and it would be valid on its face; and the moderator would say, "That is all right; that complies with all the instructions which we understand to apply." So he would check off the name "John W. White, Jr., absentee," and he would write the words "By John W. White, proxy." And that individual would enter the booth, and open his son's instructions. The man who knows that his own son is fighting perhaps for his very life at that moment would be confronted with his son's instructions. He never would violate those instructions of his son. He would obey them. He would abide by them just as faithfully as he could.

But before he went into the booth, he would take an oath, consummated before the moderator, that he would not disclose the instructions his son had given to him; and he would not do so unless and until there were an election contest, in which case a court of competent jurisdiction could of course make inquiry, as

it can in any election case. Then, and in those circumstances, those very inhibitions would be removed by the court order of a court of appropriate jurisdiction.

Moreover, John W. White, Sr., would be within the jurisdiction, where everyone knows him, where the moderators can check on him. He would, moreover, cast the vote in accordance with the law of the State of Illinois, and it would be counted in the same manner, because it was a vote which was cast there, and in person, by John W. White, in behalf of his absentee son.

The son having selected his own father or his own wife, or, if he have no father or wife or other relative to whom he chooses to entrust his ballot, he may designate his trusted friend, whom he himself selects—

Mr. LUCAS. He could select the leader of the precinct; could he not?

Mr. DANAHER. He could select his political leader; but it is infinitely better that he select the political leader than it is that the secretary of state in some State send all the absentee ballots to what the committee bill calls "appropriate officials." I have heard before now of appropriate officials whose actions have resulted in court contests—yes, in convictions—because of the manner in which such "appropriate officials" have carried out or have abused, as the case may have been, the trust reposed in them. There would not be any chance for that.

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

Mr. DANAHER. I yield.

Mr. LUCAS. There would be no reason why the political leader of a county or of a precinct should not accept 50 proxies, if he could get them, and vote the proxies.

Mr. DANAHER. That is true.

Mr. LUCAS. In other words, under the Senator's amendment, we should have proxy hunters all over the United States, looking for soldiers' ballots in the 1944 campaign. The Senator has not yet told me the advantage of proxy voting over the plan outlined in the bill. That is something I cannot follow.

Mr. DANAHER. I cannot understand why I have not told the Senator. If he does not follow me that is another matter.

Let me put it in this way: If there are 10,000,000 servicemen absent in the service, and each of those men selects his own wife or father to act for him, what more could the Senator want? He would be selecting the one person he knows he can trust, or at least has every reason to think he can trust.

Mr. LUCAS. Apparently the Senator does not trust absentee balloting at all; yet we have it in 46 of the 48 States, where absentee ballots are voted absolutely in secret and counted by the judges of the election precincts, the same as any other ballots.

Mr. DANAHER. Does the Senator feel that that system is adequate?

Mr. LUCAS. Certainly.

Mr. DANAHER. Then why are we taking all this time with this bill?

Mr. LUCAS. I certainly feel that the absentee ballot laws, so far as they go, are adequate; but they cannot meet the situation in the emergency which exists at the present time. I went over all that with the Senator from Mississippi [Mr. EASTLAND] the other day in the debate.

I cannot follow the Senator when he makes the statement that the proxy ballot would still be a secret ballot. If one political leader knows how 50 men in the Army are going to vote—

Mr. DANAHER. How would he know that?

Mr. LUCAS. If he were a proxy hunter, he might know it. I can assure the Senator that under his amendment there would be proxy hunters all over the country seeking soldiers' votes. There would be nothing to keep a proxy hunter from casting 25 or 50 votes, if he had the proxies in his pocket.

Let me say to the Senator that when we first introduced the bill we conceived the idea of having the ballots micro-filmed and returned by V-mail. I was charged by a very prominent newspaper in my State with a conspiracy with President Roosevelt to steal the 1944 election, because we were violating the secrecy of the ballot.

Mr. DANAHER. There is nothing to that charge. I hope the Senator was absolved.

Mr. LUCAS. I cite that merely as an illustration. If we were proposing to violate the secrecy of the ballot by having the ballots sent here by microfilming, I undertake to say that the Senator's amendment is far more open to that charge than was the original proposal. In other words, if 5,000,000 soldiers vote by proxy, at least 5,000,000 persons will be looking over the soldiers' shoulders when they go into the booths to vote. I think that the editorial in the Herald Tribune, which is the bible of the Republican Party, was eminently correct when it stated that the amendment of the able Senator went right to the heart of suffrage, in that it certainly would violate the secrecy of the ballot. I do not see how the Senator can contend that his proposal does not violate the sacred right of secrecy.

Mr. DANAHER. Mr. President, our Government is founded upon the sanctity of the oath—our oath, the oath of a jury which makes deliverance between the accused and his Government, the oath of the President himself, and the elector's oath, under which he acts for himself. The man who holds the proxy takes oath that he will preserve the secrecy of his appointment by his son to execute the son's wishes. I refuse to believe that that particular person, in violation of his oath, will go around telling how his son wanted him to vote. I do not believe it.

I respectfully suggest to the Senator from Illinois that this is the best method it is possible to devise for obtaining honest, accurate voting in behalf of absentee soldiers. I know that it would work. I do not have to leave this Chamber to tell the Senator that in the city of Hartford we had an election on No-

vember 2 of this year. Hundreds of absentee soldiers voted under that particular method, the only distinction being that under our law they empowered a moderator, whom they did not know, to appoint two electors, from opposite political parties, to vote in behalf of the absentee. The electors took an oath of secrecy and voted 200, 300, 400, or whatever number of absentee ballots were entrusted to their care.

Because of the possibility mentioned by the Senator from Illinois, I have restricted proxies to the father, mother, or relative of the absent soldier. Going one step further, if that is all the Senator has to worry about, we could easily limit the number of ballots that could be cast by any one father.

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

Mr. DANAHER. I yield.

Mr. LUCAS. What kind of a ballot would the proxy finally vote after he got into the booth?

Mr. DANAHER. The very ballot, in the very same words used by the Senator in the committee bill. I adopted the very same language.

Mr. LUCAS. That would mean that the ballot commission would have to send to the election officials of every precinct in America a great number of ballots. I do not know how many, but the total would be in the millions, in order to take care of voting by proxy. Where would the proxy get the ballot?

Mr. DANAHER. Where did the Senator expect the soldier in the field to get a ballot? He would get it through the electoral commission, which prints them and sends them out to the field.

Mr. LUCAS. Then when he votes the ballot—

Mr. DANAHER. It is the very same thing. There is no difference.

Mr. LUCAS. He will go into the election booth, with the ballot—

Mr. DANAHER. He will open his instruction envelope, on the outside of which will be his power of attorney.

Mr. LUCAS. Then he will go into the booth by himself.

Mr. DANAHER. Yes.

Mr. LUCAS. What ballot will he vote when he gets in there?

Mr. DANAHER. The ballot his son sends him.

Mr. LUCAS. Then the son will not mark it at all?

Mr. DANAHER. Certainly he will. He will mark it just the way the Senator from Illinois suggested in the committee.

Mr. LUCAS. Why will the proxy have to go into the booth, if the ballot is already marked?

Mr. DANAHER. If the Senator wants to let him walk by a box and drop it in the box, instead of going into a booth, that is all right. It is immaterial.

Mr. LUCAS. Then the ballot proposed by the Senator is the same as that proposed by the committee. The only difference is that instead of it being sent to the secretary of state, it would be sent to the next of kin, the father, the brother, or sister.

Mr. DANAHER. Mr. President, the Senator from Illinois, who is so distinguished a Member of this body, has done me scant honor. The very least he could have done before asking all these questions would have been to compare what I have caused to be printed with what the committee reported. If he had only looked at it, he would have seen that the two forms are identical. There is no difference. Let me say to the Senator from Illinois that he will save the time of the Senate if he will compare what appears on page 22 of the committee print with what appears on page 6 of my amendment. The two forms are identical.

Mr. LUCAS. Mr. President, I do not want the Senator from Connecticut to think of my doing him scant honor. I do not feel that way about him.

Mr. DANAHER. If the Senator had read my amendment—

Mr. LUCAS. I have read the Senator's amendment, and I will say candidly that I have not yet been able to ascertain from reading it just how the vote is to be cast when it finally gets back, we will say, to Havana, Ill. I do not understand it, and I wish the Senator would explain it to me again. I cannot follow it.

Mr. DANAHER. I was talking about a man named John W. White, of 22 Evergreen Avenue, Havana, Ill.

Mr. LUCAS. I have heard of Mr. White.

Mr. DANAHER. Mr. White receives from John W. White, Jr., at Munda, an inner envelope, but it comes to him via the secretary of state of the State of Illinois. I believe that we can place more trust in the father of the absentee soldier when he receives that envelope from the secretary of state of Illinois than we can place in the election officials of some other places in Illinois when they receive absentee ballots from the secretary of state of the State of Illinois.

The committee bill suggests that the secretary of state of Illinois send the ballots to "appropriate officials" within the given election precinct. I do not want that to be done. I have heard too much about some States. I want the ballot to be sent to the father, John W. White, in Havana, Ill., whose absentee son has taken an oath that he is willing to trust his father. Now, if the Senator from Illinois will turn to page 6 of the suggestion of the Senator from Connecticut, he will find that the son would mark a proposed ballot identical with that which the Senator from Illinois and the committee have set forth in the committee print. The only difference is that the ballot would be cast in Illinois by a citizen of Illinois who is an American citizen and the father, or the trusted friend of the absentee, instead of entrusting it to an official, however appropriate he may be.

Mr. President, I go one step further and say that the actual physical act of violating the State law, should there be any violation, would occur within pre-

incts where the violation could be prosecuted, where the individual who violates the law would be amenable to the laws of the State of Illinois.

Mr. LUCAS. Would not the election officials be amenable if they should violate the law?

Mr. DANAHER. I will say to the Senator from Illinois that we do not have to go to the length of putting them in jeopardy. We can handle the matter by providing that the father shall cast the ballot.

Mr. LUCAS. By using the proxy method there is one more individual who can be charged with violation of the law. In addition to the officials perhaps being charged with having done something wrong, there would be another individual involved, just as there would be if, at the present time, the ballot was sent through the county clerk.

Mr. DANAHER. No; all I would do would be to substitute the father for the election officials. The same number of persons would handle the ballot in exactly the same way except they would all be amenable to State law.

Mr. LUCAS. When the father receives the ballot for John White in Munda from the secretary of state in Illinois, he then carries the ballot with him; he protects it, he can vote it if he wants to, or not vote it if he does not want to. It is up to him. Some ballots are sent to the political leader. Some soldier may not have a next of kin living in his own community, and he has to send the ballot to his political leader, who carries it with him for 10 days, 2 weeks, or perhaps 3 weeks, or whatever the time may be, and then finally walks into the booth on election day and drops the proxy in the ballot box. Am I correct about that?

Mr. DANAHER. Yes.

Mr. LUCAS. And that is all there is to it. Of course, he takes the oath when he drops the ballot into the ballot box that it is in the same condition as when he received it, and so forth, and so on.

Mr. DANAHER. And that preserves secrecy. Let me say further that I do not agree that it would be carried 10 days, 2 weeks, or 3 weeks. The Senator has put that in.

On page 29 of the committee bill, in line 21, we find the following language:

The secretary of state of the State of the voter's residence who shall at an appropriate time transmit it to the appropriate election officials of the district, precinct, county—

That is what the committee wants to do. What does the committee mean by "an appropriate time"? I assume that in the State of Illinois mail from Springfield can reach any of the election precincts in not to exceed 3 days. I suppose the Senator had in mind that the secretary of state would see to it, under regulations which the Senator would authorize the Commission to prepare, that the ballot would be sent, perhaps, by registered mail with return receipt required. Maybe 5 days would be required. I do not know. But, whatever the Senator from Illinois wanted, I took identically the same language and pro-

vided that the secretary of state at an appropriate time should cause the ballot, with the instructions of the soldier, to be delivered to the named proxy.

Mr. LUCAS. That is the point exactly. In other words, the secretary of state, under the committee bill, at the appropriate time delivers the ballots to the various county clerks in the State of Illinois, and in Chicago I think it would be—and if I am wrong about it my colleague can correct me—to the chairman of the board of election commissioners there. I think that is the way it would be handled. But, anyway, in the case of the counties down-State having county clerks, the secretary of state would send all the ballots to the various counties, and the county clerk, who is a duly elected official, under bond, would hold the absentee ballots until such time as he could distribute them to the election officials in the various precincts.

Mr. DANAHER. In the Senator's judgment, what is the appropriate time which is provided for?

Mr. LUCAS. As I recall, the ballot has to be in the proper election precinct 2 or 3 days before the date of the election. Under the present absentee-voting law it has to be cast within 30 days before the election; but under our proposal, it can be cast any time after it is received. An election might be held in Munda some 2 months before it was held in the United States and the ballot might be in the clerk's office for 40 days, if it is sent there from the secretary of state the moment he receives it.

The same thing could occur under the Senator's proposal. When the secretary of state gets the ballot he will send it on to John White at Havana, Ill., where it may remain 20 or 30 or 40 days in advance of the election and John White would carry that proxy around with him during that length of time.

Mr. DANAHER. He would not do it if the words "appropriate time" are given anything like the reasonable construction which the Senator and I would expect, as a matter of law, would be given.

Mr. LUCAS. It would not make any difference.

Mr. DANAHER. No; it would not make any difference.

Mr. LUCAS. He is the person trusted by the soldier, and he can well carry the proxy for 20 days.

Mr. DANAHER. Yes; but the Senator and I are ignoring the practicalities of the situation. It would not be that way, as the Senator knows. Moreover, on page 18 of the amendment which I propose, this language is found:

No ballot otherwise authorized to be cast under the provisions of this title shall be valid if * * *

(2) The date of the oath of the absentee voter is later than the date of the holding of the election.

That would end it right there. There would be no waiting to find out how many votes are needed before the election official goes into the ballot sack.

Mr. LUCAS. Under the Senator's amendment the proxy would take care of that long in advance.

Mr. DANAHER. No; I think the soldier of the United States who is interested enough to want to vote for President and Members of Congress will do everything he can to safeguard his vote. I want him to have the privilege of voting because I think 9 out of every 10 of the absentee soldiers will vote Republican, and I want their votes to be counted.

Mr. LUCAS. If the Senator wants the votes counted, he had better withdraw his proxy provision, and vote for the pending bill instead.

Mr. DANAHER. I respectfully comment that I can understand why the appropriate voting election official is suggested.

Mr. LUCAS. There are some honest election officials in this country. I do not know whether the officials of Connecticut have had anything to do with the changing of the law in that State from this method to that method, but it is a recognized fact that the percentage of absentee voting in 46 of the 48 States is just the same.

Mr. DANAHER. When we saw what was happening in other States, Connecticut adopted the system which I have described, and it is very effective.

Mr. LUCAS. I regret that the Senator has cast reflection on 46 States. Some of them, at least, must have some honest officials somewhere along the line, and I believe that in most States the votes are counted.

Mr. DANAHER. No; they started too early, may I say to the Senator from Illinois.

Mr. President, may I ask the Senator from Kentucky if it is his disposition that we conclude at or about this time, or shall we press on?

Mr. BARKLEY. I thought the Senator would probably wish to conclude before we conclude, but if he does not, I would conclude to quit.

Mr. DANAHER. I will go along with the Senator from Kentucky now, as I so often do.

Mr. BARKLEY. I mean that if the Senator does not wish to conclude his remarks this afternoon in order that we may reach a conclusion concerning what he has proposed, I shall be glad to reach the conclusion that we ought to conclude our work.

Mr. DANAHER. I should like to have the other 70 Senators have an opportunity to read in the RECORD what I have said today.

Mr. BARKLEY. I am sure that they will have the opportunity, but whether they will take it or not, I do not know. [Laughter.]

Mr. DANAHER. So if the Senator from Kentucky is willing that an adjournment or recess be taken until 12 o'clock tomorrow, it is agreeable to me.

Mr. President, I send to the desk now the text of the amendment which we have been discussing, and ask that it be printed in the body of the RECORD.

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

Amendment proposed by Mr. DANAHER to the bill (S. 1285) to amend the act of September 16, 1942, which provided a method of voting, in time of war, by members of the land and naval forces absent from the place of their residence, and for other purposes, viz: Commencing on page 20 in line 15 of the printed committee amendment, as amended, strike out all material down to and including line 10, on page 34, and in lieu thereof insert the following:

"INSTRUCTIONS

"SEC. 104. (a) Each person eligible to vote in general elections under this title, may on an appropriate form to be known as an 'Appointment and instruction blank' appoint under oath and in writing an American citizen who may be his father, mother, relative, or other trusted friend, to act as his proxy, who shall be bound to cast a vote in behalf of such absentee in accordance with the instructions of such absentee, who shall indicate his choice of candidates or party on such appointment and instruction blank.

"(b) The Commission shall cause to be prepared and printed for use by those persons who are eligible to vote in accordance with section 102 an adequate number of appointment and instruction blanks. Each such blank shall be printed in the following form insofar as the officers enumerated are appropriate to the particular election, and shall contain directions as indicated:

"SPECIAL ABSENTEE VOTER'S APPOINTMENT AND INSTRUCTION BLANK

"Directions. If you wish to appoint an American citizen, who may be your father, mother, relative, or other trusted friend, to vote in your behalf and in accordance with your instructions, you may direct that such person so appointed write in the name of the candidate of your choice for each office or that such person write in the name of your political party—Democratic, Republican, or other

"You having been appointed my proxy to vote in my behalf in the general election to be held in 1944, I direct that you cast my vote in my behalf in accordance with the instructions hereinafter indicated.

"ELECTORS OF PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

"(A vote for President includes a vote for Vice President of the same party)

"Write in the name of your choice for President or the name of his party-----

"UNITED STATES SENATOR

"Only if a Senator is to be elected in your State

"Write in the name of your choice for Senator or the name of his party-----

"REPRESENTATIVE IN CONGRESS FOR YOUR DISTRICT

"Write in the name of your choice for Representative in Congress for your district or the name of his party-----

"REPRESENTATIVE AT LARGE IN CONGRESS

"(Only in the States entitled thereto)

"(Vote for one or two as the case may be)

"Write in the name or names of your choice for Representative at Large or the name of his party-----

"Instructions for a vote by party designation shall be deemed to call for a vote for the candidate of that party by name. Instructions for a vote for a Presidential candidate by name shall be deemed to call for a vote for the candidates for Presidential and Vice Presidential electors of his party. No instructions shall be invalid by reason of mistake or omission in writing in the name of the candidate or his political party where the candidate or party intended by the absentee is plainly identifiable.

"(c) The Commission shall also cause to be prepared and printed an appropriate number of official inner envelopes for use in sealing the official appointment and instructions. Each envelope shall be gummed ready for sealing. Upon one side of the envelope shall be printed:

"OFFICIAL FEDERAL APPOINTMENT OF PROXY FOR ABSENTEE VOTER FOR GENERAL ELECTION

"Name of voter-----

"(Print your name plainly here)

"Home residence:

"Street and number (if any) or rural route-----

"(Print street and number or rural route plainly here)

"City or town (if any)-----

"(Print city or town plainly here)

"County-----

"(Print county plainly here)

"Upon the other side of such envelope shall be printed the following oath, at the top of which shall be set forth the date of the election:

"OATH OF ELECTOR FOR VOTING IN THE GENERAL ELECTIONS TO BE HELD IN 1944

"I do hereby swear (or affirm) that:

"(1) I am a citizen of the United States;

"(2) The date of my birth was-----;

"(3) For----- years preceding this election my home residence has been in the State of-----;

"(4) For----- years preceding this election my home residence has been in the (city, town, or village) of----- in the county of----- at (street and number, if any, or rural route)-----;

"(5) I am in the armed forces of the United States and my serial number is-----; and that I am relying exclusively on this method of voting, that I have not voted and do not intend to vote in this election at any address other than the above; and that I have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered, or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving of a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that I have not been convicted of bribery or any infamous crime, or, if so convicted, that I have been pardoned or restored to all the rights of a citizen, without restriction as to the rights of suffrage.

"I, therefore, appoint as my proxy for me and in my behalf to vote in accordance with the instructions herein contained, in the place of my own residence, as above-----

"(Here insert name of proxy)

who is my-----
"(Father, mother, or other relative, or trusted friend, indicate which)

who, according to my best information last lived at-----

"(Street and number, if any, or rural route)

(City or town)

"(County)

(State)

"(Voter must sign his usual signature here and oath must be administered and attested.)

"Subscribed and sworn to before me this----- day of-----, 194--- I further certify that the above-named absentee voter is personally known or has been specifically identified to me as being the person bearing such name and that I did not solicit or advise said absentee voter to vote for or against any political party or for or against any candidate.

"-----

"(Commissioned officer or other person authorized to administer and attest this oath (indicate which).)

"(c) The Commission shall also cause to be prepared and printed an appropriate number of official outer envelopes for use in returning to the Commission the official appointment and instruction blank and official inner envelopes. Upon such outer envelope the following shall be printed:

"Free of all postage, including air mail.

"Official Special Absentee Voter's Appointment and Instruction Blank.

"To the special absentee voters' commission:

"For transmission to the secretary of state of the State shown below:

"Voter's home residence:

"Street and number (if any) or rural route-----

"(Print clearly)

"City or town-----

"(Print clearly)

"County and State-----

"(Print clearly)

"(d) Appointment and instruction forms and envelopes for use outside the United States shall be suitable for air mailing.

"(e) The Commission shall also cause to be prepared and printed an adequate number of copies of directions for following the procedure specified by the provisions of this title.

"(f) Where the Secretary of War or the Secretary of the Navy determines that the transmission abroad of any material required to be prepared and printed by the provisions of this section is inexpedient because of transportation difficulties or for other reasons arising from the conduct of the war, the Commission is authorized to arrange for such material to be printed outside the United States.

"SEC. 105. (a) As an alternative to voting in accordance with the law of the State of his residence, an absentee voter may appoint as proxy to vote in his behalf in the place where the absentee would be entitled to vote were he present in person, an American citizen who may be his father, mother, relative, or trusted friend who shall when appointed reside, according to the absentee's best information, in the same village, town, or city in which the absentee has residence. Any person desiring to appoint a proxy to vote in his behalf under the provisions of this title shall privately fill out the instruction blank so as clearly to state the manner in which he wishes his vote to be cast and shall place the appointment and instruction blank in the official inner envelope and shall seal the same. Thereupon such person shall appear before a commissioned officer or other person authorized to administer and attest oaths and shall sign and swear to the statement of appointment and to the affidavit prescribed on the outside of the official inner envelope. The commissioned officer or other person authorized to administer and attest oaths before whom such voter has appeared shall administer the oath (or affirmation) of such person, shall subscribe the same, and shall further certify that such person being an absentee voter appeared before such official, that such absentee voter is personally known or specifically identified to such official as being the person bearing such name and that he signed and swore to (or affirmed) the affidavit concerning the appointment and voting instructions in the manner prescribed, and that such official did not solicit or advise such absentee voter to vote for or against any political party or for or against any candidate. After the oath of the absentee voter has been duly attested and the certificate of the official taking such oath has been affixed, the absentee voter shall then place the official inner envelope in the official outer envelope provided for the return of the appointment and voting

instructions to the Commission and shall deliver it to a person designated by proper authority to receive the executed forms of transmission to the Commission.

"(b) Any commissioned officer in the armed forces of the United States and any other person designated for this purpose by the Commission is authorized to administer and attest such oaths as are required by this title. All such oaths shall constitute prima facie evidence that the voter is entitled to vote unless the statements contained in such oath indicate the contrary.

"ADMINISTRATION

"SEC. 106. The Secretaries of War and Navy shall be responsible for the administration of this title with respect to members of the armed forces entitled to vote under this title.

"TRANSMISSION OF APPOINTMENTS AND INSTRUCTIONS

SEC. 107. (a) In each year in which a general election for Senators and Representatives in Congress is to be held, the Commission shall furnish well in advance of the election an adequate number of appointment and instruction blanks, envelopes, and copies of directions referred to in section 104 for voting procedure to the Secretaries of War and Navy.

"(b) The Secretaries of War and Navy shall, wherever practicable and compatible with military operations, transmit as furnished by the Commission, to the various units of the armed forces, in ample time to insure an opportunity to conform to the provisions of this title, in 1944, not later than August 15, an adequate number of appointment and instruction blanks, official inner envelopes, official outer envelopes, and copies of the directions referred to in section 104 for voting procedure in such general elections as furnished by the Commission.

"LISTS OF CANDIDATES

"SEC. 108. The secretary of state of each State shall furnish the Commission such information as the Commission shall request for compiling a list of candidates and their parties in any general election for President and Vice President or for Senators and Representatives in Congress. The Commission shall transmit to the Secretaries of War and Navy, at such times as it deems to be appropriate for compliance with this title, lists of candidates compiled from the information so received, even if incomplete. The Secretaries of War and Navy, shall, in ample time for compliance with this title, transmit such lists to all units of the armed forces, to the extent that such transmission is practicable and compatible with military operations. Incomplete lists of candidates so furnished, or failure to furnish such lists, shall be no bar to exercising privileges conferred by the provisions of this title. No list of candidates furnished under this title shall include information as to a candidate other than his name, address, party affiliation, and office for which nominated.

"DISTRIBUTION AND COLLECTION OF APPOINTMENT AND INSTRUCTION FORMS FOR MEMBERS OF THE ARMED FORCES

"SEC. 109. (a) The Secretaries of War and Navy, insofar as practicable and to the fullest extent compatible with military operations, shall cause appointment and instruction forms, envelopes, directions referred to in section 104, and lists of candidates to be distributed to members of the armed forces in ample time to insure an opportunity to appoint a proxy to vote in general elections under this title and shall cause executed appointment and instruction forms to be collected and transmitted to the Commission.

"(b) Wherever practicable and compatible with military operations the appropriate commanding officer shall be required—

"(1) to designate a balloting day for voting in general elections which shall be, whenever possible, after he has received a list of candidates from all States, but which shall be not later than the date which the Commission may fix for the area in which his command is located;

"(2) to cause lists of candidates to be posted and otherwise made available at conspicuous and convenient places prior to and on the balloting day and to cause copies of directions as prescribed in section 104 as to voting procedure to be furnished to members of his unit;

"(3) on the designated day, to cause appointment and instruction forms and envelopes to be distributed, to provide a convenient place for marking them in secret, and to cause the official outer envelopes to be collected and delivered for transmission to the Commission;

"(4) to assume general responsibility for assuring that every absentee voter in his unit has an opportunity to avail himself of the election procedure prescribed in this title.

"PRIORITIES

"SEC. 110. The Secretaries of War and Navy and other appropriate authorities shall take all steps necessary to give to the transmission and delivery of forms and communications under this act priority over all unofficial communications and priority over official communications except where, in the judgment of the appropriate military and naval authorities, such priority would interfere with the effective prosecution of the war. Appointment and instruction forms and enclosing envelopes executed outside the United States shall, wherever practicable to expedite their delivery, be transmitted by air.

"TRANSMISSION

"SEC. 111. (a) The Commission, upon receiving any outer envelope as hereinbefore described, shall promptly transmit it to the secretary of state of the State of the absentee voter's residence, who shall thereupon open the outer envelope and ascertain the name and address of the proxy named by the absentee voter as the same shall appear on the outside of the inner envelope. At an appropriate time, the said secretary of state shall cause the inner envelope to be transmitted to the named proxy at the address stated. No person other than the said secretary of state or a person specially designated by him for the purpose shall open any outer envelope and no person other than the proxy named by the absentee voter shall open an inner envelope purporting to contain an appointment and instructions under this title.

"(b) In order to expedite the transmission of outer envelopes with their contents executed outside the United States to the appropriate secretaries of state, the Commission may establish such regional offices as may be necessary to receive such outer envelopes, sort them out, and forward them to the appropriate secretaries of state.

"(c) When any proxy named on any inner envelope shall receive such inner envelope purporting to contain instructions as to the casting of a ballot in behalf of an absentee voter, he shall retain such inner envelope unopened until the day of election, whereupon said proxy shall present himself in the absentee voter's village, town, or city of residence, to the appropriate election official of the district, precinct, county, or other voting unit of the State of the voter's residence and present unopened the inner envelope as evidence of his appointment, whereupon such proxy shall be sworn to carry out faithfully the instructions of the absentee voter and that he will not disclose to anyone unless required to testify thereto in some competent court, how any such absentee voter instructed his vote to be cast, or how it was cast. The appropriate election officials shall indicate of

record the name of the proxy and the name of the absentee voter in whose behalf he shall act, and after the name of the latter shall write the word 'absentee.' Thereupon the proxy shall be admitted to vote in behalf of the absentee voter. Each absentee voter's ballot shall be deposited in a special absentee voter's ballot box which shall be provided at each voting place. After he shall have voted, the instructions for voting shall be deposited in a container specially provided for the purpose which shall be retained by the appropriate election official until the time for any election contest has passed when such container with its contents shall be destroyed. No such container shall be opened by any person except by order of a court of competent jurisdiction.

"REPORTS

"SEC. 112. (a) The Secretaries of War and Navy shall report to the Commission on compliance with this title, including the number of appointment and instruction blanks distributed, received, and transmitted to the Commission, together with any comments thereon or explanation thereof.

"(b) The Commission shall prepare a statement of all outer envelopes received and transmitted to the various secretaries of state. Each secretary of state shall prepare an account of all outer envelopes received by him and of all inner envelopes transmitted to proxies named on the outside of said inner envelopes. The appropriate election officials shall keep an account of all proxies who shall have cast a ballot under this title and shall make report thereof to the secretary of state. Within 30 days after any election in which ballots shall have been cast under the provisions of this title, each secretary of state shall report such accounts to the Commission together with any comments or explanation thereof.

"VALIDITY OF BALLOTS

"SEC. 113. (a) Votes authorized to be cast under the provisions of this title shall be canvassed, counted, and certified in each State by its proper canvassing boards in the usual manner obtaining in such State.

"(b) No ballot otherwise authorized to be cast under the provisions of this title shall be valid if—

"(1) the voter purporting to be an absentee shall have voted in person or shall have voted by absentee ballot in accordance with the procedure provided by State law; or

"(2) the date of the oath of the absentee voter is later than the date of the holding of the election; or

"(3) the absentee voter shall be known by his proxy to have died before the date of the holding of the election; or

"(4) such inner envelope purporting to contain directions to vote in behalf of the absentee shall be received by the named proxy later than the date of the holding of the election, except that any extension of time for the receipt of absentee ballots permitted by State laws shall apply to ballots to be cast under this title. All outer envelopes received by a secretary of state at a date or time too late for proper delivery and all inner envelopes not delivered to the proxy named therein shall not be opened, but shall be endorsed with the date of receipt and shall be retained by the secretary until the time has expired for contesting the election, when they shall be destroyed without examination.

"VOTING SAFEGUARDS

"SEC. 114. Every individual concerned with the administration of this title shall take all necessary steps to prevent fraud, to protect voters, whether absentee or proxy, against coercion of any sort, and to safeguard the integrity and secrecy of the execution of appointment and instruction blanks and of ballots to be cast as herein authorized.

"PENALTIES"

"Sec. 115. (a) Whoever willfully and without justification deprives any absentee voter or any proxy named by him of any right or privilege provided for in this title, or interferes or attempts to interfere with the right of any person to vote, or to vote as he may choose, under the provisions of this title, or willfully refuses or fails to count any ballot validly cast or authorized to be cast under the provisions of this title, or whoever does or attempts to do any fraudulent act in connection with the casting of ballots under this title, shall be fined not more than \$5,000 or imprisoned not more than 5 years, or both: *Provided*, That this subsection shall not make criminal any act done in good faith by a member of the armed forces of the United States in the exercise of his judgment as to what was practicable and compatible with military operations.

"(b) All existing provisions of law prohibiting offenses against the elective franchise shall apply against elections and voting pursuant to the provisions of this title.

"APPROPRIATE STATE OFFICIALS"

"Sec. 116. Wherever, in any State, an official other than the secretary of state is the appropriate State official to carry out any function vested in the secretary of state under this title, the term 'secretary of state' shall mean such other official.

"OFFICIALS AND AGENCIES TO ACT FOR SECRETARY OF STATE"

"Sec. 117. Each secretary of state may utilize the services of his deputy or any employee of his office specially delegated for the purpose in the exercise of his powers and duties under this title."

EXECUTIVE MESSAGES REFERRED

As in executive session,

The **PRESIDING OFFICER** (Mr. TUNNELL 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.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate took a recess until tomorrow, Friday, December 3, 1943, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate, December 2 (legislative day of November 18), 1943:

CIVIL AERONAUTICS BOARD

Josh Lee, of Oklahoma, to be a member of the Civil Aeronautics Board in the Department of Commerce for the term of 6 years expiring December 31, 1949. (Reappointment.)

INTERSTATE COMMERCE COMMISSION

The following-named persons to be Interstate Commerce Commissioners for the terms expiring December 31, 1950 (reappointments): Joseph B. Eastman, of Massachusetts. John L. Rogers, of Tennessee.

APPOINTMENTS IN THE REGULAR ARMY

TO BE FIRST LIEUTENANTS, MEDICAL CORPS, WITH RANK FROM DATE OF APPOINTMENT

First Lt. William Ward Currence, Medical Corps Reserve.

First Lt. Raymond Joseph Getz, Medical Corps Reserve.

First Lt. Avery Parsons King, Medical Corps Reserve.

First Lt. Frank Wisner Lynn, Medical Corps Reserve.

First Lt. Lester John Olson, Medical Corps Reserve.

First Lt. Richard Coffman Shrum, Medical Corps Reserve.

TO BE FIRST LIEUTENANT, DENTAL CORPS, WITH RANK FROM DATE OF APPOINTMENT

First Lt. Clare William Sauser, Dental Corps Reserve.

TO BE CHAPLAIN, WITH RANK OF FIRST LIEUTENANT, TO RANK FROM DATE OF APPOINTMENT

Chaplain (Maj.) James Joseph McMahon, Army of the United States.

IN THE NAVY

Rear Admiral William H. P. Blandy, United States Navy, to be a rear admiral in the Navy, for temporary service, to rank from the 20th day of May 1942.

Rear Admiral George F. Hussey, Jr., United States Navy, to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from the 1st day of December 1943.

HOUSE OF REPRESENTATIVES

THURSDAY, DECEMBER 2, 1943

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Most gracious God, our Father, Thy power resolves life's discords and tears into psalms and seeks to save every human being from sin and doom. We praise Thee that Thou canst gather into Thy mighty hands the body and soul, in life and in death, and lift them before the throne of grace into that spiritual realm which touches the heights and depths of the unseen world.

As men walk the streets and byways of our land, we thank Thee that they are sustained by the sheltering presence of the Good Shepherd; alone, but not lonely, "we touch Him in life's throng and press and we are whole again." Keep in motion the genial currents of our souls and grant that no strife nor bitter antagonisms may cause us to fail or deny us of the inward power which melts disunity into harmony. We pray, dear Lord, that our fellow countrymen may not be soft-fibered, but heroically fashioned in the cause of freedom and justice for all men. Endow them with that just understanding which shall bring gratitude and appreciation to our public servants who truly bear the torch of truth and integrity. By simple honesty, by rejecting falsehood, by wise approach, and consistent example may we all grow in knowledge and become better and increasingly persuasive as a force in the affairs of state and society. In the name of Him who is the Light of lights. Amen.

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Frazier, its legislative clerk, announced that the Senate had ordered that the House of Representatives be requested to return to the Senate the bill (H. R. 2207) entitled "An act to amend the Nationality Act of 1940."

LEAVE TO ADDRESS THE HOUSE

Mr. KENNEDY. Mr. Speaker, I ask unanimous consent that at the end of the legislative day, and all other special orders, I be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CASE. Mr. Speaker, on Tuesday next, following the special orders heretofore entered, I ask unanimous consent to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. BEALL. Mr. Speaker, I ask unanimous consent to extend my remarks and include an article from the Daily News.

The SPEAKER. Is there objection?

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks on narcotic control in the Far East, and include extracts from a letter on the same subject.

The SPEAKER. Is there objection?

There was no objection.

THE NEWS RELEASE OF THE CONFERENCE AT CAIRO

Mr. CARLSON of Kansas. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my remarks with a telegram that I have received.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARLSON of Kansas. Mr. Speaker, the slipshod and bungled manner which the powers that be have used in breaking the news of the Three Power Conference at Cairo will further destroy the confidence of the American people in their Government.

Congress has voted large sums of money for the Office of War Information. This agency has the responsibility of giving the American people the facts about the progress of the war. This information must be not only factual but it should be released when it is news—not hours, days, or months after it is released in foreign capitals. Yesterday we witnessed the disgusting spectacle of the breaking of the news of the Three Power Conference in Cairo in every important capital of the world 33 hours in advance of the release by our own papers. Berlin and Tokyo had the story—why not the United States?

I have discussed this matter with officials in the Office of War Information. They absolve themselves of all guilt and make a good case. Mr. Elmer Davis stated the premature release was reprehensible. Regardless of that, it did occur and this was not the first time.

What about the release of our raid on Tokio and the wording of it? What about the recent General Patton incident?

Everyone except the American people knew of these incidents and the facts surrounding them. No citizen wants any information released which will give aid to the enemy but he does lose confidence in his own Government when he must get important news developments from neutral or enemy sources. Mr. Ray Green, editor and owner of the Blade-Empire, Concordia, Kans., has just wired me as follows:

CONCORDIA, KANS., December 1, 1943.

Congressman FRANK CARLSON,

House Office Building:

Believe Elmer Davis and his O. W. I. kicked American newspapers around about enough. Handling of news on Tri-Power Conference smacks very much of child's play for which American taxpayers are paying dearly. Idea of ordering papers to hold story from Tuesday morning until 6:30 p. m. Wednesday when all Europe knows details is plain silly and tends to destroy all confidence in press and O. W. I. also. Suggest Congress might scrutinize O. W. I. appropriations more carefully in future to determine whether necessary and whether money is to be used to defray expenses of playing with news reports. Also suggest O. W. I. reports be released at some hour when newspapers have a chance to compete with radio which seems to be favored on all big news breaks by Davis.

RAY GREEN.

LEAVE OF ABSENCE

Mr. WOODRUFF of Michigan. Mr. Speaker, also I ask unanimous consent that my colleague, the gentleman from Michigan [Mr. SHAFER] be given indefinite leave of absence, on account of illness.

The SPEAKER. Is there objection?
There was no objection.

EXTENSION OF REMARKS

Mr. TALLE. Mr. Speaker, I ask unanimous consent to extend my own remarks and include certain letters pertaining to Army and Navy training in our colleges and universities.

The SPEAKER. Is there objection?
There was no objection.

Mr. PRIEST. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a series of quotations on the contribution of commercial air lines to our war program.

The SPEAKER. Is there objection?
There was no objection.

Mr. PRIEST. Also, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a newspaper editorial.

The SPEAKER. Is there objection?
There was no objection.

Mr. KEARNEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD.

The SPEAKER. Is there objection?
There was no objection.

Mr. RAMEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an address delivered by Geraldine Larkin Recknagel, the wife of a Toledo war hero, Alvin Recknagel, now engaged in Pacific war theater, to the English and speech section of the Northwestern Teachers Association, at Toledo, and revise and extend my remarks.

The SPEAKER. Is there objection?
There was no objection.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?
There was no objection.

NEWS RELEASES

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?
There was no objection.

Mr. HOFFMAN. Mr. Speaker, the gentleman from Kansas [Mr. CARLSON] seems to be laboring under the old philosophy that the people of the United States are entitled to be advised of what is going on in the World War.

This union now, this united states of the world, this federation of nations, that is to solve all our—all the world's—troubles, must have a head—a president, it may be—and while the President of the United States is campaigning for the presidency of the united states of the world, there is no reason why, the vote here being secure, they, including Harry Hopkins, should not go over to the other side of the world and extend to the British the privilege of making news releases. That, at least, seems to be the theory, and the newspapers, which have been and are all for union now, should be the last to complain.

I am afraid that the gentleman from the wheat fields of the far West still thinks that the American people are entitled to know what is being done—how far we are being and to what we are being pledged.

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

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

There was no objection.

Mr. McCORMACK. Mr. Speaker, these are too serious days in the life of any American, no matter what our party affiliations might be, to take the floor and make statements about the President of the United States wanting to be president of the world. I have heard such statements made before. There is serious doubt in the minds of some—

Mr. HOFFMAN. Will the gentleman yield?

Mr. McCORMACK. I have only 1 minute. Will the gentleman wait until I complete my thought?

I think we ought to stop that kind of statement. There is no foundation for them. Everyone knows that.

Mr. HOFFMAN. Mr. Speaker, if the gentleman will yield I will show him where the foundation is.

The SPEAKER. The gentleman declines to yield.

Mr. McCORMACK. I will yield when I get through with my thought.

Mr. HOFFMAN. Yes, after you have finished.

Mr. McCORMACK. There is no foundation for any such statement as that. The President of the United States, the Commander in Chief, is abroad, as we now know, in the line of duty. One thing is certain, when a de-

mocracy is faced with a serious war we have got to have in the White House a strong and courageous man. Prime Minister Churchill evidences that leadership in England. Chamberlain was all right, but if Chamberlain were still conducting the Government of England, we know what the probable result would be. In our country it is absolutely essential, without regard to what the party affiliations of the man who is in the White House might be, when war confronts our country we have got to have a strong and brave man in the White House. In every great crisis of our country, men elected as Democrat or Republican have been in the White House, but above all they were Americans. The President of the United States is one man whose constituency is the entire country, and he is charged actually and historically with the responsibility of steering the ship of state to safety. Fortunately we have had a strong and brave man in the White House in every crisis of our history.

Mr. HOFFMAN. Will the gentleman yield?

Mr. McCORMACK. If the gentleman will wait until I get through.

Mr. HOFFMAN. The gentleman is waiting for his minute to expire.

Mr. McCORMACK. Will the gentleman wait until I get through with my thought?

I repeat, fortunately we have had strong and brave men in the White House in the past, and we have a strong man and a courageous man in the White House today. President Roosevelt is doing his duty as his conscience dictates to win the war and preserve our country. All I hope and pray for is, after you and I are dead and gone, and if some future generation of Americans is faced with a similar crisis, I do not care whether he is a Republican or Democrat, whether he is a Catholic or Protestant or Jew, I do not care what his name might be, but I hope and pray there will be in the White House a strong and courageous President.

READJUSTMENT OF RETURNING VETERANS

Mr. O'KONSKI. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?
There was no objection.

Mr. O'KONSKI. Mr. Speaker and gentlemen of the House, I would like to call the attention of this honorable body to what I think constitutes criminal negligence on the part of the Government of the United States of America. Already more than 600,000 servicemen have been mustered out of the armed forces of the United States of America. Of these 600,000 men who have been mustered out, most of them are living in poverty and are nothing short of being criminally neglected. I would like to draw an interesting comparison, and that is that the States in the Government of the United States of America treat convicts who have been released from prison with more respect than the men who have been mustered out of our armed forces. When a man is mustered out of

prison, he is given a suit of clothes—civilian clothes—he is given pocket money, and in most cases given a job. We muster men out of the armed forces and ask them to take their uniforms off within 90 days. We give them no pocket money. After due consideration, perhaps 6 or 8 months, we give them a \$10-a-month pension.

I would like to just read 1 letter, which is not an isolated case but which constitutes at least 50 cases which I have in my file, which, in my judgment, constitutes nothing short of criminal negligence. The letter reads as follows:

Three months ago I got honorably discharged from the Army on account of wounds received in the Battle of Tunisia, in north Africa. Now I have a stiff wrist, stiff thumb, and also a stiff trigger finger, and the Government is giving me absolutely nothing as yet.

I got wounded by machine-gun fire. I was a sergeant of Company L, Sixtieth Infantry, Fort Bragg, N. C., and was in the armed forces for 3 years. Tonight I finally received word that I am under advisement for vocational rehabilitation. I have already been home for 3 months. What am I going to eat? What am I going to wear until the Government decides to give me vocational rehabilitation and civilian clothes and some food, in order that I may take care of myself?

This, gentlemen, constitutes at least 50 cases I have in my files of 600,000 already mustered out of our armed forces. I say that the Government is criminally negligent. I think something ought to be done about it.

Mr. RANKIN. Reserving the right to object, Mr. Speaker, does the gentleman mean to tell the House that that number of service-connected disabled veterans are being neglected in the United States?

Mr. O'KONSKI. I would like to call the attention of the gentleman to this question, and that is, I feel that the rules and regulations that we have set up to take care of these men who are being mustered out of our armed forces are too technical, they are too cumbersome, I think, to adequately take care of these men.

Mr. RANKIN. Mr. Speaker, I will not object, but I will ask for recognition.

The SPEAKER. Without objection, the request of the gentleman from Wisconsin is granted.

There was no objection.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I have two requests. First, I ask unanimous consent that I may extend my remarks in the RECORD on the subject of the development of hydroelectric power in Russia.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in answer to an article in the Utilities Fortnightly magazine of recent date.

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

There was no objection.

WORLD WAR VETERANS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. RANKIN. Mr. Speaker, we have just listened to a most outrageous, most misleading, and false indictment—

Mr. HOFFMAN. Mr. Speaker, I ask that those words be taken down, if he is referring to the statement made by the gentleman from Wisconsin [Mr. O'KONSKI].

Mr. RANKIN. Yes. I am referring to the statements of the gentleman from Wisconsin [Mr. O'KONSKI], who has just spoken, attacking the Government of the United States for the way it is treating our disabled veterans.

Mr. HOFFMAN. Are you charging that that is misleading? If that is so, under the rules I do not think the gentleman has the right to make that statement.

The SPEAKER. A Member certainly has a right to argue that a Member is making a misleading statement.

Mr. RANKIN. The members of the Committee on World War Veterans' Legislation, Democrats and Republicans, have labored diligently to bring out legislation that would provide amply for the disabled veterans of this war. If there is any Congressman who has a constituent who is suffering from a service-connected disability, who is not being properly taken care of, it is not due to the negligence of the committee. We are providing for those men the same relief that was provided for veterans of the First World War. We are providing hospitalization, and every single man who is discharged from the armed services now with a service-connected disability is entitled to both hospitalization and compensation. For a Member of Congress to arise on this floor and tell the American people that this Government is "criminally negligent" with reference to those men is a false and indefensible misrepresentation.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, it is not the fault of the Members of Congress that these service-connected veterans are not getting their compensation. It is because of faulty administration. There is case after case of men and women who are not getting their compensation, due to faulty administration. There has been great negligence in that respect. I have brought this matter to the attention of the House repeatedly, and also to the attention of General Hines. I think General Hines sees the error of his ways. It may not have been his fault, but the

negligence has been there, and he has said that he will have rating boards at the hospitals, or at least at some of them, to rate the men at once. I have repeatedly stated to the House that the men are not informed of their rights, and I defy any Member to contradict me in that. The men are not told of their rights. Contact men have not been allowed to go into all the hospitals and it is the fault of somebody, and a very serious far-reaching fault, and is causing a very tragic situation, a condition that should not be tolerated. All the legislation passed by the Congress is useless if not properly administered. The shortage of doctors and nurses and other personnel is responsible for some of the lack of proper treatment of the veterans. There is no excuse for a shortage of personnel. The personnel should be taken from other agencies. Care of the veterans is the sacred duty of the people of America.

The SPEAKER. The time of the gentleman from Massachusetts, has expired.

OBSERVANCE OF THE ONE HUNDRED AND FIFTY-SECOND ANNIVERSARY OF THE ADOPTION OF THE BILL OF RIGHTS

Mr. WELCH. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H. J. Res. 186) to provide for the proper observance of the one hundred and fifty-second anniversary of the adoption of the first 10 amendments of the Constitution, known as the Bill of Rights.

The Clerk read the title of the joint resolution.

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

There being no objection, the Clerk read as follows:

Resolved, etc., That the President of the United States is authorized and requested to issue a proclamation designating the week of December 12 to 18, 1943, as Bill of Rights Week, calling upon officials of the Government to display the flag of the United States on all Government buildings on December 15, the actual anniversary, and inviting the people of the United States to observe the week with appropriate ceremonies and prayer.

Mr. WELCH. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from California is recognized for 5 minutes.

Mr. WELCH. Mr. Speaker, the foundations of American democracy rest squarely upon the 3 greatest political documents ever conceived in the mind of man. They are the Declaration of Independence, the Constitution, and the first 10 amendments to the Constitution, which are known as the Bill of Rights.

Thomas Jefferson not only wrote the Declaration of Independence, but in writing the Bill of Rights he gave us a living Constitution in conformity with the Declaration of Independence.

The Constitution itself is a ministerial instrument dealing with government. It prescribes the manner and method of enacting legislation and gives general powers to Congress. It provides for the

three coordinated branches of our Government—the executive, the legislative, and the judicial. It confers upon the President the power to appoint Ambassadors and certain other officers of government. It establishes a method of admitting new States to the Union, and it provides the manner by which the Constitution can be amended.

The Bill of Rights, on the one hand, puts a real soul into the Constitution—makes it a living instrument. This is well demonstrated in the very first amendment, wherein is set forth those provisions for freedom of religion, of speech, and of the press, as well as the right of assembly and petition, which makes the United States the great democracy it is. The language of the first amendment is as follows:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Thus it will be seen that while the Constitution proper establishes the methods of government, the Bill of Rights establishes the principle of human rights in a democracy.

Mr. HOFFMAN. I rise in opposition to the pro forma amendment and I ask unanimous consent to revise and extend my remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HOFFMAN. Mr. Speaker, without expressing any opinion upon the resolution, permit me to state that I realize that the majority leader, the gentleman who comes from Massachusetts [Mr. McCORMACK] has, as majority leader, the right and privilege of exercising the function we are told was sometimes exercised by the mythical fish-wives of the eastern seaboard, that is, the right to scold, in this instance the Member from the Fourth District of Michigan. With all due humility I accept the scolding just administered, realizing as I do that it is administered for my own good and not as political propaganda—or is it?

Recently the gentleman from Massachusetts undertook to chastise the gentleman from South Dakota [Mr. MUNDT] who is chairman of a group of some 60 or 70 Republicans who have grown tired of what they think is inaction on the majority side and has ventured to suggest that we devote our attention to some legislative matters which would assist in the winning of the war. I hope that that committee will some time get around to the amendments to the Wagner Act, which have been pending here for many long months. The National Labor Relations Act needs amendment. That is acknowledged by practically all union leaders as well as employers.

With reference to this matter about which I spoke this morning as to the President of the United States being a candidate for president of the united states of the world, if I overstepped, I want to apologize not to the House or to the American people, but to the majority

leader. No doubt the President's decision to be a candidate for a fourth term may be influenced somewhat by the November election and by the more recent election in the Fourth District of Kentucky. I confess that perhaps I should not have given as much weight to the source from which I derived the opinion that the President might be willing to accept the place as president of the world as I did. I may have been in error. I relied in a measure upon the statement of a Member of the other body, a sometime spokesman for the White House. I think he is from Florida. He said that it was the height of his ambition—I am not quoting his words, but the substance of them—he belongs to the same party as the gentleman—he said it was the height of his ambition to nominate the President of the United States as president of the united states of the world, of the united nations of the world.

Now, if I was wrong in that and if that spokesman of the Democratic Party over in the other body does not want to nominate him as president of the united states of the world, then I was in error in relying upon that information. The press carried it and I have never seen a denial on the part of the President. So, in all humility, in all charity, in all kindness of spirit, I would suggest that the gentleman go over and talk with the member of his own party over there and ask him to correct me if I wander off on a false lead, if I am in error in thinking that our President does not desire to preside at the peace conference—a laudable ambition—will not be a candidate for the presidency of union now or the united states of the world with Harry Hopkins as adviser if that proposed organization is created.

The President is over there now in behalf of all the people of the world, and that is all right, nobody is objecting to that, and we hope that, while he is over there, he tells Mr. Churchill and Mr. Stalin if he meets him that while those two gentlemen are for the best interests of their countries at all times and in all places on every measure, that he—our President—is speaking and intends always to speak for the interests of the United States when those interests come in conflict with the interests of other countries and that he intends to maintain our independence, protect our sovereignty.

Mr. RANKIN. Mr. Speaker, I move to strike out the last two words.

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. RANKIN. Mr. Speaker, the resolution now before the House is too sacred, and the subject matter it covers is too precious, to be used as a subject of partisan controversy.

It covers the first 10 amendments of the Constitution of the United States written if not by the hand, at least under the inspiration of Thomas Jefferson, to guarantee to the American people the freedom toward which mankind had been struggling for more than 2,000 years. I am going to read those amendments if I have time. They constitute

the Bill of Rights, the "ark of the covenant," the "ten commandments" of liberty and freedom.

They read as follows:

AMENDMENT NO. 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

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

Mr. RANKIN. I yield briefly.

Mr. RAMEY. I do not know that I shall have time to ask what I wanted to. I agree with the majority leader that in time of war we must always have a strong President—I do not care whether he be Catholic, Protestant, Jewish—a President who is able to carry on the conduct of the war; but does the gentleman believe that any man should be President of the United States that is a bigot or who should make an assinine remark about any religion?

Mr. RANKIN. Let me say to the gentleman from Ohio [Mr. RAMEY] that my views on this subject are well known to this House. No man has ever heard me criticize another man's religion. Any religion is better than none. I have contempt for any one who slurs another's religion.

Mr. RAMEY. I thank the gentleman.

Mr. RANKIN. Amendment No. 2 reads:

A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Amendment No. 3:

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Amendment No. 4:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

There are some people I should like to have read that salutary amendment at least once a day.

Amendment No. 5 provides:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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

Mr. RANKIN. I yield.

Mr. ROWE. Does not the gentleman from Mississippi believe there are at

least a few people who ought to read that amendment every day as well as the other?

Mr. RANKIN. Yes; as I said these first 10 amendments constitute the "ten commandments" of American liberty; that is the reason I am taking the time of the House to read them again this morning.

Here is amendment No. 6:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Mr. LEWIS of Ohio. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Ohio.

Mr. LEWIS of Ohio. What does the gentleman have to say as to the conduct of these O. P. A. courts that are set up which as a means of enforcing their orders impose penalties in the nature of refusals to permit restaurants, for instance, to have meat and otherwise penalize business people as well as private individuals?

Mr. RANKIN. I think any man or woman who violates any one of these sacred commandments of American freedom and American liberty ought to be driven from the Federal pay roll and scourged from public life.

The SPEAKER. The time of the gentleman has expired.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

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

There was no objection.

Mr. RANKIN. Mr. Speaker, I doubt if it is giving a man a fair trial to indict and try him in an area where he has to be tried by a jury composed of public officials or of people on the Federal pay roll or the State pay roll. What this amendment means is a fair and impartial trial for all men and women charged with criminal offenses.

Amendment No. 7:

In suits at common law, where the value in controversy shall exceed \$20, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of common law.

Amendment No. 8:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

In this body and in the other body we hear a great deal of talk about there being implied powers in the Constitution to take over the election machineries of the various States and concentrate them into the hands of a Federal bureaucracy. There is no such implied power, as one of my distinguished Senators from Mississippi pointed out on yesterday, reading

from a Supreme Court decision to that effect. For amendment No. 9 says that—

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

The Federal Government has only such powers as are specifically delegated to it. For amendment No. 10 reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Thomas Jefferson gave us these "ten commandments" of American freedom and American liberty. They cannot be changed except by consent of all the States. You may change anything else in the Constitution by a simple amendment except this Bill of Rights contained in these first 10 amendments.

When you tamper with the Bill of Rights and destroy any one of them, you are striking at the very foundation, not only of our Government but of our free American system and our way of life. When you attempt to reach out and take powers away from the States that the States never delegated and that there is no occasion for them to delegate, and that we have no right to take away from them under the pretence that it is a war measure when it is nothing in God's world but political expediency, and so admitted privately by its sponsors, then you are doing violence to the most sacred document the American people have ever known outside of Holy Writ, and that is the Bill of Rights—the first 10 amendments written into the Constitution of the United States at the behest of Thomas Jefferson which, as I said, constitute the "ten commandments" of American freedom.

Mr. ROWE. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Ohio.

Mr. ROWE. Inasmuch as we have expended a great deal of money and energy to determine what are the subversive elements in this country, is it the gentleman's opinion that anyone who will knowingly violate these 10 commandments in the Constitution may be committing a greater degree of subversiveness?

Mr. RANKIN. Abraham Lincoln said that no man had a right to vote for a law that he knew to be unconstitutional. All the great statesmen who have helped build this Republic, who helped build our American system and develop our way of life have religiously adhered to and sacredly regarded every one of those first 10 amendments included in the Bill of Rights.

I am glad this resolution is to be passed. I am sorry they made such a blunder in the Jefferson Memorial down here and that they did not inscribe these first 10 commandments, the Declaration of Independence, and the 16 points set out in Jefferson's first inaugural address, which, he said, constituted the sum of good government, instead of some of the misleading stuff they did inscribe on the walls of that memorial.

I am glad to support this resolution, and I hope it passes unanimously.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

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

IMPORTATION FROM FOREIGN COUNTRIES FREE OF DUTY OF CERTAIN GRAINS AND OTHER PRODUCTS TO BE USED FOR LIVESTOCK AND POULTRY FEED

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday next to consider House Joint Resolution 171 under the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina [Mr. DOUGHTON]?

Mr. CARLSON of Kansas. Mr. Speaker, reserving the right to object, I hate to be placed in the embarrassing position of reserving the right to object on this request of our chairman, but this is an important piece of legislation and I would object if I were not certain that the chairman of the Committee on Ways and Means would go before the Rules Committee and secure a rule. This bill removes the tariffs on wheat, oats, barley, flax, and cottonseed and I think it is too far reaching to pass without serious and thoughtful consideration.

It is difficult to oppose a measure drawn for the express purpose of relieving a serious feed shortage in certain sections of our Nation. This bill if approved, will not in my opinion, be of any assistance. Its approval will upset the orderly marketing of grain that has been in use for many years. Removal of these tariffs would set a precedent that might place the American farmer in continuous competition with the grain producers of Canada and South America. It will increase the cost of the imported grain to the livestock and poultry feeders.

I am going to agree to this unanimous-consent request with the understanding that we have 1 hour's debate, 30 minutes on a side, and that it be considered under the rules of the House.

Mr. DOUGHTON. Mr. Speaker, I shall be glad to include that in my unanimous-consent request, the time to be equally divided between the opponents and proponents of the bill.

The SPEAKER. The gentleman from North Carolina [Mr. DOUGHTON] asks unanimous consent that there be 1 hour's general debate, the time to be divided equally between the ranking majority and minority Members and that the bill be considered under the rules of the House. Is there objection?

There was no objection.

SUSPENSION DURING PRESENT WAR OF THE APPLICATION OF SECTIONS 3114 AND 3115 OF THE REVISED STATUTES AS AMENDED

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 3309) to suspend during the present war the ap-

plication of sections 3114 and 3115 of the Revised Statutes, as amended, with Senate amendments thereto and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments as follows:

Page 1, line 6, strike out all after "until" down to and including "designate" in line 10, and insert: "2 years after the date of the enactment of this act, or until the day following the date of the cessation of hostilities in the present war (as defined in sec. 780 (e) of the Internal Revenue Code), whichever shall first occur."

Amend the title so as to read: "An act to suspend temporarily the application of sections 3114 and 3115 of the Revised Statutes, as amended."

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

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, this amendment from the Senate just fixes a time limit?

Mr. ROBERTSON. It fixes a time limit. This is a bill relating to the suspension of the collection of tariff duties on repairs made to ships in foreign ports. The Senate put on a time limitation, either 2 years or at the end of hostilities, whichever occurred first. We think that is a proper time limitation.

Mr. MARTIN of Massachusetts. In other words, if hostilities end this year this legislation will expire automatically?

Mr. ROBERTSON. They cannot get the waiver of the tariff after the end of the war.

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

Mr. MARTIN of Massachusetts. I yield to the gentleman from Ohio.

Mr. ROWE. What constitutes cessation of hostilities?

Mr. ROBERTSON. That is defined in the Internal Revenue Code.

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

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

CALENDAR WEDNESDAY BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week be dispensed with.

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

There was no objection.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. COCHRAN] be permitted to extend his remarks in the RECORD, and that he further be permitted to extend his remarks and include therein a short article.

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

There was no objection.

Mr. FULBRIGHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial and a resolution.

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

There was no objection.

Mr. HARRIS of Arkansas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two instances.

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

There was no objection.

RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from committee:

DECEMBER 2, 1943.

HON. SAM RAYBURN,
The Speaker, United States House of Representatives.

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on Foreign Affairs.

Respectfully,

HERMAN P. EBERHARTER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

AMENDMENT OF NATIONALITY ACT OF 1940

The SPEAKER laid before the House the following request from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES,
December 1, 1943.

Ordered, That the House of Representatives be requested to return to the Senate the bill (H. R. 2207) entitled "An act to amend the Nationality Act of 1940."

Attest:

EDWIN A. HALSEY,
Secretary.

The SPEAKER. Without objection, the request is granted.

There was no objection.

JAPAN

Mr. GEARHART. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

The world will in the end detest you and look upon you as wild beasts.

—Emperor Meiji of Japan.

Mr. GEARHART. Mr. Speaker, that the wages of sin is death is a Biblical injunction in which all convinced Christians devoutly believe.

Because of the commission of mortal sins against a decently disposed humanity, frightful misdeeds beyond the numbering, a sentence of death has been righteously imposed upon the Empire of Japan.

And for these wanton violations of the immutable laws of God this penalty will be approved of by all men of good will and decent impulses, by the millions of

bleeding victims, the innocent sufferers from this outlaw nation's ruthlessness.

But dire though this solemn pronouncement is, it is not alone because of the violation of this Christian precept, to which the infidel Japanese do not subscribe, that the wrath of God and the scorn of mankind is visited upon them.

There is another law, the highest law of the country, which they themselves by their wickedness have brought disgrace upon, the deliberate violation of which justifies all that their cruel misdeeds have brought upon them.

In the words of the wise Meiji, an Emperor of another day, they stand condemned, for, indeed, modern Japan has blatantly defied, angrily torn into bits, wantonly flouted and denied, the highest ideals which this old philosopher proclaimed to the world in his imperial rescript as the code of good conduct of the soldiers and sailors of Japan.

That the wisdom in his words may be made manifest, let me quote a line or two from the imperial edict of this Mikado of another day, words which the Japanese of today might well cogitate as they sadly contemplate their country's undoing.

It is this philosophy which the Japanese of the future must reembrace and take again into their hearts if the tragedy of today is ever to be retrieved.

These were Meiji's words:

There is true valor and false. To be incited by mere impetuosity to violent action cannot be called true valor. * * * Never to despise an inferior enemy or fear a superior, but to do one's duty as soldier or sailor—this is true valor.

Those who thus appreciate true valor should in their daily intercourse set gentleness first and aim to win the love and esteem of others.

If you affect valor and act with violence, the world will in the end detest you and look upon you as wild beasts.

Of this you should take heed.

Mr. Speaker, had the false leaders of this modern, hate ridden, despised, this most contemptible of nations—its militarists, as Meiji warned, now detested and looked upon "as wild beasts"—but harkened to the advice of this old Mikado, the headlines of the public prints of today might have told an entirely different story—one of love and admiration, rather than of hate and universal condemnation.

EXTENSION OF REMARKS

Miss SUMNER of Illinois. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech I have made.

The SPEAKER. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. DAY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Chicago Tribune and an editorial from the same paper.

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

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a resolution adopted by the Stream Control Commission of Michigan relative to the waters of Lake Michigan.

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

There was no objection.

Mr. ROGERS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the New York Herald Tribune and another from the Washington News.

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

There was no objection.

RELEASE OF NEWS OF CONFERENCE OF ALLIED LEADERS

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

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

There was no objection.

Mr. MONRONEY. Mr. Speaker, I have never wholly or completely agreed with the policies of O. W. I., but I cannot let this occasion pass without commending Elmer Davis, head of the O. W. I., for the courageous and forthright action he has taken in criticizing and condemning the unwarranted and unofficial release of the news of the conference of the Allied leaders overseas by the Reuters News Agency.

In taking such action he is voicing the sentiments of all American newspapermen, who have had this same confidential information in their possession and, because of the importance of this occasion and for the safety of the men concerned, have held this secret in voluntary censorship. When Reuters, a private British press association released this news through various subterfuges through Lisbon and other places, they put the American newspaper wire services and other American newspapermen who knew of this conference at a great disadvantage.

One of the first rules of journalism is the respect of news given in confidence. Particularly in this essential wartime, when publication of such news would jeopardize not only the safety of the men involved but the actual progress of the war. The publication of this news did effectively give aid and comfort to the enemy through supplying the German radio with news before it was generally released for publication. I think Elmer Davis is absolutely right in voicing this strong condemnation.

EXTENSION OF REMARKS

Mr. BECKWORTH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article concerning the Lea bill.

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

There was no objection.

NAVAL INTELLIGENCE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the resignation of General Holcomb makes us all pause to review his tremendous service to the country and especially to the Marine Corps. The horrible slaughter of our gallant marines at Tarawa should make everyone evaluate the importance of having full information regarding every country. Full and complete military and naval intelligence should be made available to all attacking forces. It is not only essential to a speedy and successful conclusion of the war but is only decent to give our fighting forces that protection.

I bring to the House the suggestion that we must have men in our naval and military intelligence of the highest training. To my mind, there has not been enough attention paid in the past to intelligence. If there had been, we would have known about the condition at Tarawa, we would have known about the strength of many of the outposts where our men are now fighting, and we would have saved thousands of lives. I do not mention the loss in dollars and cents because that does not seem important where human life is in question. The request for the ablest intelligence personnel in the armed services must not and cannot go unanswered. America has the most completely trained intelligence in the world, and to neglect that service will just mean another war.

JAPANESE PROGRESS

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and extend my own remarks with a few brief quotations on the question of Japanese progress.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, insofar as radio and newspaper comments which are now available to us today about the Near East Conference are concerned, and based upon the brief information which we have had, I want to go on record in approving what I understand has been announced with respect to territorially stripping Japan. In 1936 I released an article to one of our national magazines, and what has happened since, together with these most recent conferences, I think make the observations I made at that time quite appropriate for the people of my district, as of today. In that connection I request permission to extend my remarks by including with my own remarks made at that time two or three brief quotations.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAWFORD. My own statement of 1936, which contains the quotations referred to, are as follows:

Traveling via the Great North Circle, a distance of 4,300 miles; sailing time 10 days 22 hours 45 minutes on fast Pacific President Line, one reaches the Empire of Japan; like the sun, the king of the day; the leader of the Asia.

Japan proper, with an area of 148,756 square miles and about 10,000 less square miles than the State of California, has, according to most recent figures, a population of over 95,000,000 souls.

Japan in the light of the family of nations is a "becoming." Like a little child, Japan knows not what its destiny is to be, and if Japan does not know, the balance of the world cannot know.

On July 8, 1853, when Commodore M. C. Perry, brother of the Lake Erie hero, proceeding in a very firm and aggressive manner, presented his calling card in the form of a letter from President Fillmore at the Japanese Bay of Yeddo, he unlocked the door to a nation whose isolation had been scrupulously maintained since the Iyemitsu's edict, and he placed in operation forces which have gathered such momentum and on such a large scale that today the balance of the entire civilized world is wondering what the direction of Japan is to be. Since that day Japan has been taking lessons from western countries—lessons in war, navy building, military tactics, manufacturing, transportation, banking, and in world trade with all of its diversifications and ramifications, to say nothing about the making of treaties.

Will the present Japanese forces carry on until the end of that Empire has accomplished some of the achievements planned by the Alexander the Great of Japan—Toyotomi Hideyoshi, and which will, if accomplished, bring under the control and within the Japanese Empire that great area now known as the Manchurian territory, Mongolia and on to the Ural Mountains? Furthermore, can we now assume that Japan is moving in that other direction which received much consideration before the Tokugawa Shogunate prohibited the seafaring enterprises of Japan from carrying out the conquests to take over certain territory on the American Continent as well as Hawaii, the Philippine Islands, and all other South Sea Islands as far as Australia?

Ninety-five million Japanese proper, organized and coordinated into the most perfectly running and most efficient agricultural, industrial, military, economic, and financing machine the world has ever known, will never rest until national security and national welfare are attained. Because of military deficiency, Japan has in the past, from time to time, been forced to recede from her decided position. Western nations have taught the Japanese that military power assures a nation a place in the world among the great powers.

Baron Reijiro Wakatsuki, a veteran Japanese statesman, in addressing himself to the people of America, discussed Japan's position in the Far East and her aim there. He said:

"I cannot help believing, if you were in our place you would do exactly what we are doing today."

Continuing, the baron said:

"The peace of east Asia would not have been maintained nor would the rights and interests of the powers there have been secure if Japan had not played the part of a watchdog. On the peace of east Asia hangs the fate of our nation. Other powers may have important interests there, but these interests at most concern only their commercial prosperity, whereas the interests which we have are vital."

He claims that in the interest of world peace and harmony, the nations like Japan which are attempting to catch up with the more advanced countries of the world should be given an adequate sphere of activity and expansion. Mr. Etsujiro Kurasawa, speaking

on "Pacific," says: "Heaven ordained the Empire of Japan the leader of the Asian continent, and so she is under obligation to make the peoples of the said continent happy."

Japan is concerned about her own salvation, about her position among the nations of the earth; her rank among the world powers. Japan is not static. Japan is dynamic. Japan has been going places. Japan is on her way. The World War and its need supplied Japan with an impetus, with a stimulation of industry, with a position to sit around the table with other great world powers. At the conclusion of the war and when the peace(?) treaty was being completed, the "powers that be" mandated certain islands previously under the control of Germany and located in the Pacific, to Japan. The stimulation which the war orders gave the Japanese industry had hardly faded into the distance when the great earthquake of September 1, 1923, occurred, resulting in a loss of property with an official estimated value of 5,500,000,000 yen. The loss of the old always provides for the building of the new, and the modern sections of the cities of Tokyo and Yokohama today show what a perfect building program was carried out. This vast expenditure of energy and money further stimulated Japan's purchasing program, as she needed supplies from different parts of the world. During the period from 1923 to 1929 Japan held her own in the trade of the world. The coming of the great economic washout of 1929, with its consequent collapse in domestic and foreign trade throughout the world, presented to Japan a most startling opportunity. Japan was in the harness. She was full of industrial youth. She was building, accomplishing, conquering. The Japanese people were full of hope and attainment. Her industry, shipping, banking, and general financing were well organized. The stunning blow which the economic debacle had dealt to other great industrial and shipping powers did not so affect Japan. Having lived simply and unostentatiously as a people and as a nation, Japan was doing business with little overhead costs. The great expensive "exchange machine" used by England, the United States, and other world powers and the staggering war burden and costs were not bearing heavily upon the back of Japanese industry. Her stokers were fired. Steam was in her boilers. She was on the economic firing line with no great and excessive tax, interest, and expensive overhead burden to carry. This placed her in a position to go out, pick up the raw material, take it to her shores, fabricate it into finished products, and then undersell the world. In this way she has expanded her industry, shipping, colonization, merchant marine, military and naval activities, and standing as a world power, far beyond the dreams and understandings of the other peoples of the earth.

Informed students and high-ranking Japanese estimate the Japanese population is increasing at the rate of from 800,000 to 1,000,000 souls annually. Anyone who travels throughout Japan proper meets quite a bit of evidence in support of this claim. Everywhere he sees the great numbers of happy mothers and children.

Japan has a choice of doing one or more of several things. She can cease to propagate—which no one can ask her to do; or she can let her nationals go to the unsettled and undeveloped lands of the earth and there colonize—and this she is doing on a rather large scale in some instances, as in the Philippines, even, under the American flag, and also in Brazil; or she may send her people to highly developed countries in event there are no "exclusion acts" running against Japanese; or last, and perhaps most interesting to other countries, Japan can ship her nationals into all the countries of the world in the form of industrialized products. One

only needs to stand on the shipping docks of the Japanese ports and take special note of the millions of bags, bales, crates, bundles, and cases addressed to the merchants and distributors located in practically every port on the globe. Wrapped in these cargoes are the flesh and blood of Japanese life. But it is flesh and blood which exclusion acts, as ordinarily thought of, do not keep out.

Though exclusion acts may be passed by the legislative bodies of the different countries of the world, Japan's answer to that is literally this: "We will send out raw material scouts to your ports and inland districts; survey your supply of raw material which we can use in our industrial processes; establish Japanese buying and exporting houses in your own country; load Japanese bottoms with finished goods at Japanese ports, send them to your ports, unload them, refill them with your raw material, and bring it back to Japan."

The carrying out of such a program calls for much detail of planning and execution. But nothing has been overlooked by the Japanese in this respect. When a nation builds a merchant marine it has in mind two or three main purposes—to carry goods for itself and other nations, to act as an auxiliary to its navy, and to expand its own commerce. From the record it appears that at least two-thirds of all finished goods which Japan exports are first received into Japan in the form of raw materials from other countries. This means Japan must go out and find these raw materials in suitable quantity and quality. She must then purchase them and usually at a price f. o. b. docks, where she picks them up and places them on her own merchant marine ships. Japan becomes the owner of those goods at point of origin. Japanese merchant marine ships serve as warehouses for raw material while on its way to Japanese factories for fabrication. The faster those freighters and passenger ships, making up the Japanese merchant marine, plow through the waters of the seven seas, the less time Japan has money tied up in raw material in transit. When ownership of raw material is once assumed, the owner carries the risk, bears the interest burden on money tied up, pays the insurance costs, suffers the depreciation and deterioration, and absorbs the decline in the market if prices go down. Therefore speed is the most important thing after the purchase is made. Speed to get the raw goods to Japan, processed, back on board ship, to the foreign markets and delivered to the customer with money in hand and the profit on the transaction in the bank.

Japan's accomplishments in all of the minutest details involved in this highly complicated, far-flung, world-wide activity of hers is one of the marvels of our modern age. Japan has no consequential home supply of raw materials. The Island Empire lies in the north Pacific Ocean off the coast of China and Siberia. Formosa (Taiwan), the southern point, lies due east of Hongkong and just north of the Island of Luzon, one of the Philippine group, and in 21° 45' north latitude, and other positions of the empire lie northward to about 50° north latitude, to within a few miles south of Kamchatka. In this extended area the climate ranges from subtropical to subarctic. Using an Atlantic seaboard yardstick, Formosa would lie just east of Cuba and southern Florida and the northernmost island just off Labrador.

Few places in Japan are far removed from mountain or seashore. This makes an ideal situation for the world trade in which Japan is engaged. All products of the empire are produced near shipside. All incoming raw or finished material moves in via ocean carriers and outgoing processed and finished goods move out likewise at the lowest transportation cost and with the greatest speed

known to modern commerce. Growers and producers of primary goods living and operating inland in the United States have a transportation cost to bear which so far transcends the cost of the Japanese competition that the advantage enjoyed by the Japanese operator in the form of "a transportation export premium" becomes an insurmountable obstacle for the American operator, whether farmer or manufacturer. This transportation export premium, together with several others which are enjoyed by the Japanese operator, creates a situation whereby Japanese competition cannot be met.

Because of the benefits in Japan's favor here mentioned, along with many others, Japanese exporters are conquering the markets of the world in an amazing manner, and while doing this they are underselling their competitors at from 25 to 75 percent in actual price and at the same time averaging net profits on invested capital running at from 5 percent to 60 percent per annum, and all with a wage increase very, very much higher than the wage level which existed in what has become known in our country as the base period (1910-1914). How much lower in price can Japanese exporters go in offering their goods to the consumers of the United States, and will Japan continue the aggressive and staggering competition with which she has confronted the trading world during the past 6 years? This question has become the nightmare of thousands of individual operators throughout the world, and is giving state departments throughout the world many headaches.

When England industrialized, she found an open road to the great undeveloped markets of the New World. In due course this was augmented by colonial possessions she took over from time to time and which now constitutes the British Empire. Subsequently Germany industrialized and there began a competitive race for world trade and naval power which culminated in the World War. When America industrialized we, to a very, very large extent, consumed from year to year for an extended period most of the products flowing from our manufacturing plants, decreasing, of course, the sales of manufactured goods to us by both England and Germany. But when Japan industrialized she began the shipment of the products of her manufacturing plants into those markets so well served by Great Britain, France, Germany, and the United States, and at the very moment the economic structures of these countries were so badly paralyzed by reason of war burdens and a general economic collapse incident thereto. So Japan's economic expansion has added fuel to the fire and is further dislocating and disrupting the trade relations of these nations with their own foreign customers, as well as the relations existing between the respective nations and their own nationals.

How far can Japan go? The answer to this question is unknown. A brief glance at the accomplishments of Japan in her new state, Manchukuo, gives some indication of how far she can go and how fast she can travel in making set-ups in construction, in extraction of raw materials, building of railroads, etc. Her progress there has been phenomenal. Give Japan the raw material of Manchuria, Mongolia, and North China, with her present organization and efficiency and coordination plus improvements she will naturally make from time to time, and the balance of the world will take greater notice of Japan's competition than it does today.

Feudal Japan marches along hand in hand with modern Japan and without conflict. This alone is an amazing situation. Japan is now building most modern and intricate machinery. Let Japan secure control or jurisdiction of the manpower of northern China, Manchuria, and Mongolia (Inner and Outer)

and industrialize that manpower and raw material plus the materials that she can gather from other parts of the world, and then America will face a competitor beyond our comprehension. America needs to study and understand Japan. In due course and as the United States recedes from the Philippines, it is reasonable to assume that Japan will dominate that archipelago. Developed, these islands will easily accommodate another 50,000,000 people. Japan is looking for territory rich in natural resources, undeveloped and underpopulated. She is now proceeding to develop certain parts of the Philippine archipelago while the Stars and Stripes still fly over the islands, and it is a very important customer for certain basic products of those islands. In South America Japan is proceeding to take a great part in the development of agricultural lands and production as a source for raw materials.

The Pacific era is before us. Between Japan and certain great European powers lies North America, made up largely of the United States and Canada. The public domain suitable for homesteading in the United States has been developed, and our land harvest is thus finished. Indeed, we have begun the program of recovering back into the public domain eroded and marginal farms. Generally speaking, it can be said that man in his migration westward has traversed the whole world. The Empire of Japan, which considers itself the king of the day, the watchdog of Asia, has at last industrialized. America is now face to face with the low-cost production of the new empire. It is the fate of the United States to be placed at the front of the turmoil of trade and other activities which will accompany the new placing of people and their energies resulting from this new industrialization. After his return to the United States from his sojourn in the Bay of Yeddo, Perry wrote:

"It is idle to suppose that because the policy of the United States has hitherto been to avoid by all means possible any coalition, or even connection with the political acts of other nations, we can always escape from the responsibilities which our growing wealth and power must inevitably fasten upon us. The duty of protecting our vast and rapidly growing commerce will make it not only a measure of wisdom but of positive necessity to provide timely preparation for events which must, in the ordinary course of things, transpire in the East. In the development of the future the destinies of our Nation must assume conspicuous attitudes. We cannot expect to be free from the ambitious longings of increased power, which are the natural concomitants of national success."

The events to which Perry directed the attention of the United States are now taking place. Industrially and agriculturally speaking, the people of the United States will need to strip for action, clear their decks, tighten their belts, and eliminate from their activities the staggering waste and excess overhead burden which has crept into our whole existence. Falling in this, wherein can we hold that portion of our trade with which Japan directly competes and keep our goods moving in the channels of commerce—domestic and foreign? Under the economic pressure which bears down upon the shoulders of the buying world today, when the people go out to market, they look for the "bargain counter." Japan is supplying those bargains today, as evidenced by the great strides she is making in taking from the United States and other countries the markets which they have heretofore controlled. In the recasting of armaments, trade treaties, reciprocal agreements, and in the designing of a new agricultural and industrial program for the United States, Japanese industrial and shipping activities must necessarily be given great attention, otherwise the United States must lose.

PERMISSION TO ADDRESS THE HOUSE

The SPEAKER pro tempore (Mr. THOMAS of Texas). Under special order of the House the gentleman from Michigan [Mr. HOFFMAN] is recognized for 15 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent that I may yield that time now, and at the conclusion of the other special orders today I may proceed for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under special order of the House heretofore made, the gentleman from California [Mr. HINSHAW] is recognized for 40 minutes.

ASIATIC AND FAR-EASTERN QUESTIONS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent that I be permitted to revise and extend my remarks which I am about to make, and to include therein certain excerpts, tables, and certain Government documents.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HINSHAW. Mr. Speaker, I hope today, in the few remarks that I shall make, to contribute something toward the thinking of this Congress, and the people, on the subject of Asiatic and Far Eastern questions. It is a very appropriate occasion, in view of the meeting that has been held, and is being held in the Near East on the same subject. The other day I found a United Press report in one of the papers concerning remarks that were attributed to Saburo Kurusu, whom we all remember as a special envoy to Washington, and who enabled things to be strung out to the point where the premeditated destruction of Pearl Harbor could happen without warning. The United Press report is as follows:

WAR "AIMLESS," KURUSU SAYS

SAN FRANCISCO, November 26.—Saburo Kurusu, Japan's special envoy to Washington at the time Pearl Harbor was attacked, today referred to the war as an aimless one, a Tokyo broadcast said.

"As long as lofty ideals of Washington and Lincoln still remain among the American citizens there is bound to rise serious opposition to further continuation of the aimless war," Kurusu said in a press interview broadcast by the Tokyo radio and recorded here.

Mr. Speaker, I have no doubt that when Mr. Kurusu thinks this is an aimless and futile war, he thinks in his peculiar Japanese way that they have won and that it is aimless for us to continue fighting, and I am sure that we will agree here that from his standpoint, the war is indeed an aimless and a futile war, because he will get much less than nothing out of it.

The full text of the agreement reached by the Allies at Cairo, in which our peripatetic President, the Prime Minister of England, Mr. Churchill, and Generalissimo Chiang Kai-shek took part, provides that Japan shall be stripped of all the islands in the Pacific and the territories which she has seized or occupied over the past 40 years, and of course

provides for unconditional surrender, without which the war had better not end. There can be no armistice with Japan. The press release follows:

FULL TEXT OF AGREEMENT REACHED BY ALLIES AT CAIRO

President Roosevelt, Generalissimo Chiang Kai-shek, and Prime Minister Churchill, together with their respective military and diplomatic advisers, have completed a conference in north Africa.

The following general statement was issued:

"The several military missions have agreed upon future military operations against Japan. The three great Allies expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land, and air. This pressure is already rising.

"The three great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion.

"It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the First World War in 1914 and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed.

"The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

"With these objects in view the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan."

UNCONDITIONAL SURRENDER

Permit me now to make a few remarks on the subject of unconditional surrender, and call the attention of the House of Representatives to the fact that unconditional surrender originated with none other than our old friend, Gen. "Black Jack" Pershing. In Paris on October 30, 1918, "Black Jack" Pershing addressed a letter to the Allied Supreme War Council in Paris. This letter was transmitted to the Secretary of State by the special representative, Mr. House. I shall read the final paragraph of it because that is the important one. He says:

13. Finally, I believe that complete victory can only be obtained by continuing the war until we force unconditional surrender from Germany; but if the Allied Governments decide to grant an armistice, the terms should be so rigid that under no circumstances could Germany again take up arms.

I desire to present at this point the verbatim text of the telegram from Edward M. House to Secretary Lansing, dated October 31, 1918. That was 11 days before the signing of the armistice ending hostilities in World War No. 1. I am sure that General Pershing in one of his infrequent visits with President Roosevelt has reiterated his position for unconditional surrender and pointed out that we really lost the last war when we failed to march to Berlin.

The following document is lifted from the Lansing Papers, volume II, a Department of State publication, commencing on page 169:

763.72119/8987:Telegram
The Special Representative
(House) to the Secretary of State
 PARIS, October 31, 1918—2 a. m.
 [Received 7:45 a. m.]

14. For the President:

Five minutes before I entered into conference this afternoon of Prime Ministers and Foreign Secretaries and without previous notification General Pershing handed me a copy of the communication I quote herewith, the original thereof having already been sent to the Supreme War Council at Versailles and when George read this his comment was: "Political not military; some one put him up to it". When Clemenceau read it his comment was: "theatrical and not in accordance with what he has said to Marshal Foch". No Allied general has ever submitted a document of this character to the Supreme War Council without a previous request having been made by the civilian authorities. I have written the following letter to General Pershing "In regard to the communication which you sent in to the Supreme War Council this afternoon will you not let me know whether your views are shared by any of the other Allied generals?" He sent me a verbal answer saying he had not gotten the views of the other Allied commanders on this question.

[] Paris, October 30, 1918.

To the Allied Supreme War Council, Paris.

Gentlemen: In considering the question of whether or not Germany's request for an armistice should be granted, the following expresses my opinion from the military point of view:

1. Judging from their excellent conduct during the three months, the British, French, Belgian and American armies appear capable of continuing the offensive indefinitely. Their morale is high and the prospects of certain victory should keep it so.

2. The American army is constantly increasing in strength and experience, and should be able to take an increasingly important part in the Allied offensive. Its growth, both in personnel and material, with such reserves as the Allies may furnish, not counting the Italian army, should be more than equal to the combined losses of the Allied armies.

3. German manpower is constantly diminishing and her armies have lost over 300,000 prisoners and over 1,000 piece[s] of artillery during the last three months in their efforts to extricate themselves from a difficult situation and avoid disaster.

4. The estimated strength of the Allies on the western front, not counting Italy, and of Germany, in rifles is: Allies, 1,564,000; Germany, 1,134,000; an advantage in favor of the Allies of 37 per cent. In guns: Allies, 22,413; Germany, 16,495; advantage of 35 per cent in favor of the Allies. If Italy's forces should be added to the western front we should have a still greater advantage.

5. Germany's morale is undoubtedly low, her allies have deserted her one by one and she can no longer hope to win. Therefore we should take full advantage of the situation and continue the offensive until we compel her unconditional surrender.

6. An armistice would revivify the low spirits of the German army and enable it to organize and resist later on and would deprive the Allies of the full measure of victory by failing to press their present advantage to its complete military end.

7. As the apparent humility of German leaders in talking of peace may be feigned, the Allies should distrust their sincerity and their motives. The appeal for an armistice is undoubtedly to enable the withdrawal from a critical situation to one more advantageous.

8. On the other hand the internal political conditions of Germany, if correctly reported, are such that she is practically forced to ask for an armistice to save the overthrow of her

present Government, a consummation which should be sought by the Allies as precedent to permanent peace.

9. A cessation of hostilities short of capitulation postpones, if it does not render impossible, the imposition of satisfactory peace terms, because it would allow Germany to withdraw her army with its present strength, ready to resume hostilities if terms were not satisfactory to her.

10. An armistice would lead the Allied armies to believe this the end of fighting and it would be difficult if not impossible to resume hostilities with our present advantage in morale in the event of failure to secure a peace conference what we have fought for.

11. By agreeing to an armistice under the present favorable military situation of the Allies and accepting the principle of a negotiated peace rather than a dictated peace, the Allies would jeopardize the moral position they now hold and possibly lose the chance actually to secure world peace on terms that would insure its permanence.

12. It is the experience of history that victorious armies are prone to overestimate the enemy's strength, and too eagerly seek an opportunity for peace. This mistake is likely to be made now on account of the reputation Germany has gained through her victories of the last four years.

13. Finally, I believe that complete victory can only be obtained by continuing the war until we force unconditional surrender from Germany; but if the Allied Governments decide to grant an armistice the terms should be so rigid that under no circumstances could Germany again take up arms.

Respectfully submitted, John J. Pershing, Commander in Chief American Expeditionary Forces."

EDWARD HOUSE.

Let us hope that the unconditional surrender which we shall wrest from Japan will make certain that under no circumstances will Japan be able to take up arms again.

Mr. Speaker, I have before me a publication entitled "Japan, a Geographical Review," which is a publication of the American Geographical Society, and I call attention to certain features that there are in this review, which have to do with the people and the population of Japan.

The article gives the historical background of the population increase in Japan from the earliest times of which they have record—namely, the year 1721 up to the present. It shows that for a long period of time the Japanese population remained fairly static at approximately 27,000,000. Beginning at about 1852, the time of the visit by Admiral Perry and the lifting of the exclusive restrictions upon their people, the population of Japan began to increase and it went from 27,000,000 to 34,000,000 in 1872, to 52,000,000 in 1915, and to 73,000,000 in 1940.

I am going to include this article in my remarks, but for the benefit of the House I would like to read a short portion of it which is of keen interest:

Falling of entry into these and other areas of warm climate where the standard of living is higher than at home, the Japanese leaders have held that to solve their population problem they had no choice but to obtain territorial expansion by force. In this connection it is interesting to note the alarm of national spokesmen at the recent sharp fall in the birth rate. The anonymous gentleman who made public the results of the 1940 census expressed consternation.

Then the article closes by remarking on their campaign to increase the Japanese birth rate:

The campaign to be thus "drastically enforced" is described in detail in another Japanese publication, *Contemporary Opinions on Current Topics*.

"The Government's population-increase program adopted recently deserves our whole-hearted support. The Government intends to increase Japan proper's population from 72,000,000 at present to 100,000,000 by 1960, to improve the nation's physical construction and mental capacity, and to effect proper distribution of Japanese among East Asiatic races."

With regard to the birth rate, it is explained, the goal is twofold: First, to reduce the average of marriage age by 3 years (from the present average of 28 years for men and 24 years for women); and second, to urge each couple to have at least five children. To achieve this goal the following means are to be employed:

- Maintenance of the family system.
- Advance of marriage funds.
- Protection of maternity.
- Prohibition of the employment of women older than 20 years.
- Protection of pregnant women and nursing babies.
- Restriction and prohibition of birth control.

- Aid to families with many children.
- Establishment of marriage agencies.

For the present leaders of Japan, clearly, the fear that in the future their people may be at a greater numerical disadvantage to other Asiatic races far outweighs their concern lest the means of life run short at home.

The entire portion of the article dealing with the population problem follows:

THE POPULATION PROBLEM

In recent decades the pressure of population in Japan has been a cause of deep concern. Since the opening of the country to commerce in 1853 the population has been rapidly increasing, and for at least a generation the problem of finding profitable employment for more and more people has been imperatively calling for a solution.

THE HISTORICAL BACKGROUND

After centuries of fierce rivalry among warring clans, the Tokugawa family established supremacy in 1603; they were able to maintain comparative internal peace for more than 250 years thereafter, during which they enforced strict seclusion from contact with the outside world. This should have been a period favorable to the natural growth of population. In fact, during the second half of the period, when records were kept, numbers remained relatively stationary. The official censuses, probably self-consistent although incomplete, give the following figures for the years 1721 through 1852:

TABLE XVI.—Japan proper: Official population according to the 17 censuses of the Tokugawa Shogunate, 1721-1852¹

Year:	Population
1721.....	26,065,000
1726.....	26,549,000
1732.....	26,922,000
1744.....	26,153,000
1750.....	25,913,000
1756.....	26,062,000
1762.....	25,921,000
1768.....	26,252,000
1774.....	25,990,000
1780.....	26,011,000
1786.....	25,086,000
1792.....	24,891,000
1798.....	25,471,000
1804.....	25,622,000
1834.....	27,034,000
1846.....	26,908,000
1852.....	27,201,000

¹ From Ishii: Population pressure, p. 7.

The reasons for this stability were basically economic. The local autarchy of each feudal estate and the rigidity of the checks upon movement within it permitted only subsistence agriculture and the simplest handicrafts. Pestilence, famine, and natural disasters were, therefore, peculiarly destructive, and social habits tended toward deliberate thinning of the population through abortion, infanticide, exposure of the aged, and a ready use of the death penalty.

This self-contained, compartmental society was ripe for change when Commodore Perry entered Japanese waters in 1853 and secured for his country the right to trade which for over 200 years had been denied to foreigners, with the exception of concessions to the Chinese and Dutch in 2 treaty ports. The release of the expansive spirit was almost immediately reflected in a rapid growth in population. The census of 1852 had recorded 27,200,000, or a probable total of 30,000,000 after allowance has been made for omitted groups. By 1868 the total population had reached approximately 33,000,000.

TABLE XVII.—Japan proper: Estimated actual population, 1872-1915¹

Year:	Population
1872.....	34,806,000
1875.....	35,316,000
1880.....	36,649,000
1885.....	38,313,000
1890.....	39,902,000
1895.....	41,557,000
1900.....	43,847,000
1905.....	46,620,000
1910.....	49,184,000
1915.....	52,752,000

¹ For basis of estimate, *ibid.*, p. 53.

In 1869 the feudal system which had rested upon the local rule of the clans was completely abandoned, the basis of land ownership was transformed, and the Emperor restored to supreme power. Personal freedom and economic opportunity swept away the controls which had formerly kept the population static, and, in the early years of Emperor Meiji's reign, the Government set about reducing the death rate of infants and aged people. The totals of estimated actual population from 1872 to 1915, though not comparable in accuracy with later census data, indicate the burst of growth which accompanied Japan's industrial revolution.

THE MODERN PERIOD

The first adequate census of population was made in 1920; and it has been followed by similar enumerations at 5-year intervals, which enable students of the problem to describe the population in this period and to define its trend with some exactitude.

A population increasing rapidly, though since 1930 at a slackening rate, is indicated in the returns. (See table XVIII.)

The factors in this growth are a birth rate which rose until 1920 and a death rate which was slowly falling from 1918 until 1935.² Refined measures indicate that the birth rate established a definite downward trend in 1920.³ As the momentum of the earlier rapid rise continues through the productive lifetime of the larger new generations, Japan's population would normally be expected to increase until about 1970. By western standards, the death rate, even in 1935, was high for all groups in the population and especially for infants, youths, and females of every age below middle life.³ The drastically reduced rate of growth in 1940 reflects both a drop in the birth rate and an increase in the death rate of the civilian population; it gives no clue, however, to military casualties, for "every man called to the colors was dealt

with as still remaining in his shotal or home."⁴ This rather ghostly total is, therefore, subject to downward revision.

TABLE XVIII.—Japan proper: Total population recorded in quinquennial censuses, 1920 to 1940

Year	Population	Gross increase	Rate of growth
1920.....	55,963,053	3,773,769	Percent 6.7
1925.....	59,736,822		
1930.....	64,450,005	4,713,183	7.9
1935.....	69,254,148	4,804,143	7.5
1940.....	73,114,308	3,860,160	5.6

Source: Toyo Keizai, as quoted in Contemporary Japan, vol. 10, p. 817.

Urban and rural groups have shared most unequally in the growth of population.⁵ Urban population (i. e., that in communities of 10,000 or more) has doubled in the 20-year period while rural population has declined both in absolute and relative numbers. Among the urban groups, there seems to have been a fairly direct relation between size and rate of growth. The larger the community, the faster the rate at which it grew; since 1935, the pace has moderated somewhat irregularly.⁶ Concentration in large units has gone so far that in 1940 nearly one-fifth of the population (14,400,000 or 19.7 percent of the national total) lived in the six great cities—Tokyo, Osaka, Nagoya, Kyoto, Yokohama, and Kobe.⁷

⁴ Contemporary Japan, vol. 10, p. 817.

TABLE XIX.—Japan proper: Proportion of urban and rural population in 1920, 1935, and 1940

Year	Total population	Urban population	Percent of total	Rural population	Percent of total
1920.....	55,900,000	18,000,000	32	37,900,000	68
1935.....	69,300,000	31,700,000	46	37,600,000	54
1940.....	73,100,000	36,400,000	49	36,700,000	51

Sources: Data for 1920 from the Japan Yearbook 1926, p. 52; data for 1935 from the Japan Yearbook 1940-41, p. 47; data for 1940 from Toshiaki Mondai, as quoted by McCune: Recent Growth of Japanese Cities, pp. 164, 165.

TABLE XX.—Japan proper: Rates of growth of principal urban groups between 1920 and 1935 and between 1935 and 1940

Group	Average of rates of growth by 5-year periods	
	1920-35	1935-40
Japan proper.....	Percent 7.4	Percent 5.6
6 largest cities.....	18.6	12.5
12 cities over 200,000.....	16.5	10.2
29 cities between 200,000 and 100,000.....	13.1	10.8
57 cities between 100,000 and 50,000.....	12.6	5.9
78 municipalities under 50,000.....	9.7	6.1

Source: Toshiaki Mondai, as quoted by McCune: *op. cit.*, p. 164, 165.

TABLE XXI.—Japan proper: The population of the 6 great cities as a group in relation to total population and total urban population in the censuses of 1920, 1935, and 1940

Year	Total population	Total urban population	Population of the 6
1920.....	55,900,000	18,000,000	5,500,000
1935.....	69,200,000	31,700,000	12,600,000
1940.....	73,100,000	36,400,000	14,400,000

Source: Toshiaki Mondai, vol. 32, pp. 1148-1167, as translated by Shannon McCune.

These urban centers of the southern coast attract surplus rural population from all parts of Japan. Of the predominantly rural geographical regions, only Hokkaido shows a consistent gain—the result of carefully fostered immigration. The complexity in local rates of change, on the other hand, is made apparent in Dr. Kiss' population map of the islands of Honshu, Shikoku, and Kyushu (see plate I reverse).

THE PROBLEM

The dilemma is to find productive occupation for the increasing numbers for the next 20 or 30 years. It is usually conceded that the resources of Japan proper could, with difficulty, provide subsistence in the form of rice, fish, and vegetables; but agriculture and fishing cannot provide a means of livelihood for all these people or maintain a civilized standard of living. The problem can be solved only by industrial or territorial expansion. Since 1931 the advocates of the peaceful pursuit of the first alternative have been overridden and displaced by the proponents of the second.

The palliative of emigration long appealed to the Japanese authorities. Several formidable barriers prevented its full application, however. These were: First, the preference of the Japanese for warm climates, which made them reluctant settlers of Hokkaido, Karafuto, and Manchuria; second, the already existing density of population in the warmer parts of the outlying Japanese Empire—Korea and Formosa; and third, restrictions against the immigration of Japanese or their full exercise of economic citizenship in the less crowded areas of suitable climate in the Pacific—Australia, the East Indies, the Philippines, Hawaii, the United States. Such has been the force of these barriers that only about one and a half millions of Japanese were recorded in recent reports as living in the outer Empire.⁸ and, among foreign countries, in 1937 there were as many as 100,000 Japanese residents only in Hawaii, the United States, and Brazil.⁹ Before the outbreak of the present war it had been suggested that carefully planned Japanese settlement of certain sparsely populated islands in the East Indies, the South Seas, and the Philippines, and of the shore of Australia north of Capricorn would have proved generally advantageous.¹⁰

Failing of entry into these and other areas of warm climate where the standard of living is higher than at home, the Japanese leaders have held that to solve their population problem they had no choice but to obtain territorial expansion by force. In this connection it is interesting to note the alarm of national spokesmen at the recent sharp fall in the birth rate. The anonymous gentleman who made public the results of the 1940 census expressed consternation:

"Judging from all available data * * * a gradual fall in our population increase is inevitable, admitting at the same time that

TABLE XXIII.—Japanese residents in outer parts of the Japanese Empire

Date of record	Political unit	Number of resident Japanese
1938.....	Korea.....	333,288
1938.....	Formosa.....	308,845
Dec. 31, 1937.....	Manchukuo.....	417,759
June 30, 1939.....	South Sea mandated islands.....	78,028
End of 1938.....	Karafuto.....	329,743
End of 1938.....	Kwantung leased territory.....	180,689

Source: Data from the Japan Yearbook 1940-41 pp. 859, 882, 903, 914, 929, 930.

⁸ Pelzer: *op. cit.*, p. 37.

¹⁰ Crocker: The Japanese Population Problem, pp. 198-203; Pelzer: Japanese Migration * * * pp. 155-194.

¹ Ishii: *op. cit.*, pp. 110, 114, 115; Pelzer: Population, p. 29.

² Penrose: Japan, p. 104.

³ Penrose: *op. cit.*, pp. 87-92.

the observations of the present census are attributable to some special factors.

"A campaign to combat this deplorable state of things has of late been put into motion in the country, and, as a consequence, various measures for increasing our birth rate are being studied. If some effective measures to this end are worked out, the downward tendency of our population increase will have been checked."¹¹

The campaign to be thus drastically "enforced" is described in detail in another Japanese publication, *Contemporary Opinions on Current Topics*:

"The Government's population-increase program adopted recently deserves our wholehearted support. The Government intends to increase Japan proper's population from 72,000,000 at present to 100,000,000 by 1960, to improve the nation's physical construction and mental capacity, and to effect proper distribution of Japanese among East Asiatic races."

With regard to the birth rate, it is explained, the goal is twofold: First, to reduce the average age of marriage by 3 years (from the present average of 28 years for men and 24 years for women); and, second, to urge each couple to have at least 5 children. To achieve this goal the following means are to be employed:

- Maintenance of the family system;
- Advance of marriage funds;
- Protection of maternity;
- Prohibition of the employment of women older than 20 years;
- Protection of pregnant women and nursing babies;
- Restriction and prohibition of birth control;

- Aid to families with many children; and
- Establishment of marriage agencies.¹²

For the present leaders of Japan, clearly, the fear that in the future their people may be at a greater numerical disadvantage to other Asiatic races far outweighs their concern lest the means of life run short at home.

Mr. Speaker, and my colleagues, much complaint has been made by the Japanese in the past concerning the fact that their population is increasing out of all proportion to the size of territory they occupy as a homeland, and that consequently it is necessary for them to go out and conquer additional lands or take by other means additional lands so that their people can have a place within which to live, a place referred to by the Germans, of course, as *lebensraum*.

Here we find they are engaging in a program of propagation, of deliberately increasing the number of Japanese throughout the Pacific world, particularly in Japan itself. Therefore, no consideration whatever need be given to the Japanese claims for the needs of further territory and certainly no such consideration can be given so long as they hold to this program of deliberately increasing the number of living Japanese. That policy was begun a long time ago, evidently, and has been continued up to today. From 1872 to 1942, which, I believe, covers a period of 70 years, they have increased to more than double, knowing that they cannot all live on the island of Japan. If they are going to double again in the next 70 years they will have 140,000,000 people. However, I think that they hope to increase at a faster rate than that and to overrun the

eastern part of the world with little Japanese. If they do that, then it matters not what peace is made, stripping the Japanese of their territory; no matter what peace is made, taking armaments and territory away from them, our Japanese problem still remains unsolved because they will have expanded and settled their race throughout that territory, no doubt with the hope of overrunning it completely with little Japanese babies that will grow up to be soldiers. Their program in the United States can well be set forth by an examination of the following table. I shall insert the table in the RECORD.

The matter referred to follows:

Chinese and Japanese population in United States

	Total population in continental United States	Total inhabitants of Japanese origin	Total inhabitants of Chinese origin
1890.....	62,947,714	2,039	107,488
1900.....	75,994,575	24,326	89,863
1910.....	91,972,266	72,157	71,531
1920.....	105,710,620	111,010	61,639
1930.....	122,775,046	138,834	74,954
1940.....	131,669,275	126,947	77,504

Growth of Chinese and Japanese population by nativity, 1900-30

	Total	American born	Foreign born
Chinese:			
1900.....	89,863	9,010	80,853
1910.....	71,531	14,935	56,596
1920.....	61,639	18,532	43,107
1930.....	74,954	30,868	44,086
Japanese:			
1900.....	24,326	269	24,057
1910.....	72,157	4,502	67,655
1920.....	111,010	29,672	81,338
1930.....	138,834	68,357	70,477

It shows in 1890 there were in the entire United States 2,039 Japanese. In 1900 there were 24,000; in 1910, 72,000. Between 1910 and 1920 came the gentleman's agreement, by which they withheld the right of their citizens to emigrate to the United States. In spite of that the population has increased in the United States so that in 1940, at the time of our last census, there were 126,947 inhabitants of Japanese origin living in the United States.

On the other hand, look at the Chinese situation in America and you will find that in that same period of time the total number of inhabitants of Chinese origin in the United States decreased from 107,000 to 77,000.

Let me call your attention for a moment to the statistics concerning the native Japanese resident in the United States, and the children which were born to them. In 1900 there were 269 American-born Japanese. They were born in this country. There were 24,057 of the foreign-born Japanese. By 1930, the American-born Japanese had increased to 68,357, showing you that the program for more babies has worked very satisfactorily to them in this country.

I understand from one who has recently returned from the islands—and I wish the Delegate from Hawaii [Mr. FARRINGTON] were here to corroborate the statement if he could—that there is a very

strong program among the Japanese in the Hawaiian Islands, already comprising approximately one-third of the population, to have more babies, so that very shortly there will be more Japanese on the islands, than all of the other nationalities together. That is the sort of program which they are following to propagate and populate the shores of the Pacific.

ASIATIC QUESTION AT VERSAILLES

I want to discuss for a few minutes the problem as it related to the Versailles Treaty and the Versailles Conference. As you all know, when the subject of Japanese and Chinese interests was about to be presented to the Versailles Conference, our own people who were over there, made reports to our Government concerning the viewpoint of the Japanese and the Chinese. Those statements and exchanges of telegrams and memoranda are included in a number of volumes published by the Department of State at Washington entitled "The Foreign Relations of the United States."

On page 49 of volume 1, entitled "The Paris Peace Conference of 1919," you will find a report from our Ambassador in Japan, Mr. Morris, to the Secretary of State. He says:

The Chuwo warns America that if she becomes conceited and attributes the defeat of the enemy to her own strength, assuming at the same time a positive attitude in world affairs, she will be doomed as Germany is now doomed. If she recklessly attempts to display her strength, this journal concludes, the result will be the unhappiness of mankind.

That paragraph which I have just read is in the nature of an advance declaration of war to America, away back in November 1918.

The full verbatim text of Ambassador Morris' letter is as follows:

The Ambassador in Japan (Morris) to the Secretary of State

No. 299 Tokyo, November 27, 1918.
[Received December 23.]

SIR: I have the honor to transmit herewith, supplementing my despatch No. 285 November 5, 1918,¹ a number of translations¹ made in this Embassy of comments in the Japanese Press and current magazines on matters connected with the position of Japan at the forthcoming Peace Conference and other related questions. While these comments are of the same character and scope as the earlier ones that have already been forwarded they show more fully and definitely what the Japanese public expects and desires in the way of a settlement after the war.

Mr. Kiroku Hayashi, M. P., considers the disposal of Kiaochow Bay the foremost among the questions affecting Japan exclusively. The abandonment of this territory by Germany he declares is of paramount importance for the preservation and peace of the Far East. He is, however, one of those who believe that the question of restoring [it?] to China should not be left to the Peace Conference, as it is a matter that concerns only China and Japan.

Dr. Mutsumami, of the Imperial University, has no doubt that the two countries, being of the same race and having a common medium of writing, can reach a satisfactory solution by themselves as to its disposal.

Dr. Terao, a leading authority on International Law, voices a widely prevailing desire

¹ Not printed.

¹¹ *Contemporary Japan*, vol. 10, p. 818.

¹² *Contemporary Opinions on Current Topics*, No. 369, p. 7.

in proposing that Japan secure a lease on Tsingtao for a certain period, keeping in mind the object of restoring it to China eventually.

Baron Shibusawa, Japan's eminent financier, wants for Japan a recognized position of absolute superiority in China. He declares that, while the relations of other powers to China are those of interest, the relations of Japan are more vital, affecting her existence, and therefore she cannot place her interests on a par with those of other powers.

Mr. Oishi, a former leader of the Kenseikai Party, asks for special recognition only in respect to Manchuria and Mongolia, so that Japan can make herself secure from the possibility of post-bellum economic rivalries of the powers in those regions.

With regard to Siberia, the *Yamato* advocates that Japan insist at the Peace Conference on having Vladivostock converted into a free port; that the Chinese Eastern Railway be placed under Japanese control; and that other Siberian Railways under the joint control of the Allied Powers.

With regard to a League of Nations, Mr. Hayashi believe that, while it will be a gratifying achievement for the sake of the world's peace, care must be taken to remove artificial barriers that may hinder the peaceful development of individual nations. The preservation of the territorial *status quo* indefinitely will be, he states, a source of affliction to nations with limited areas that contemplate future development, the progress of mankind and the development of states will thus be obstructed. Indeed the idea that the League of Nations will circumscribe rather than assist weak and poor nations in achieving their manifest destiny is widely prevalent among Japanese publicists.

The limitation of armaments does not meet with much favor in Japan. The *Kokumin* asserts that it is doubtful whether Great Britain and America will consent to break up their warships and use the steel for other purposes, and points out that the Japanese Army is to Japan what Navies are to Britain and America. Even Baron Shibusawa advises the nations to be ready for America, the Champion of Democracy, lest she make it a part of her policy to check Japan's military expansion in the future.

There is in fact general fear of America's growing power, and distrust of her motives. The *Chuo* warns America that if she becomes conceited and attributes the defeat of the enemy to her own strength, assuming at the same time a positive attitude in world affairs, she will be doomed as Germany is now doomed. If she recklessly attempts to display her strength, this journal concludes, the result will be the unhappiness of mankind.

The conviction is general that Japan has much at stake in the deliberations of the Peace Conference, not only in respect to the specific terms that affect Japan exclusively, but also in regard to general questions of post-bellum reconstruction. It is argued that Japan must take a leading part in the problems that affect the Far East, particularly in view of the fact, as the *Kokumin* points out, that the fate of the Yellow Race depends upon the attitude of Japan. While Japan has not been formerly [formally?] entrusted with representing the Race, this journal observes, it is a question whether China's voice will be effective, because the value of her part in the war is not generally recognized, and also because her war aims are not clear.

I have [etc.]

ROLAND S. MORRIS

Mr. WRIGHT. Will the gentleman yield at that point?

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

Mr. WRIGHT. Would not the gentleman think that the Japanese were afraid that America might attempt to interfere with their aggressive ideas toward eastern Asia and China in particular?

Mr. HINSHAW. Oh, certainly. That appears all throughout the statements made by the Japanese leaders at that time, as are contained in these three volumes that I have before me, distinctly indicating that they were intending to proceed with conquest and overrun, not only all of the immediate islands surrounding Japan, but to continue the occupation of Korea, Manchuria, portions of Siberia, and as much of China as they could devour. Of course, ultimately she came into possession of mandated islands all over the Pacific. The idea of empire is not new in Japan. It is an old idea, and one that they have followed consistently throughout the last four decades, at least, and possibly longer.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. HINSHAW. I yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. Does not the gentleman feel that the United States should have gone into the mandated islands and at least have found out what was going on, the nature of the terrain, and the physical structure of those islands?

Mr. HINSHAW. I may say to the gentleman from Massachusetts that I hope to be granted some time a little later in the month to go into the subject of the mandated islands as carefully as I can, reading the various memoranda—dispatches, telegrams, and so forth—that refer to them, and point out that the Japanese had every intention of permanently occupying those islands by one means or another and that World War No. 1 gave them the opportunity which they sought.

Mrs. ROGERS of Massachusetts. And we should have intervened on the spot.

Mr. HINSHAW. As a matter of fact, the first thing that they did at the beginning of World War No. 1, in 1914, was to proceed to take and occupy all of the German possessions in the immediate neighborhood of Japan, which included the Marshalls, the Carolines, Shantung Province of China, and so forth and so on. They occupied every last one of them, and no one that I know of, officially—that is, an official representative of this Government or any other government—has made an investigation of those islands to find out whether or not they were fortified.

Mrs. ROGERS of Massachusetts. And it was great negligence.

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

Mr. HINSHAW. I yield to my colleague from California.

Mr. ROLPH. I am very much interested listening to the learned address of my colleague from California. He mentions this notice that the Japanese gave in 1918. Does not the gentleman believe that many years before, the Japanese had designs on the United States se-

cretly, but that this was the first evidence they had given publicly of their feelings toward this country?

Mr. HINSHAW. The gentleman remembers my reading the article which I just presented from the American Geographical Society in which the statement was made that the Japanese enjoyed the more temperate and warmer climates, not the cold climates.

I feel that there is no question whatever, if one will examine the record, that they have had their hungry eyes on the entire rim of the Pacific that was suitable in climate and that would be liked as a place of domicile by their people, and that included the Pacific coast of the United States.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield further?

Mr. HINSHAW. I yield.

Mr. WRIGHT. I too wish to compliment the gentleman on introducing this matter into the RECORD, because I believe the gentleman is making a coherent statement on a very important problem, and that is, that while America in the last war was interested only in maintaining the peace of the world and was glad to give her entire cooperation toward that end, yet Japan all the while was using that war merely as a means to her own ends. Does not the gentleman believe that she had those designs for a long time, concealed, and hypocritical, never departed from but furthered by every means they could use?

Mr. HINSHAW. I think that is very definite. I do not believe the Japanese consider themselves hypocritical at all. I think they consider us a nation of suckers and acting on that belief did and said anything they wanted to with the feeling: What did it matter? They could get away with it. That is just exactly what they have done. They have hoodwinked every other nation except the Oriental nations and I may say to the gentleman from Pennsylvania that China has never been fooled by the protestations of Japan. She in fact has protested to us that we should in no way believe what the Japanese said. In this connection let us examine the telegram from the United States Ambassador to Japan, Mr. Morris, to Secretary of State, Mr. Lansing, dated November 13, 1918, which, incidentally, was November 12 in Washington. I quote verbatim from page 489 of volume 1 of the Paris Peace Conference published by our State Department: 783.72119/2583: Telegram

The Ambassador in Japan (Morris) to the Secretary of State

Tokyo, November 13, 1918—8 p. m.

[Received November 13—5:44 p. m.]

The news of the armistice is viewed by the Japanese press and people with a detached attitude. Satisfaction is professed but without enthusiasm. Newspaper comments reveal a keen interest in Japan's aims at the Peace Commissioner [Conference?], chief emphasis being laid on the necessity of securing recognition of Japan's paramount position in Eastern Asia.

Is that an answer to the gentleman's question?

Mr. WRIGHT. It is, if an answer were needed.

Mr. HINSHAW. I continue reading:

The advance in quotations on the stock exchanges both at Osaka and Tokyo were not anticipated and indicates a general feeling of optimism in economic circles. The Advisory Council on Foreign Affairs met today when it is reported Japan's peace terms which have been drafted by the Foreign Office in collaboration with the War and Navy Departments and the appointment of a new Ambassador were discussed.

MORRIS.

Then there is a subsequent telegram from Ambassador Morris to the Secretary of State which is as follows:

763.72119/2636:Telegram

The Ambassador in Japan (Morris) to the Secretary of State

TOKYO, November 15, 1918—11 p. m.
[Received November 16—10:08 a. m.]

An adjourned meeting of the Advisory Council has been called for next Tuesday, to consider further the plans for Japan's participation in the Peace Conference. The Minister for Foreign Affairs announced today that he anticipated two conferences, one for the actual signing of peace with the Central Powers, and another early next year for a more conclusive settlement of international question[s]. Chinda or Matsui will probably act alone for the present but the government contemplates sending to the second conference a special mission consisting of a number of Army and Navy experts and members of the permanent diplomatic service and headed by a statesman of recognized prestige. The Navy has already decided upon Admiral Takeshita as its chief representative. Who the others to be selected are, particularly the head of the mission, is much debated. My British colleague is showing unusual interest in the subject and has discussed it with the Minister for Foreign Affairs. He favors Viscount Kato who seems also to be the most popular choice in Japan, but his appointment is doubtful for political reasons.

It is hoped by Japanese that the organization of a League of Nations will offer an opportunity to assert the equality of the yellow race, a question which underlies all discussions on the subject. With this in mind plans are being seriously discussed for an immediate alliance with China so that the two nations may work in harmony at the Conference.

Mister Norman, counsellor of the British Embassy has been chosen as one of the advisers of the British Bondholders Commission and leaves for London next week. He has had long experience in Japanese and Near Eastern affairs.

Peace celebrations are being planned by the authorities in the larger cities.

MORRIS.

Then, here is a string of telegrams that should be studied carefully. They appear on pages 492-494 of this volume:

862.20294/21:Telegram

The Acting Secretary of State to the Ambassador in France (Sharp)

WASHINGTON, December 12, 1918—8 p. m.
177. For House. The Department is in receipt of a telegram dated the 2nd instant from the Embassy at Tokyo reading as follows:

"Department's November 30, 6 p. m.¹ regarding German propaganda. Reference Embassy's quarterly report number 3.¹ Since the collapse of the Central Powers, all traces pro-German sentiment have at least temporarily disappeared, showing that its former strength was at the same time its weakness. That is to say, this propaganda was largely

¹ Not printed.

the work of militarists and German educated university professors, whose prestige depended upon preserving institutions of a German pattern and therefore it became thoroughly discredited as soon as it could no longer be demonstrated that Germany was worthy of emulation or expedient to cultivate on account of her strength. In this connection it is significant that none of the Peace Conference delegates on the part of Japan are classed as belonging to the German school. At the present moment I can trace no influences here which would indicate German origin. Morris."

POLK.

763.72/12570a:Telegram

The Acting Secretary of State to the Ambassador in Japan (Morris)

WASHINGTON, December 19, 1918—4 p. m.

Press reports give summary of recent statement alleged to have been made by Okuma, indicating Japan's ambitions in South Sea Islands. Please cable substance of statement, indicating reason for statement, date, occasion upon which made, and such other information as you may be able to obtain. Please mail full text in first pouch.

POLK.

763.72/12571:Telegram

The Ambassador in Japan (Morris) to the Acting Secretary of State

TOKYO, December 21, 1918—6 p. m.
[Received December 21—12:37 p. m.]

Your telegram December 19, 4 p. m. Since the publication of the interview reported in my telegram of November 3, 1 p. m.,² Okuma has made no public statement with reference to Japan's ambitions in the South Sea Islands. Reports in the American press are probably based on a special interview granted their representative which were [was] not given out in Japan.

MORRIS.

763.72119/3248:Telegram

The Ambassador in Japan (Morris) to the Acting Secretary of State³

TOKYO, January 2, 1919—9 p. m.
[Received January 2—6:47 p. m.]

In a contribution to the *Kokumin* of January 1st, Marquis Okuma states that permanent peace cannot be achieved without first solving the question of the equality of treatment of races and the question of armaments. He asks how America proposes to treat in future the alien races in her territory, and expresses the hope that American public opinion will adopt a generous attitude toward this question. At the same time he insists that Japanese emigrants be freely allowed to enter every country. He further hopes that in order to act [secure] a permanent peace the powers will avoid severe tariff wars. In connection with the question of armaments, the Marquis asks how America's new naval program and Great Britain's insistence on naval supremacy can be reconciled with the declarations of these countries. He hopes that the press reports to the effect that Congress has disapproved of President Wilson's fourteen fundamental terms are without foundation.

MORRIS.

763.72119/3308:Telegram

The Ambassador in Japan (Morris) to the Acting Secretary of State

TOKYO, January 7, 1919—1 p. m.
[Received January 7—11:05 a. m.]

Marquis Saionji, Japanese Peace Ambassador, accompanied by his personal suite con-

² *Foreign Relations*, 1918, supp. 1, vol. 1, p. 661.

³ Forwarded to the Commission to Negotiate Peace, Jan. 6, 1919, 3 p. m.

sisting of Prince Konoye, Mr. Saionji, his heir, Dr. Minucle, his physician, Mr. Matsuoka, secretary, Mr. Akzuki, formerly Ambassador to Austria Hungary, Viscount Motono, son of the late Minister of Foreign Affairs, and Mr. Ito, son of the late Prince Ito, will leave for France on the *Tamba Maru* sailing on January 14th via Suez and due to arrive Marseilles early in March.

Prince Konoye, in a contribution to Japan and the Japanese, a fortnightly magazine, urges that Japan should lend no ears to a peace based on Anglo-American interests alone, because economic imperialism with which these powers threaten the world is no less a menace to the free development of nations than military imperialism. He therefore regrets that Japanese are inclined to accept without discount or examination the democracy and humanitarianism advocated by British and American statesmen. While not opposing a league of nations based on justice and humanity in the strict sense, he thinks that if one such as favored by America and Great Britain is formed, the two powers will have the lion's share of the advantages, while others, deprived of the arms to resist their economic aggression, will be obliged to submit to the lead of these two powers. If Great Britain closes her colonies to foreign countries, how can Japan maintain her existence with her limited territory, slender resources and poorly equipped factories? Under such circumstances Japan will be obliged to assume the same attitude as Germany before the war and destroy the status quo. Prince Konoye further insists that the discriminatory treatment accorded to yellow race in America and British colonies must be removed. It is worthy of note that Prince Konoye's views are shared by a number of publicists.

MORRIS.

Please take due notice that Prince Konoye notified us in January 1919 to the effect that if we did not remove restrictions on the settlement of her fast-breeding and multiplying population, then Japan would destroy the status quo, all of which means to fight us. Why were we so concerned with things at home and elsewhere that we failed to take due note of impending war.

The Chinese were not being fooled by that; the Chinese knew what they were up to. The Chinese knew that the Japanese were using every means at their command to gain control over the Chinese delegation to the peace conference and also over the Chinese Government, and they were doing it by a great many means which I am sure none of us here would condone. The Chinese plead with us not to abandon their weak and disorganized country to the Japanese.

I find on page 525 of volume 2 of the Paris Peace Conference, 1919, a memorandum of transmission by Capt. Stanley K. Hornbeck to the commission to negotiate peace. Capt. Stanley K. Hornbeck, as everyone here knows, is now one of the chief political advisors in our State Department. At that time he was attached to the military mission at Versailles. This is entitled "Problems and Policy in the Far East." I shall include it with my remarks.

Paris Peace Conf. 793.94/9

Captain Stanley K. Hornbeck to the Commission to Negotiate Peace

PROBLEMS AND POLICY IN THE FAR EAST

1. The American Minister to China has sent a lengthy cable which he desires to have

called particularly to the attention of the President.

2. The message is a powerful plea for a "thorough-going and permanent settlement of the Chinese question".

Its features are: (1) A presentation of the fundamental factors which underlie the whole problem of settlement and policy in and with regard to the Far East; (2) interpretation of facts and suggestions as to policy; (3) predictions as to the danger which attends neglect of the present opportunity.

3. As to the Minister's statements of fact,—it is the opinion of the writer that they are uniformly and absolutely accurate.

4. As to the Minister's expressions of opinion,—the views expressed represent the mature judgment of a man long recognized as a first-rate authority on international questions—particularly on problems of the Far East. In advance of the Boxer uprising of 1900, Dr. Reinsch predicted the bursting of that storm. He has been during the past five years the Representative of the United States at Peking, the political storm centre of the Far East.

5. This message is worthy of the most careful consideration of the Peace Commissioners. The necessity for arriving at a just and practicable settlement of various outstanding Far Eastern questions is, in its bearing upon the problem of safeguarding the peace of the world, most urgent. The problems are vital. Upon their treatment depends the directing of the course which will be followed in the future political development of races which constitute one half of the world's population, and, incidental thereto, of the relations of those races to the peoples of the Occident.

6. There are attached hereto:

A. A précis of the contents of the cable;
B. A copy of the cable. (It has been somewhat mangled in course of transmission.)

Respectfully submitted by

STANLEY K. HORNEBECK.

Following is the copy of the cable from our Minister to China to which Captain Hornbeck refers. It appears verbatim: 763.72119/3309: Telegram

*The Minister in China (Reinsch) to the Acting Secretary of State*¹

PEKING, January 6, 1919—8 p. m.
[Received January 7—9: 34 a. m.]

I beg to request you to transmit the following to the President to reach him in Europe.

I feel in duty bound to call your attention to the imperious necessity of including a thoroughgoing and permanent settlement of the Chinese question among the arrangements to be made for the establishment of peace. I appeal to you directly not only because of your determined purpose to create a just foundation for human relations throughout the world but also because you have become to the people of China the embodiment of their best hopes and aspirations. Your championship of the four great principles laid down in your speech of July 4th,² has found a deep response throughout China. These people whose rights have been trodden under foot while the war of liberation was going on in Europe, know from their own bitter experience, the vast importance of these principles for protecting free development and justice within the nations and for preventing coercion, plots and conspiracies from without. Never before have the words of a foreign statesman entered so deeply and directly into the hearts of the Chinese people, from the President of China who has again and again cited them in his mani-

festoes, down throughout all the ranks of the people. Though with bitterness akin to despair they observed that while the western powers were fighting for human rights in Europe the rights of the Chinese people were invaded by one of the Allies with every device of corruption and coercion, they now again have raised their hearts in hope and confidence that those who defeated evil in Europe and especially their leader and spokesman, the President of the United States, will no longer tolerate in Asia the execrable practices of military domination, secret trafficking with fundamental rights and the corruption of the life of a people and they ask no charity but justice, they ask no support but the assurance that the constant exertion of evil influences from without and the attempt of foreign military autocrats to seize control of the Chinese resources, finance and defenses shall be put an end to so that the Chinese people may continue the arduous work of establishing a representative Government without having every constructive attempt maimed and every weakness aggravated by selfish interference from without.

I need not recall to you that the action of China during the war was inspired by the example of America and by a desire to realize our common ideals of freedom and justice. It was the liberal elements that are working for representative government which determined the rupture of diplomatic relations in February 1917. Could we at that time have devoted attention to China, her entire course in the war could have been guided by America as China sought earnestly of one accord to follow this guidance. The new President, though trained in the older school of statesmanship, singled out your greeting as the most noteworthy statement upon his accession and has since in words and action expressed his desire to guide the country after the models of American statesmanship. In their trouble, aggravated by foreign intrigues, both sides have repeatedly and fervently expressed the assurance that if you would consent to mediate all China would be happy to accept your judgment and advice. Such has been the attitude of the Chinese people throughout the war during the latter part of which, unhappily, the controlling power in the government fell into the hands of men who through ignorance, corruption and treachery prostituted their public trust to Japanese desire for power.

Nor need [I] more than summarize the acts of Japan during the fateful years of the war while her Allies were shedding streams of blood for liberty. In 1915 coercion was applied and China was forced by threats to solidify and extend the privileged position of Japan in Manchuria and Mongolia and to agree prospectively to a like regime in Shantung together with the beginnings of special position in Fukien province. After this there was a change of methods although the policy tended to the same end, domination over China. Instead of coercion [they] used secret and corrupt influence through alliance with purchasable officials kept in office by Japanese support. The latter insidious policy is more dangerous because it gives the appearance that rights are duly acquired through grant of the Chinese Government; no demands or ultimatums are necessary because corrupt officials strongly supported by Japanese finance, acting absolutely in secret channels, suppressing all discussion with the strong arm of the police, are able to exercise contractual rights regular in form though of corrupt secret origin and evil tendency.

Japan has used every possible means to demoralize China, by creating and sustaining trouble, by supporting and financing most objectionable elements particularly a group of corrupt and vicious military governors in their methods, by employing instigators of trouble, by protection given to bandits, by the introduction of morphia and

opium, by the corruption of officials through loans, bribes and threats, by the wrecking of native banks and the depreciation of local currency by illegal export of the copper currency of the people, by local attempts to break down the Salt Administration, by persistent efforts to prevent China from going into the war and then seeing to it that China was never in a position to render to the common cause such aid as would be in her power and as she would willingly render if left to herself, finally by utilizing the war and the preoccupation of the Allies for enmeshing China in terms of a secret military alliance.

As a result of these methods and manipulations Japan has gained the following: A consolidation of her special position in Manchuria and Eastern Mongolia and the foundation of the same in Shantung and Fukien; control in the matters of Chinese finance through the control of the Bank of Communications and the Bureau of Public Printing and the appointment of a high financial adviser together with the adoption of the unsound gold note scheme happily not yet put in [to] force. She has secured extensive railway concession[s] in Manchuria, Shantung, Chihli and Kiangsu; mining rights in various provinces and special monopolistic rights through the Kirin forestry loan, the telephone loan and others. Through the secret military convention Japan attempts not only to control the military policy of China but [incidentally] national resources such as iron deposits. All these arrangements are so secretly made that in most cases not even the Foreign Office is in possession of the documents relating thereto. Together with this goes the persistent assertion of special interests which are interpreted as giving a position of predominance.

I realize that this is a strong indictment and I feel the fullest responsibility in making these statements to you. Fundamentally friendly to the Japanese as my published expression[s] show, I have been forced through the experience of five years to the conclusion that the methods applied by the Japanese military masters can lead only to evil and destruction and also that they will not be stopped by any consideration of fairness and justice but only by the definite knowledge that such action will not be tolerated. As a steady stream of information from every American official in China and from every other source as well as my own experience have made this conclusion inevitable, I owe the duty to state it to you and to the American Government in no uncertain terms, nor is this said in any spirit of bitterness against the Japanese people but from the conviction that the policy pursued by their military masters can in the end bring only misery and woe to them and the world. During this period it has not appeared possible for the European powers or the United States to do anything for China; the United States, though assisting all other Allies financially, could not contribute one dollar toward maintaining the financial independence of China as undivided attention was necessary to the requirements of the West Front. The Lansing-Ishii notes³ undoubtedly intended to express a friendly attitude towards any legitimate aspirations of Japan, while safeguarding the rights of China, was perverted by the Japanese into an acknowledgment of their privileged position in China. Now at last when the pressure has been released America as well as European countries must face the issue which has been created which is whether a vast peaceable and industrious population whose most articulate desire is to be allowed to develop their own life in the

¹ Forwarded to the Commission to Negotiate Peace as Department's telegram No. 168, Jan. 10, 1919, 4 p. m.

² Foreign Relations, 1918, supp. 1, vol. I, p. 268.

³ See Foreign Relations, 1917, pp. 258 ff., and *ibid.*, The Lansing Papers, 1914-1920, vol. II, pp. 432 ff.

direction of free and just government, shall become material to be molded by the secret and unconscionable plottings of a foreign military despotism into an instrument of its power. If it is said that the aims of Japan are now but economic and in just response to needs of Japan's expanding population, it must be remembered that every advantage is gained and maintained by political and military pressure and that it is exploited by the same means in a fashion taking no account of the rights of other foreign nations or of the Chinese themselves. Divested of their political character and military aims the economic activities of Japan would arouse no opposition. The fact that at present when it has been announced that Japan will tolerate only bona fide economic business in China, huge iron enterprises, loans, mining concession[s], et cetera, are being actively promoted by Japanese with the assistance of subservient members of northern military clique who desire to use the proceeds for the purpose of increasing their personal forces—gives a clear insight into the method of Japanese economic business in China.

Detailed reports on the facts of the recent situation as well as discussions of remedies to be applied have been sent the Secretary of State in considerable volume, particularly in my telegrams of October 19, noon; November 7, 6 p. m.; November 12, 6 p. m.; November 18, 4 p. m.; November 23, 6 p. m.; November 27, 11 p. m.; December 4, 5 p. m. (?); December 10, 5 p. m.; December 20, 6 p. m.; December 20, 7 p. m.; December 24, 7 p. m.; December 27, 3 p. m.; December 30, 6 p. m.;⁴ and despatches number[s] 2342, November 23rd; 2361 and 2362, both December 3rd, and 2408, December 20th.⁵

Only the refusal to accept the result of Japanese secret manipulation in China during the last four years, particularly the establishment of Japanese political influence and privileged position in Shantung can avert the onus of either making China a dependence of a reckless and boundingly [boundlessly?] ambitious caste which would destroy the peace of the entire world or bringing on a military struggle inevitable from the establishment of the rival spheres of interests and privileges in China. Peace is conditioned on the abolition for the present and future of all localized privileges. China must be freed from all foreign political influence exercised within her borders, railways controlled by foreign nations and preferential arrangements supported by political power. If this is done China will readily master her own troubles particularly if the military bandits hitherto upheld by Japan shall no longer have the countenance of any foreign power.

The advantages enumerated above were gained by Japan when she was professedly acting as the trustee of the Associated Powers in the Far East and they could not have been obtained at all but for the sacrifices made in Europe. They are therefore not the exclusive concern of any one power. With respect to Shantung, the German rights there lapsed together with all Sino-German treaties upon the declaration of war. A succession of treaty rights from Germany to Japan is therefore not possible and the recognition of a special position of Japan in Shantung could only proceed from a new act to which conceivably some weak Chinese officials might be induced [apparent omission] but which would be contrary to the frequently declared aims of international policy in China and which would amount to the definitive estab-

lishment of exclusive spheres of influence in China leading in turn to the more vigorous development of such exclusive spheres by other nations. The present situation of affairs offer[s] the last opportunity by which to avert threatening disaster by removing the root of conflict in China. This can be done only by abolishing localized preferences and particularly by commercializing all Chinese railways under unified Chinese control with such foreign non-political expert assistance as may be necessary. Slight sacrifices of special advantages already held by one or two European powers would be justified by the suppression of formidable danger to civilization. [Thereby] the opportunity for the infiltration of political influence in the interior of China is precluded; the development of stable and free government is assured particularly if America should give some practical indication that we are not indifferent to the preservation of the right of the Chinese people to develop freely.

Never before has an opportunity for leadership toward the welfare of humanity presented itself equal to that which invites America in China at the present time. The Chinese people ask for no better fate than to be allowed freedom to follow in the footsteps of America; every device of intrigue and corruption as well as coercion is being employed to force them in a different direction, including constant misrepresentation of American policies and aims, which, however, has not as yet prejudiced the Chinese. Nor is it necessary on this account to exercise any political influence. If it were only known that an exchange [sic] in concert with the Liberal powers would not tolerate the enslavement of China either by foreign or native militarists, the natural propensity of the Chinese to follow liberal inclinations would guide this vast country towards free government and propitious developments of peaceful industrial activities, even through unavoidable difficulties in the transition of so vast and ancient a society to new methods of action. The eager attention which has been paid to your words, the trust and confidence which the Chinese feel in your policies and aims, are evidence of a spontaneous desire to follow along the path of American action and aspiration which you have made so clear to the world. If China should be disappointed in her confidence at the present time the consequence of such disillusionment on her moral and political development would be disastrous, and we, instead of looking across the Pacific towards a Chinese nation sympathetic with our ideals, would be confronted with a vast materialistic military organization under ruthless control.

REINSCH.

You will take note that the Report on Problems and Policies in the Far East, which was drawn up by our then Minister to China, Mr. Reinsch, was cabled to the Secretary of State. Mr. Reinsch earnestly requested that this entire statement of fact be transmitted to President Woodrow Wilson so that it might reach him in Europe at the peace conference.

Another important message, the last sentence of which is most significant, is as follows:

Paris Peace Conf. 793.94/8:Telegram

The Acting Secretary of State to the Commission to Negotiate Peace

WASHINGTON [undated].

[Received January 5, 1919—5 p. m.]

97. Telegram in substance as follows has been received from Legation at Peking: The Japanese Minister for Foreign Affairs during course of short conversation in Tokyo with Chinese Minister for Foreign Affairs said that desires of China at Peace Conference would be supported by Japan but Japan would ex-

pect that status of Shantung should without delay be settled amicably between the Chinese and Japanese Governments. It would seem that the Chinese are being encouraged by the Japanese to make demands which it is a foregone conclusion will not be granted categorically by the Powers such as abolition of extraterritoriality and of customs tariff restrictions, and in return for their support the settlement of the Shantung question is being urged. All general provisions made by the Peace Conference for the protection and salvation of China would be futile if Japanese special right in Shantung should be acknowledged.

POLK.

In a number of places in these State Department documents one can read very well how the Japanese agents in China bribed the Chinese officials, supplied opium and narcotics, and engaged in all sorts of illicit traffic for the purpose of breaking down the morale and the will of the Chinese. That was allowed to continue, and unfortunately some of the European nations winked at it and allowed it to go on.

The thing that we should have done in China then and before, and certainly since, was to make China the strongest nation in the Orient in order that she might have her place by right instead of being overrun by the little brown race of the island. I hope to goodness that at the conclusion of this war the great powers of the world—the United States, Great Britain, and Russia—will see to it that China has an opportunity to take her place in the world and to become that great democratic force I know she will be, in order to offset the villainous, unprincipled, immoral Japanese in the Orient.

I shall include certain other excerpts in the RECORD. I do want to call attention to another section in this geographic review of Japan by the American Geographic Society, in which they point out the process by which Japan has been able to put over her program of territorial expansion in the Orient.

TERRITORIAL EXPANSION

From the moment when population pressure first became acute in Japan, there were military men, speculative entrepreneurs, and assorted political opportunists to argue, in season and out, that new territory alone could solve the problem. The demand for territorial aggrandizement, a recurrent motif in Japanese history, has been very much alive in the modern period, but its supporters have not always been in control. During the decade following the signing of the Treaty of Versailles, liberal leaders pursued a conciliatory foreign policy the greater part of the time.¹ Democratic institutions in Japan were still rather spindly, however, and too weak to withstand the campaign of terror and guile by which the militarist forces attacked them in 1931. Since then, the program of territorial expansion has been pressed forward ruthlessly, destroying the elements of freedom both among the subjugated peoples and among the Japanese people for whose alleged benefit the war is waged.

The record of Japanese territorial expansion may be summarized in four parts: (1) During some 2,000 years of Japanese history, the main islands of Japan proper

¹ The premiership of General Tanaka from 1927 to 1929 provided a reactionary interval.

⁴ Of the telegrams cited, only three are printed: Oct. 19, noon, Foreign Relations, 1918, p. 112; Nov. 18, 4 p. m., *ibid.*, Paris Peace Conference, vol. I, p. 242; Dec. 10, 5 p. m., Foreign Relations, 1918, p. 197.

⁵ Despatch No. 2342, *ante*, p. 491; No. 2361, Foreign Relations, 1919, vol. I, p. 566; others not printed.

were won from the aboriginal Ainu, successfully defended against any subsequent invasion from the continent of Asia, and united in a single political unit, recognizing the supremacy of the Emperor.² At the beginning of the seventeenth century, when the spirit of exploration and conquest was dominant in the west, the Tokugawa line of shoguns (regents) imposed a seclusion upon Japan that lasted for 250 years. During that time the Japanese, so far from attempting conquests abroad, were forbidden to leave the country on pain of death, or even to build a ship of more than 50 tons. (2) The intrusion of Commodore Perry and his men-of-war in 1853 and the ensuing establishment of diplomatic relations, brought Japan into contact with the outside world at a time when the great powers of Europe were engaged in a scramble for concessions in China, the ultimate prize being the lion's share of the Chinese trade.³ The role of force in the victories of European diplomacy in China was not lost upon Japanese observers, who saw in the superiority of western science the explanation of the helplessness of their strongest neighbor. The resolution to escape a similar fate and, if possible, to take part in the struggle for Chinese prizes led them to adopt western methods eagerly. It was nearly a generation, however, before Japanese forces were ready for a trial of strength on the mainland. As a result of the Sino-Japanese War of 1894-95, the Russo-Japanese War of 1904-5, the First World War of 1914-18, and intervention in Siberia from 1918 to 1922, Japan had made notable additions to the territory of the Empire by 1931. These included a screen of island outposts in the Pacific on three sides of Japan proper and on the fourth, the landward side, the adjacent Korean Peninsula and a foothold of leased territory beyond in Manchuria.⁴ Although valuable from the strategic point of

² It is generally believed that Japan proper was colonized by immigrants, many of Malayan stock, who came from the continent by way of the Korean Peninsula and landed in the southern part of the islands about the beginning of the Christian era. They gradually pushed the original inhabitants northward and achieved a discordant unity of rival clans under an emperor resident in Kyoto. Their first cultural relations were with China. The seventh and eighth centuries are known in Japanese history as the period of the imitation of China and things Chinese. (See Kuno: Japanese Expansion on the Asiatic Continent, vol. I, p. 28.) Although tribute was paid by Japan to China and at other times by China to Japan, neither succeeded in invading the other country. The most notable efforts were the thirteenth century expeditions of Kublai Khan, whose armadas were brought to grief in the Tsushima Straits before reaching the home waters of Japan, and Hideyoshi's expedition to the mainland which succeeded in subduing Korea for a few years in the late sixteenth century. The wars between China and Japan were fought chiefly on the Korean Peninsula for the right to dominate the kingdoms there. The depredations of Japanese, Korean, and Chinese pirates ranged as far as the South Sea islands, and there are records of Japanese settlers in Siam, Cambodia, and Java in the sixteenth century. (See Timperley: Japan, pp. 31-41.)

³ See Hudson: The Far East in World Politics.

⁴ The Pacific islands were obtained from China, Russia, Great Britain, and Germany. The Lyuchyu Islands, dependencies of China, were yielded to Japan in a treaty with China signed in 1874, and their incorporation was completed in 1879. Formosa and the Pescadores were ceded by China in the Treaty of Shimonoseki in 1895. The Bonin Islands

view, these acquisitions did not add greatly to the economic endowment of the Empire nor offer much unoccupied land suitable for settlement.

(3) During a 10-year period of undeclared war against the Chinese Republic, between September 18, 1931, and December 7, 1941, Japanese control was extended still farther over islands in the Pacific,⁵ and the holdings of continental territory were enormously increased. By the latter date, Japanese forces had seized Manchuria, Jehol, Inner Mongolia, the principal cities and railways in the northern and eastern provinces of China proper, and the principal ports along the Chinese seaboard, and they had put into effect a de facto military occupation of Indo-China in July 1941, after having concluded a peace agreement with the Vichy Government in May. (4) Between December 7, 1941, and May 1942, war with China, the United States, the British Empire, and the Netherlands spread Japanese control southward over most of the chief islands in the South Pacific and on the mainland southward from the border of China to the Indian Ocean and westward to the borders of India.⁶ Free China was forced to depend for supplies upon air freight

which had been vaguely claimed by Britain were relinquished to Japan in 1876 and incorporated in the Japanese Empire. In 1914 the islands in the South Pacific held by Germany were seized by Japanese forces, and Japan was given a mandate over them by the terms of the Treaty of Versailles, with the provision that they were not to be fortified. The southern Kurile Islands had been obtained from Russia in 1875 in consideration of the abandonment by Japan of a claim to the southern half of the island of Sakhalin. The latter was seized in the Russo-Japanese War, and the section south of the fiftieth parallel was allotted to Japan by the terms of the Portsmouth Treaty. The northern part of the island was occupied by the Japanese forces in the period of intervention from 1918 to 1925, and a treaty signed in 1925 granted Japan concessions for the production of petroleum in the Russian section.

The gains on the mainland were obtained from China, Russia, and the nominally independent state of Korea. In 1905 the Treaty of Portsmouth transferred Russian rights over Port Arthur, the Kwantung Leased Territory, and the South Manchurian Railway to Japan, and the existence of a Japanese protectorate over Korea was recognized. In 1910 Korea was formally annexed. Japanese claims of further rights in Manchuria to enforce the security of the railway zone were among the notorious Twenty-one Demands presented to China in 1915, but were not included in the Versailles Treaty. The former German holdings in Shantung Province of China, seized by Japan in November 1914, were awarded to Japan over Chinese protests by the terms of the Treaty of Versailles, but were peaceably returned to Chinese sovereignty in 1922.

⁵ The departure of Japan from the League of Nations in 1931 removed the legal barrier to fortifying the mandated islands in the South Pacific. In the spring of 1939, Japan annexed the island of Hainan from China and the Spratly group, dependencies of Indo-China.

⁶ Japanese military forces had succeeded in occupying the strategic points in the following islands or island groups in the Pacific: Guam, Wake, the Philippines, the Netherlands Indies, Sarawak, British Borneo, most of New Guinea, the Solomons, and the Bismarck Archipelago. In addition, they had occupied Hong Kong, Thailand, Malaya, and Burma, together with the Andaman Islands,

and the overland routes from Russia, and the Allies were left with no adequate naval base nearer to Japan than Australia.

The method of administering the territories has differed in form in the outer Empire, the puppet states, and the newest conquests, but the underlying principle has been the same: the exploitation of the economic resources of the country for the benefit of Japan and under Japanese auspices. In the Empire this was accomplished with the help of a common currency, a customs union, and government support of Japanese investment.⁷ In the puppet states set up in Manchuria and at Nanking the Japanese "advisers" have seen to it that similar ends are kept in view in the laws relating to currency, taxation, and trade regulations. Government-sponsored holding companies have been floated to commandeer industrial property and enforce its operation according to the master plan.⁸ Looting and smuggling have been winked at. Less is known of the procedure in the more recently conquered states, but it may be surmised that the amenities are none too scrupulously observed.

The economic program envisaged for the Greater East Asia Co-Prosperity Sphere may be deduced from the plans announced for its charter members.⁹ Japan is to be the imperial center, setting the course and drawing dividends from the farthest corner of the sphere. The "highest type of precision industry" is to be the industrial specialty of the metropolitan country, but mining, heavy industry, chemical and electric enterprises may be developed in Manchuria and textiles and light manufactures in China proper. The production of food and of agricultural raw materials, such as raw cotton, is to be extended to the limit of the potentialities of the member countries and the use of non-renewable resources carefully regulated. The intention is to make the sphere independent, so far as possible, not only of western importers but of western investors, also.

The political implications of such a program are plain. Although they involve the elimination of the property rights and influence of occidentals to the utmost possible extent, some foreign relations would be unavoidable. The Japanese Government, acting for the region as a whole, may make alliances with the Fascist powers and arrive at a *modus vivendi* with a neutral power, when necessary. Within the sphere, political opposition must be rooted out, whether it be in the form of liberalism in Japan or nationalism of any tinge in the tributary members.

The Government of the United States had no choice but to deal with a Japanese Government embarked on such a course. The economic interests of this country in the Far

⁷ In 1936 the value of the merchandise trade of Korea with Japan proper and other parts of the Empire amounted to 86 percent of the total foreign trade (1,166.0 as against 183.1 million yen); in Formosa the imperial share was 89 percent (602.7 as against 77.9 million yen). See Japan, Finance Department: Economic and Financial Annual 1937, pp. 248, 274, 275.

⁸ See J. E. Orchard: Japan's Economic Invasion of China, pp. 471-476, and D. J. Orchard: Manchuria, pp. 36-39.

⁹ The following description is based upon the statements in the Program for Economic Construction Embracing Japan, Manchukuo and China, published by the Cabinet Information Bureau, Tokyo, in November 1940, and summarized in Quigley: Far Eastern War . . . pp. 125, 126.

East were weighty,¹⁰ the preservation of the sovereignty of the Philippines was a claim upon the national honor, and the fundamental foreign policy of the United States was clearly challenged. That policy has been to support the principles of orderly change, equality of treatment in trade, respect for territorial integrity, nonintervention in domestic affairs, and the international reduction of armament.¹¹ Foreign relations have been affected also by the high protective tariff upon many imports entering the United States¹² and by immigration laws that bar both Chinese and Japanese.

The principles governing American foreign policy were embodied in the Naval Treaties of 1922 and 1930, the Nine-Power Treaty of 1922, and the Pact of Paris of 1929,¹³ but maintaining their effectiveness soon proved difficult. The United States associated itself with the League of Nations in condemning Japanese aggression in Manchuria in 1931 as a violation of the Nine-Power Treaty and the Pact of Paris as well as of the League Covenant. It acted in similar cooperation in 1937. After notice by Japan of the proposed abrogation of the Naval Treaty of 1930 in 1934, common action by the United States and Japan became almost impossible, and mutual relations grew increasingly strained. Protests, warnings, and forbearance in exacting compensation from Japan for injury to American rights in the Far East proved ineffectual. The denunciation by the United States of the Japanese trade treaty on July 26, 1939, to take effect six months later, permitted the employment thereafter by the State Department of trade restrictions as a means of political pressure.¹⁴ These were applied with a stringency that reached a climax in the freezing of all Japanese credits in the United States in July 1941.¹⁵ The government of the United States had meanwhile been extending to the legitimate government of

China credits that amounted to 197 million dollars between 1931 and the end of 1941.¹⁶

The motives of the territorial expansionists as stated by themselves do not admit of rational analysis. It is difficult, for instance, to see how the professed need of Japan for access to raw materials and for relief from population pressure can be met simultaneously with the bringing of new prosperity to the conquered peoples. The plans calling for heavy investment of capital in the sphere and the announced intention of minimizing contact with the West,¹⁷ where funds for investment and capital goods are most plentiful, appear to face in opposite directions. Nor does the assumption by Japan of the role of an apostle of the cultural unity of the Asiatic peoples¹⁸ seem to agree with the Japanese practice of discrimination against the natives of long conquered lands like Korea or to take account of the heterogeneity of religion, race, and mode of life among the multitudinous residents of east Asia. The exclusiveness and extravagant claims of the Shinto religion alone would be a formidable stumbling block to unity. We can only conclude that the swelling grandiosity of the titles of the territorial expansionists indicate symptoms of megalomania rather than a sober statement of their case.¹⁹

Foreign observers' interpretations of the motives of the territorial expansionists cover much ground. Some stress the element of religious fanaticism that belief in the divine origin of the Japanese race and worship of the Emperor give to their conviction of Manifest Destiny.²⁰ Others lay much of the trouble to a deep-seated feeling of personal insecurity acquired by the Japanese in early life.²¹ Some point out the fact that the ancient strength of the militarist tradition was reinforced at the moment of emergence from feudal conditions by the intensive tutelage of Prussian instructors.²² Sensitiveness to

racial discrimination by "white races" and a keen feeling of inferiority at any failure to grant Japan the full status of a great power have been enlarged upon as important causes of resentment.²³ Other analysts see the issue primarily as the struggle for power among sovereign states, each desirous of regional political supremacy.²⁴ Still others demonstrate the force of the economic motive that would lead Japan to prevent the independent unification of China lest the superiority of Chinese resources in manpower and raw materials reduce Japan to the position of a minor industrial competitor.²⁵ Finally, it has been shown that the seething social unrest in Japan in 1931 and the apparently irreconcilable dilemma it presented to the leaders made the distraction of foreign campaigns seem to them the only way of escape.²⁶

The form of government in Japan, which gives ranking officers of the army and navy on active duty the power of initiative and veto in the counsels of state while allowing the mass of the people no responsible representative, favored the ascendancy of the militarists from the first moment of crisis,²⁷ and the trend toward a more nearly complete military dictatorship developed rapidly after 1940.²⁸ It will be evident even from this brief outline that the majority of the Japanese people have suffered much. It has been said of them that "lacking in political experience and deprived of liberal leadership by a vigilant police, they tread submissively the traditional path of loyalty. While it may not be anticipated that they will revolt, it is important to realize that the Japanese policy of aggrandizement is not a people's movement. There is greater community of interest between the Japanese and Chinese peoples than either of them realize. * * * The Japanese people will not forsake their emperor. But they may arrive at a new conception of the requirements of loyalty."²⁹

There is another way in which the United States has been made a glorious sucker in the Far East. I remember very well, following the last war, how the Japanese came to this country and prevailed upon us to assist in financing some of the enormous power projects in Japan. We did just that and aided in the supplying of machinery of all kinds, including munitions machinery, so that they might set up their empire. We

¹⁰ In 1939 the total foreign trade of the United States was valued at 5,495.3 million dollars, of which the trade with Eastern, Southeastern, and Southern Asia (excluding Oceania) accounted for 1,197.0 million dollars. In 1936 the total had been 4,878.6 and the equivalent share, 1,065.9 million dollars. See United States Department of Commerce: Statistical Abstract of the United States, 1941, pp. 548, 549.

Moreover, this trade provided the United States with imports of high strategic value. Professor Hall, writing in 1940, summarized the situation: "Under present conditions Southeastern Asia supplies the bulk, if not all, of five first-priority materials: manila fiber (100 percent), quinine (99 percent), rubber (98 percent), silk (98 percent), and tin (93 percent). It also supplies the bulk of two second-priority materials—tungsten (92 percent) and mica (61 percent of preferred grade)." Hall: American Raw-Material Deficiencies * * * p. 185.

¹¹ See the statement of the Secretary of State, quoted in Hornbeck: The United States and the Far East * * * p. 6.

¹² No reciprocal trade agreement for the reduction of the standard rates of duty has been entered into with a Far Eastern country.

¹³ Hornbeck: *op. cit.*, pp. 11-57.

¹⁴ Diebold: New Directions in Our Trade Policy, pp. 119-121.

¹⁵ At the time of the freezing, Japanese assets in the United States were valued at 138 million dollars and American assets in Japan at 110 million dollars. Less than ten years earlier, in 1932, Japanese assets in the United States had totalled 1,700 million dollars. See Quigley: *op. cit.*, p. 204.

¹⁶ Information supplied by the Far Eastern Unit, Bureau of Foreign and Domestic Commerce, and quoted in Quigley: *op. cit.*, p. 205, and Lend-Lease aid was made available early in 1941. An understanding with Great Britain as to joint naval action in the event of hostilities in the Pacific was prepared.

¹⁷ See Hishida: Japan Among the Great Powers, p. 337.

¹⁸ See Kawai: The Goal of Japanese Expansion, p. 92.

¹⁹ The stages have been described by Mr. Hornbeck (*op. cit.*, pp. 44, 45):

"There was common knowledge of certain changes that had appeared in the phraseology employed in Japanese official utterances on foreign policy in the course of the preceding 3 years. When Japan sent troops to north China in July 1937, Prime Minister Konoye had stated that this action was taken only to preserve the peace of east Asia. On November 3, 1938—while Prince Konoye was still Prime Minister—the Japanese Government had issued a formal statement in which it announced that Japan was seeking the establishment of a new order based upon coordination between Japan, Manchukuo, and China in political, economic, cultural, and other fields. On August 1, 1940, Prince Konoye, who had again become Prime Minister, had stated that Japan sought the construction of a new order for greater east Asia. Later, Prince Konoye's Minister for Foreign Affairs had stated to Ambassador Grew that it was the intention of Japan to create a new order in greater east Asia, including the south seas. And soon after the announcement of the alliance, Prince Konoye referred, on October 4, 1940, to the aim of the alliance with Germany and Italy as joint cooperation to establish a new world order."

²⁰ Timperley: *op. cit.*, pp. 62-66.

²¹ Embree: The Japanese.

²² Moore: With Japan's Leaders.

²³ Hudson: The Far East in World Politics, pp. 181-182.

²⁴ Spykman: America's Strategy in World Politics, pp. 129-164.

²⁵ Hudson and Rajchman: An Atlas of Far Eastern Affairs, pp. 71, 72, 124, 132.

²⁶ Hubbard: Eastern Industrialization, p. 103.

²⁷ The Japanese constitution of 1889, although outwardly democratic in many of its institutions, is far from being so in actual operation. It is based upon the supreme power of the Emperor, who is hedged about with groups of advisers representing the aristocracy, the bureaucracy, and the armed forces. The lower house of the Diet is the only directly elected body; it has very limited prerogatives and is prevented from effective use even of these by the lack of a coherent system of political parties.

See Reischauer: Japan: Government-Politics and Colegrove: The Japanese Cabinet. A detailed account of the struggle between the representatives of civil and of military power during the critical years is found in Young: Imperial Japan 1926-38.

²⁸ See Quigley: *op. cit.*, pp. 149-165; Fahs: Government in Japan * * * and Borton: Japan since 1931.

²⁹ Quigley: *op. cit.*, pp. 281-282.

financed the industrial and military expansion of Japan very largely in this country and, as a matter of fact, bid against Great Britain for the opportunity to do it on certain occasions.

What does Japan propose to do? She proposes to set up an empire called the Greater East Asia Coprosperity Sphere, which will be insofar as possible entirely independent of the rest of the world. She feels that she is in position now where she can defend that empire against all comers. Of course, we have strong doubts of that and, as a matter of fact, we hope to demonstrate very conclusively the incorrectness of that conclusion, but nevertheless that is her hope. If some time through the development of the Greater East Asia Coprosperity Sphere, it is possible for her to obtain control of the hundreds and hundreds of millions of people in China and in the archipelagoes to the south, and to have more Japanese babies so that her own population, descended as they think from the rising sun, shall rule that whole territory, most of which will be slave, it would be quite possible in the event of such a development to make it very difficult for the rest of the world to live in any close proximity to her at all.

On a trip I had the pleasure of making with the Select Committee to Investigate Air Accidents 2 years ago, we went down to Peru. In Lima, Peru, we found a Little Tokyo of 30,000 Japanese. Very few of them spoke Spanish. They were not interested in speaking Spanish. I have learned since then that they went back into the mountains, obtained the rights to power sites, that is dam sites, and also over other means of production, including fertile valleys, and that they also took up lands in certain of the mountain passes so that they would be able to control the routes over into Brazil.

On the other side, in Brazil, there is an enormous Japanese population in the city of Sao Paulo. The Japanese population of Sao Paulo, Brazil, is about 125,000. They own large textile mills, glass factories, and all that sort of thing in Brazil. Everyone has read of the cache of arms found there, weapons enough to arm 25,000 men. In other parts of Brazil and elsewhere in Latin America they have established themselves and multiplied like weasels.

The record of their operations up and down the Pacific coast from North America to South America is one of obtaining control over as much of the productive land as they could possibly grab and doing it on frequent occasions through chicanery, as the gentleman from California here before me will testify. He well remembers how they got control of the Santa Margareta ranch by chicanery. They went on down into Mexico and other places that are strategically important. They found Central America was not very much to their satisfaction, so they jumped on south into Peru and Chile and there set up these little Tokyos.

Mr. ROLPH. The gentleman will further recall that some of the holdings in California were close to or next to some of our most important airports and aircraft manufacturing plants.

Mr. HINSHAW. Yes, and they straddled pipe lines, I am told, although I do

not live in that part of California. At all events, they were in very good control of certain lands that adjoined the harbor of Los Angeles, through their fishing fleet operations, and they sat there and watched everything that went on, the comings and goings of the United States Fleet, for years, and nobody did anything about it.

This problem will not be settled by the winning of this war. The Japanese intend to populate the entire Pacific area by what you might call family means, more babies and more babies and more babies, until they have saturated the entire Pacific area with more Japanese babies, so that ultimately the Japanese will fully control that area. That presents a problem to any person who will consider the subject of a peace, that is little beyond decision in the realm of war. How it can be answered I do not know, but let us not be fooled by any statement that the Japanese may make that their population is so great that they must have lebensraum for additional population, because they are making that population increase deliberately and for the purpose of spreading their people all over the Pacific. They are deliberately breeding a population problem that stripping from her her ill-gotten gains will not solve on any permanent basis.

Now in conclusion, Mr. Speaker, I desire to present without comment certain earlier documents. The first is a letter from President Wilson to William Jennings Bryan, then Secretary of State, and then Mr. Bryan's reply and President Wilson's remarks:

811.52/300

President Wilson to the Secretary of State
27 JANUARY, 1915.

MY DEAR MR. SECRETARY: This is, of course, something that (or, at least, something like what) we must at the opportune time seek to do for Japan, whose friendship we so sincerely desire and to whom we so sincerely desire to do justice.

But there are many things to consider first: among the rest her present attitude and intentions in China and her willingness or unwillingness to live up to the obligations she has assumed towards us with regard to the open door in the East.

I would be very much obliged if you would ask Mr. Lansing to prepare for our discussion a memorandum explicitly setting forth just what obligations in this sense she did undertake.

Faithfully Yours,

W. W.

811.52/300b

The Secretary of State to President Wilson
WASHINGTON, March 8, 1915.

MY DEAR MR. PRESIDENT: Now that Congress has adjourned and you are relieved somewhat from the pressure to which you have been subjected there is one matter which I would like to have you revolve in your mind.

I see but one way of relieving the Japanese situation on the Coast and that is by the dispersion of the Japanese in this country so as to relieve the economic pressure which has aroused protest. In discussing the subject with the Japanese I have tried to convince them that the question is not a race question, but purely an economic question and I have given them what seems to be conclusive proof, namely, that although we have Japanese in every state they have no trouble whatever with their neighbors except where they congregate in large colonies and thus create an economic situation. If it were a

race question they would have trouble wherever they appear, but, being an economic question the trouble appears only when they are found in sufficient numbers to create economic embarrassment for Americans about them.

If I am right in this theory then the remedy for the difficulty would seem to be the dispersion of those in this country—emigration having now been stopped—among enough states to prevent economic complaint.

I venture to submit, therefore, for your consideration the following plan:

A diplomatic agreement between the United States and Japan that the two Governments shall cooperate for the scattering of the Japanese now in this country with a view to reducing the number in California by one-half, the reduction to be made where the concentration is greatest and where complaint has been aroused.

Japanese now residing in California are to be encouraged to move into other states, with the understanding that not more than one thousand shall go into any other state, not more than one hundred into any one county in such state, and that those going into a county shall be so distributed that not more than five per cent of the population of any organized city, village or voting precinct shall be Japanese.

I have talked over this plan with Ambassador Chinda but I have explained to him that it did not have your endorsement and was not presented as a proposition and should not be presented to his Government. It has simply been discussed by us unofficially in an effort to reach some solution of the difficulty.

If we can reduce the Japanese population in California by one-half and give assurance to other states now complaining that there will be no increase in their population and that this plan of scattering will be used as far as the two Governments can bring influence to bear, we may be able to secure a repeal of the anti-Japanese laws in California. These laws were not intended so much against present evils as against evils which the people of California feared.

For the same reason I believe that such a plan would prevent hostile legislation in other states because when Japanese have come into other states agitation has been commenced on the fear that they might come in numbers large enough as to raise economic objections.

Will you let me know whether you think there is any merit in the above plan and if so whether any modifications suggest themselves to you? If the plan seems to you improbable have you anything in mind that would give us a working basis for a settlement? The Japanese Government has exercised so much control over its citizens here that I believe it would be possible to carry out some such plan as this, and, if carried out, I believe it would go far toward restoring harmonious relations. As the "gentlemen's agreement" has prevented any new immigration, the number of those in the country would, by natural law, gradually decrease and this decrease would be accelerated by those who return to Japan, so that in the course of a few years we might expect the friction to cease entirely.

With assurances [etc.] W. J. BRYAN.

811.52/302½

President Wilson to the Secretary of State
WASHINGTON, 8 March, 1915.

MY DEAR MR. SECRETARY: I should like to take time to think this over maturely. I have now no comment to make except this preliminary one; that there seems to me to be a danger that the attempt to disperse the Japanese in this country might lead to the very thing we wish to prevent. It might produce uneasiness in the States to which the Japanese were induced to migrate and to popular

clamors there which legislatures might not withstand. Would we not beforehand have to canvass the matter with State authorities and work out a programme which we could be sure from the outset we could carry out. Otherwise the offense might grow greater, not less, in case of failure.

Faithfully Yours,

W. W.

Following is a part of the published material concerning the Lansing-Ishii negotiations:

THE LANSING-ISHII NEGOTIATIONS

793.94/594½

Memorandum by the Secretary of State of a Conference With the Japanese Ambassador on Special Mission (Ishii), September 6, 1917¹

The Special Ambassador and I conferred this afternoon for an hour and a half at the Department.

During the first part of the conference the subject discussed was to what extent Japan had rendered aid in the war, and how it might cooperate more fully with the Allies and this country.

I told him that I considered the great problem was transportation, and that it seemed to me Japan might be able to do more than she had done in this matter.

He replied that Japan was doing a good deal to aid and that they had chartered several hundred tons of shipping to the Allies which was being used in the Mediterranean trade.

He then spoke of the fact that we had embargoed iron and steel and that it was causing not only dissatisfaction but much distress in Japan on account of its absolute need in the shipyards of that country, which have been greatly increased in capacity.

I explained to him that this Embargo had been made necessary by the fact that steel was being used largely in the manufacture of munitions and in the increased output of shipping in this country; that of course we had to look out first for our own interests in that particular; that again transportation entered into the problem in that we had to depend upon scrap-steel on the Pacific coast for our shipyards there or else bring it from the east, which was very difficult as our rolling stock was short. I went on to say that possibly some arrangement could be made for the release of a certain amount of steel to Japan, provided Japan would transfer to us some of the ships already constructed, as it was a matter of immediate importance to us to obtain shipping, and it was a matter of immediate importance to Japan to obtain material. I said that while I could not speak with accuracy about these matters I believed that we might be able to supply steel to build vessels which would have a combined greater tonnage than the vessels they would transfer to us.

The Ambassador said he was not sure whether this could be arranged, but he thought it was very well worthy of consideration and that we could take it up more in detail later.

It was very evident that the industrial situation in Japan was chiefly in his mind and I thought the suggestion such as I made appealed to him.

We further discussed the possibility of utilizing Japan's tonnage for the transportation to Russia of railroad material and munitions.

The Ambassador said he felt that this could very well be done and his Government would be glad to aid in the matter. At the same time he said it was a more or less technical matter and he could only speak as an amateur.

¹For correspondence previously printed concerning the mission of Viscount Ishii, see *Foreign Relations*, 1917, pp. 258 ff.

I told him I was in very much the same situation and that of course our conversation was entirely informal and tentative.

I asked the Ambassador whether he desired to discuss other questions than those immediately pertaining to the war, because if he so desired I was willing to do so—but I thought the supreme object of both Governments at the present moment should be the winning of the war and an understanding as to how we could cooperate to that end.

He said that in view of the fact that he had come here and been so handsomely received by the American people he thought it would be unfortunate not to consider some of the other questions as we had to look forward to a time when the war would be over. He said in the first place he ought to inform me that when he returned to Japan from France, where he was Ambassador in 1915, he stopped in London and saw Sir Edward Grey. Japan at that time had taken Kaio Chau and the German Islands in the South Pacific. He said he told Sir Edward Grey it was the intention of his Government to return Kaio Chau to China, but that no Government in Japan could stand if they did not retain some of the South Sea Islands as "souvenirs" of the war; that it had been a sacrifice for his Government to enter the war, which they were not compelled to do under their treaty of alliance—that is according to the letter of the treaty—but he thought they were according to the spirit. He then went on to say that Sir Edward Grey had practically consented in the readjustment of territory after the war; that the German Islands north of the equator should be retained by Japan, while those south of the equator should go to Great Britain.

I replied that I was glad to know this and appreciated his frankness in telling me, but that I could make no comment on such an agreement at the present time.

I asked him what further questions he wished to discuss and he said to me: "Have you anything to propose in regard to China?"

I replied that I had and while I realized that he would want to consider my proposition before making a reply I would like to present it. I said the proposition was this:

That the co-belligerents against Germany should, jointly or simultaneously, re-declare the "Open Door" policy in a statement which would have a very beneficial effect upon China and I believed upon the world at large, as it was in accord with the principles of commerce to which we all agreed.

The Ambassador seemed a little taken aback by this suggestion and said that of course he should like to consider it and that he appreciated the arguments in its favor although he said he did not know as it was absolutely necessary in view of the fact that Japan had always lived up to the principle.

I replied that Japan had always lived up to any declaration which she had made; that the good faith of Japan could not be questioned; and that upon that this Government always relied and felt no anxiety once the Japanese Government had passed its word.

The Ambassador replied that he felt that Japan had a special interest on account of its position in regard to China, and while its desire was to have China open and free to all countries he felt there might be criticism if there was a bare declaration of the "Open Door" policy without some mention of Japan's special interest.

I replied to him that we recognized the fact that Japan, from her geographical position, had a peculiar interest in China but that to make a declaration to that effect seemed to me needless as it was the result of natural causes and not political; that any such declaration might be interpreted as a peculiar political interest and I was very doubtful whether it would be wise to include it in a reaffirmation of the "Open Door" policy.

The Ambassador said that his Government was of course in favor of the "Open Door" policy; that they would maintain it as they had in the past, but he was not willing yet to say whether he thought it would be a real advantage to reaffirm it.

I said that the "Open Door" policy was peculiarly advantageous to Japan; that if we should return to spheres of influence in which the various powers had a paramount interest in certain sections of China the advantage which Japan had in geographical position would be destroyed; that Japan, with the industrial advantage which she had by reason of cheap and efficient labor and the short distance which she had to carry her goods to the Chinese markets, benefited more than any other of the countries by the "Open Door" policy; that so far as this country was concerned it might be considered advisable to reestablish spheres of influence, but that it was entirely contrary to our policy and principle and we were most anxious to preserve the doctrine in dealing with China. I said I hoped he would give the matter very careful consideration and would be prepared to discuss it further at our next conference, which is to take place on Monday, September 10th.

During the course of the early part of the conversation the Ambassador said that through various channels the German Government had three times sought to persuade Japan to withdraw from the Allies and to remain neutral, but that in every case his Government had firmly rejected the suggestion.

I said to him that I could imagine their seeking some such step as they had planned to attempt it through Mexico as was indicated in the Zimmermann note.² I further said to him that it was a matter of no concern to this Government, in view of the fact that Japan's loyalty to an ally, and her reputation for good faith was too well established to be even suspected.

793.94/594½

Memorandum by the Secretary of State of a Conference With the Japanese Ambassador on Special Mission (Ishii), September 22, 1917

Viscount Ishii called at 3:00 p. m. by appointment, and after some preliminary remarks he introduced the subject of the "Open Door" and the suggestion that a redeclaration at this time would be advantageous.

He said that he had heard from his Government and that they did not wish to do anything to affect the status quo in China and that it would be hard to explain to the Japanese people why a declaration was made at this time if the suggestion was adopted.

I told him that he must realize that in the present state of the world Japan and the United States were the only countries which could furnish money for the development of China's vast resources; that, if we permitted the gradual restoration of the policy of "spheres of influence", which seemed to be going on, the Allied Governments would look upon us as seeking to monopolize the opportunities; and that it seemed to me that we should unite in every possible way to dispel the impression that we would selfishly seek to take advantage of their wasted condition and build up our own fortunes without thought of those who were fighting the battles of this country and of Japan, as well as their own battles. I said that I thought this was a time when Japan and the United States ought to show a magnanimous spirit and say to them, "We will not take advantage of your calamities as we might do. We will seek no special privileges in China. When this war is over and you begin to rebuild your fortunes by commerce and trade, you will find the markets of China and the opportunities in that land as open and free to you as they

²*Foreign Relations*, 1917, supp. 1, p. 158.

are to us." If we redeclared the "Open Door" policy, I told him that is what it would mean, and I asked him if it was not worth while to gain the gratitude and confidence of the Allies by an announcement of our purpose to be generous and unselfish in this time when the future must look so dark to them.

The Viscount said that he appreciated all this and that he also realized what I had said before about Japan being the chief beneficiary from the "Open Door" which was manifestly true, but that the Japanese people would be likely to blame the Government if there was nothing said about Japan's "special interest" in China, that the opposition in the Diet would seize upon such an opportunity to attack the Ministry for making a needless declaration, while getting nothing for Japan.

I said to him that if he meant by "special interest" "paramount interest", I could not see my way clear to discuss the matter further; but, if he meant a special interest based upon geographical position, I was not unwilling to take the matter into consideration. I said further that I appreciated his difficulty which pertained to the political situation in Japan and would try and find some formula to satisfy the wishes of his people in case a redeclaration of the "Open Door" policy could be agreed upon in principle.

The Viscount said that he wished I would prepare such a formula first for his consideration and I told him that I would. He seemed to be much impressed with the idea that to redeclare the "Open Door" at this time would be accepted as a generous act by the Allies and strengthen the bond of friendship and confidence between the powers and Japan. He also said that he was convinced that Japan on account of its proximity to China would be especially benefited by a continuance of the "Open Door" policy, and that the only difficulty of the proposed redeclaration was that it might not appeal to the Japanese public and be used as a pretext to attack the Government.

In this conversation I also said to him that there seemed to be a misconception of the underlying principle of the "Monroe Doctrine"; that it was not an assertion of primacy or of paramount interest by the United States in its relation to other American Republics; that its purpose was to prevent foreign powers from interfering with the sovereign rights of any nation in this hemisphere; and that the whole aim was to preserve to each republic the power of self-development. I said further that so far as aiding in this development this country was on an equal footing with all other countries and claimed no special privileges.

As for China I said that I felt that the same principle should be applied and that no special privileges and certainly no paramount interest in that country should be claimed by any foreign power. I also said that I appreciated the pressure of population in Japan and the need for industrial expansion, and that I believed that Japan had occupied Korea and was developing Manchuria chiefly because of this unavoidable necessity.

The Special Ambassador spoke of Manchuria and said that his country desired the "Open Door" policy to be applied there, that his Government sought no monopoly there, and that even if China was willing to cede the territory to Japan, Japan would not accept it.

I told him that I was glad to hear this frank declaration and I hoped that his view of the application of the "Open Door" policy was the same as mine. My view was that in China foreign commerce and trade should be entirely unhampered. He replied that was his view. I then said that I felt that when a railroad or canal was built in China by the nationals of one country special rates or other privileges should not be given to citizens of that country engaged in trade or in-

dustry in China, but that the citizens of all countries should receive identical treatment. The Ambassador assented to this with some hesitation, and seemed desirous to avoid a discussion of the application of the principle of the "Open Door".

We discussed other subjects, but they were of minor importance.

793.94/583a

The Secretary of State to President Wilson
WASHINGTON, September 25, 1917.

MY DEAR MR. PRESIDENT: As I informed you yesterday by telephone Viscount Ishii intends to leave Washington on Thursday, the 27th, and I am very anxious before he goes to submit to him a formula for a note relative to the "Open Door" policy.

I enclose memoranda of two interviews I have had with him on the subject—one dated September 6th and the other September 22d.³ These memoranda will explain the reason for the draft note to him which I enclose.⁴

I hope that you can return these papers to me with your views in order that I may submit a draft to him tomorrow—(Wednesday).

Faithfully yours,

ROBERT LANSING.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. PLUMLEY] is recognized for 40 minutes.

HENRY CLAY DID NOT DEFEND AARON BURR FOR TREASON

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein an article from the State Journal of Frankfort, Ky., of date Saturday morning, November 13, 1943.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, when William Cullen Bryant said that "to him who in the love of Nature holds communion with her visible forms she speaks a various language," he was talking about woods and trees and birds and suns and systems. But the response and the enthusiasm of the Nature lover, as Bryant describes it, is consigned to second place by those who undertake to try to set right the mistakes made in life by careless commentators who talk recklessly and often about events which, seemingly unimportant as of the day of which they write, later make pseudo history and become issues preponderant.

So, when Paul Brannon suggested that Henry Clay defended Aaron Burr for treason, he did it carelessly and easily, and his suggestion went its way until it met the eagle eyes of the Honorable South Trimble, historian de luxe, who would not tolerate nor listen to such an untruth as he knew that suggestion to be. Mr. Trimble set to work to collect the necessary factual data with which to controvert and to consign to oblivion the thoughtless and hastily made remarks derogatory to the character and reputation of Henry Clay.

I have had an interesting and profitable experience during the years I have been in Congress in joining with a Kentuckian in an attempt to correct care-

³ *Supra*.

⁴ Not printed.

lessly written history. Together we have tried on one or two other occasions to preserve the dignity of history, and to let the light of truth and fact into the fog and dark places man made against incontrovertible evidence to contradict them.

This great man South Trimble has done his State and his country a very great service, not only as Clerk of the House of Representatives, but also in the line of accurate, painstaking historical research.

History as written by Brannon is but the "evanescent distillation of a rumor which casts its shadow far into the land."

If what he writes be true and if it is to be permitted to remain unchallenged, it should be accepted as a fact and an example. On the other hand, as said Tacitus:

The principal office of history I take to be this: to prevent virtuous actions from being forgotten, and that evil words and deeds should fear an infamous reputation with posterity.

Henry Clay never defended Aaron Burr against a charge of treason.

The proof is to be found in the letter which our able, genial, and distinguished Clerk of the House has written, and which was published in the State Journal of Frankfort, Ky., on November 13, 1943, and which, under permission heretofore granted I am inserting in full because it is a document of great historical significance, carefully prepared and substantiated after long research, exhaustively made.

In this connection may I say right here and now that Dr. William P. Kennedy of the staff of the Washington Star, and no mean historian in his own right, has interested himself extensively over the years in the investigation of this whole matter as made by Mr. Trimble in his effort to write history right.

I am glad to be able to contribute my small part to erase from the pages of history and to destroy for all time any odium which might have heretofore attached to the memory of so able and great and so good a man as was Henry Clay of Kentucky.

So, Mr. Speaker, it is my pleasure and privilege to put into the CONGRESSIONAL RECORD today the complete, corroborated denial of the statements made derogatory to Henry Clay. It is the perfect and final answer to any charge that can or could be made against the name and the fame of one of the greatest statesmen of any day or generation.

[From the State Journal, Frankfort, Ky., of November 13, 1943]

SOUTH TRIMBLE STANDS PAT ON DENIAL CLAY DEFENDED BURR IN TREASON CASE—ONLY TRIAL ON THAT CHARGE IN VIRGINIA—SILENCE ON QUESTION NOT SURRENDER SIGN

(By South Trimble)

JUNE 24, 1943.

Mr. JAMES B. RHODY,
Care the State Journal,
Frankfort, Ky.

MY DEAR RHODY: It seems that my letter to you of December 14, 1942, challenging the statement made by Paul Brannon that Henry Clay was defending Aaron Burr, charged with treason, which was published in your column and the State magazine in Kentucky, stirred up such an avalanche of criticism to my chal-

lence that you proclaimed in your column, viz: "Raging controversy over whether or not Henry Clay, famed Kentucky statesman, defended Aaron Burr in the latter's trial for treason against the United States swung from Washington back to Frankfort." My positive declaration that Clay did not defend Burr for treason has been attacked through your column and the column of the State Journal to the extent that I suppose by my long silence of more than 6 months because of official duties, my critics have concluded that I have folded my tent, hoisted the white flag, and unconditionally surrendered to my critics, Messrs. Brannon, Keller, etc., and by so doing admitted that Henry Clay did defend Aaron Burr, on trial for treason, but such is not the case. I have just begun to fight. I feel sure that the prevailing opinion of the people of Frankfort (who are interested) is sympathetic with my critics, who positively and unequivocally state "that Clay did defend Aaron Burr for treason." The people have been deluded by misleading statements, erroneous quotations, and perverted historical facts. This prevailing sentiment I feel sure I will dissipate by irrefutable historical references.

Rhody, this friendly discussion has been a blessing to me in disguise as it has forced me to do some research from which I have learned more history of Kentucky in general and Frankfort in particular than I ever knew before. As for myself, I do not assume the role of historian any more than I would that of an astronomer; each involves an exacting science of the highest order. However, my active participation in politics for nearly three score years, together with my official relationship to events in and out of Congress approaching half a century, has given me an advantage of personal experience, which enables me by the process of absorption, to treat of such events with a certain degree of familiarity. I might prefer silence in regard to the obvious inaccuracies of my critics in the Burr-Clay episode in Frankfort, but if they appear inexplicable even when no injury is intended, they become of sufficient importance to be contradicted.

In searching every available history in the Congressional Library, approximately 20, relative to the Burr-Clay episode, I have come to the conclusion that Henry Adams, who was a professor of history at Harvard University in the closing years of the nineteenth century, was right when in lecturing his class he said: "There is no such thing as history." Of course, he immediately qualified by stating that he meant accurate history. I have never known of such a conglomeration of contradictions, of dates, misquotations, misleading statements, inaccuracies of every kind and description which make it impossible to harmonize many statements of the historian's own compilation.

I will now endeavor to analyze the five clippings of the State Journal, which appeared in your "This and That" column, on the much mooted question: "Did Henry Clay defend Aaron Burr for treason?"

In Mr. Brannon's very interesting and illuminating story of Frankfort, which appeared in your column, also in the State-sponsored magazine, in Kentucky, there appeared this item: "Here the swashbuckling Burr strode the streets to answer the charge of treason with Henry Clay, the great pacificator, at his side to defend him." After reading this item in both publications, I immediately addressed a communication to you in which I stated: "I want to call your attention to a flagrant error in part 1 of the Story of Frankfort, written by Paul Brannon. There is not a scintilla of truth in the statement relative to Henry Clay being Burr's attorney in the treason trial." I then digressed. The controversy now is, Did Henry Clay defend Aaron Burr in his treason trial as Mr. Bran-

non avers or did he not defend him in his treason trial as I declare. Subsequently Mr. Brannon addressed a communication to you, which also appeared in your column This and That, in which he states: "On rare occasions when such subjects come up, I have been very reasonably sure of fixations which include such items of knowledge as Jackson killed Dickinson, Washington liked to fight chickens, Frederick the Great did not like to take a bath, and that Henry Clay defended Aaron Burr on charges of treason in Frankfort, Ky." You will note that Mr. Brannon still maintains, after due time for cogitation, that Henry Clay defended Aaron Burr for treason but in his original swashbuckling statement printed in the magazine in Kentucky, he did not say in "Frankfort, Ky.," therefore, he is misquoting his own statement. If he had stated "in Frankfort, Ky.," I would not have challenged his statement. I had never heard of the court episode in Frankfort until I read his Dear Bummie letter to you and, of course, was greatly surprised.

I knew and everyone else knows that Aaron Burr was never tried but once for treason and that was at Richmond, Va., in 1807. Being somewhat familiar with the evidence developed in the Richmond trial, viz: That Burr had a rendezvous on Blennerhassett's Island in the Ohio River where he was building boats, assembling arms, ammunition, food, and soldiers to make war on the King of Spain. I immediately envisioned that Burr had awakened to the fact that Washington was rife with rumors, seething with excitement concerning his criminal intentions and that Jefferson had secret agents in Frankfort, Blennerhassett's Island, Nashville, and all down the Mississippi River to New Orleans investigating his activities, which prompted him to go to Lexington and engage the services of Henry Clay as counsel should charges be made against him. I have no doubt that as subsequent events developed that he had heard of Colonel Daveiss' (the United States District Attorney) plans to indict him in Frankfort, which occurred on the 5th of November 1806. Burr was not present in court in Frankfort but was in Lexington when Daveiss made his famous charge in an affidavit of approximately 350 words charging him with the crime of high misdemeanor. Up to that time, Burr had not solicited Clay to represent him. Of course, within 3 or 4 hours, or as fast as a messenger on horseback could ride to Lexington with the text of Daveiss' charge, Burr instructed a Mr. Jordan, one of his agents, to write Clay. I herewith submit a letter in reply to the one Jordan received from Clay, which is self-explanatory.

AN EXCERPT FROM THE WORKS OF HENRY CLAY, VOLUME IV, PRIVATE CORRESPONDENCE, PART 1, 1801-32

Aaron Burr to Mr. Clay

LEWIS INN, half past 3.

"SIR: At 9 this morning Mr. Jordan received your letter in reply to one which he wrote at my request.

"I have just arrived wet, and something fatigued, and send to inquire whether my presence in court is now deemed necessary or expedient.

"I pray you to consider yourself as my counsel in the business moved by Mr. D. A more technical application will be made when I shall have the pleasure to see you. An early interview, at this house, would very much gratify me."

Analyzing the above undated letter from Aaron Burr to Mr. Clay, it is fair to assume that Jordan's letter, written at Burr's request, was dispatched and a reply received by messenger on the 6th of November, the day after the district attorney made his charge against Burr designating the crime

high misdemeanor and not treason and asked Judge Innes to order Burr's immediate apprehension. After deliberating 2 days, the judge refused to order Burr's arrest but suggested that Daveiss take his case before a grand jury which he would assemble. It is also fair to assume that Henry Clay accepted Burr's invitation to visit him at the Lewis Inn in Lexington, evidently discussing Daveiss' charge in detail and was convinced by Burr that he was not guilty of any criminal designs against the Government with the result that Clay agreed to be his counsel without fee. The grand jury was assembled on November 12. Great excitement prevailed. The courtroom and corridors of the court were crowded as well as the lawns in front. In the midst of the confusion, Daveiss arose and proclaimed that his main witness, a man by the name of Floyd, was not present and asked for the discharge of the grand jury much to the chagrin of the crowd. It was then, after the grand jury was discharged, that Burr, Clay and Allen, his attorneys, immediately appeared and all assumed that the discharge of the grand jury meant the collapse of the case, much to delight of 90 percent of the inhabitants. Judge Innes, before the court adjourned, permitted something unprecedented—Burr, the culprit, to deliver a harangue protesting his innocence and affirming loyalty to the Government. Burr's friends celebrated the victory that night by giving a grand ball. The next night a ball was given by Daveiss' friends.

Further along in Mr. Brannon's letter to you, he reiterates that Clay defended Burr and now he is going to offer proof. I quote him: "When the tempest in a teapot from Washington broke over my offending head, I immediately bestirred myself to substantiate the statement, remembering at once that only lately while thumbing through a history of Franklin County, Ky., by L. F. Johnson, I had come across this reference." You will note, Rhody, that Mr. Brannon is going to quote Mr. Johnson, which is to substantiate his position, but he does not quote this reference at all but digresses immediately. For the record, I am going to quote Mr. Johnson verbatim as follows:

AN EXCERPT FROM THE HISTORY OF FRANKLIN COUNTY, KY., CHAPTER V, BY L. F. JOHNSON

"The year 1806 was one of the most exciting epochs in the history of the county. It was during that year that two alleged conspiracies were unearthed, by parties who were living in Frankfort. There was the so-called Spanish conspiracy in which it was alleged that Frankfort citizens were the chief conspirators, and which is said to have been planned about the year 1790; and the other one is known as the Burr conspiracy, with Blennerhassett and others about 1805-06.

"An article published in the Western World, October 15, 1806, openly accused Aaron Burr and others of conspiring against the United States. Colonel Daviess, who was, at that time, district attorney, asked for a warrant against Burr, which Judge Innes refused; but he convened an extra term of the grand jury. Burr was at Lexington at that time and he immediately came to Frankfort with Henry Clay, his attorney. Burr demanded an immediate investigation of the charges against him; after a bitter fight the grand jury ignored the charge. All the country around Frankfort was crazed with excitement on the day of the expected trial. Frankfort was crowded and the courthouse gorged with citizens and strangers. After his release, a ball was given at the Love house in Frankfort, to Colonel Burr, which was largely attended, and conspicuous in the crowd were many officers of both State and Nation. In a short time after this another ball was given in honor of Colonel Daviess, the attorney

who prosecuted the case, and this was also numerously attended.

"There has been an effort made to prove that some of Frankfort's citizens were connected with the Burr conspiracy; but subsequent facts and circumstances tend to show that the so-called Spanish conspiracy had no connection with the Burr conspiracy, except, perhaps, Colonel Burr was trying to take advantage of that independent Kentucky sentiment which was rife at that time, to forward his own nefarious and ambitious designs. The Spanish conspiracy which the editors of the Western World exposed about the same time the charges of conspiracy were made against Colonel Burr deals more particularly with the people of Frankfort and Franklin County."

Rhody, you have read everything word for word that Johnson's history states. Do you see anything there in that statement to confirm Mr. Brannon's contention. This is what I call a misleading statement calculated to confuse. The casual reader of Mr. Brannon's letter, not seeing the statement, will just assume that Johnson's history substantiates him.

Mr. Brannon goes on to state: "I, of course, have sought much further and have found the evidence in support of my statement not only to be conclusive but voluminous. There is no middle ground, Bummie. Of one thing I am certain and that is Mr. Trimble is wrong and I am right. There have been those who, in the midst of this great controversy, have said that both of us were right. But not me. Mr. Trimble said that Clay did not defend Burr in Frankfort." Look at my letter, Rhody, and see if Mr. Brannon is right when he says that Mr. Trimble said that Clay did not defend Burr in Frankfort. This is another flagrant misquotation. I did not mention Frankfort in my letter. I said that Clay did not defend Burr for treason.

Mr. Brannon further states after saying: "Mr. Trimble said that Clay did not defend Burr in Frankfort. I said that he did, and the evidence proves it without a shadow of doubt." Now, this last quotation is misleading because he shows no evidence and he cannot prove his statement. Then he goes on: "Mr. Trimble complained that I had committed a 'flagrant' error and asserted that I had uttered a 'canard,' which between you and me, Bummie, just about amounts to saying something else." Here Mr. Brannon misquotes me again. I never said he uttered a canard, but I do say now that canard is the proper word to describe his swashbuckling item. Webster says that a canard is an extravagant or an absurd report set afloat to hoax the public. Hoax, Webster says, is a mocking or mischievous deception or story or practical joke.

Of course, this swashbuckling article was a fantastic day dream of Mr. Brannon's and absolutely without justification. He states that Burr and Clay strode the streets of Frankfort. That sounds like they were putting on a parade. How many streets do you think Frankfort had at that time, a town of less than 800 people? I doubt if they had but I street, and that was the highway on the dirt road from Lexington to Frankfort, and I feel sure that Mr. Brannon got his inspiration to write this fairy tale from a news item in the Western World that Aaron Burr, Clay, and Allen, his attorneys, came to Frankfort on the 12th of November and arrived at the courthouse after the grand jury had adjourned. I doubt they had much time to put on parade, and even if such a parade had been staged, the Western World, which was viciously anti-Burr and Clay, would have most certainly reported such proceedings. I imagine they rode on horseback over muddy roads from Lexington down the present town

hill highway to Frankfort and tied their horses at the hitching post on the outside of the original capitol—now the site of the present old capitol fronting Broadway, where court was being held. Mr. Brannon goes on and misquotes me again as follows: "Mr. Trimble said that Clay severed association with Burr in 1805." In my statement I did not mention 1805.

Mr. Brannon refers to Van Dusen's Life of Henry Clay; Henry Clay by Carl Schurz; Andrew Jackson by Marquis James and the History of Henry Clay, and alleges that they confirm his declaration. Then he states: "What surprises me more than anything else is the vehemence of the contradictions." I do not contradict a single quotation made by any of these historians but do they substantiate Brannon's direct statement that Henry Clay defended Aaron Burr for treason? Absolutely not.

Rhody, I am now going to emphasize my vehemence by pledging you that I will contribute to any charitable organization you may designate \$100 if Messrs. Brannon, Keller, Jillson, or anyone else can show you a reputable history that states that "Henry Clay defended Aaron Burr in his trial for treason."

Then Brannon further states: "After all, Bummie, why should have Henry Clay not defended Burr, particularly after Burr assured Clay through Judge Rowan, of Federal Hill fame, that he (Burr) was not guilty of charges of treason?" Rhody, why don't you answer Brannon's ridiculous question put to you as a reason for Clay's justification in defending Burr because Burr confessed to Judge Rowan that he was not guilty. Did he expect Burr to plead guilty before being indicted? Many references are made to Judge Rowan's participation in the Clay-Burr affair. I herewith give you the story copied from Kentucky in the Nation's History by Elroy:

"After the dismissal of this first grand jury, Burr sought to induce John Rowan, secretary of state for Kentucky, and a Member-elect of Congress, to engage with Clay as his counsel; but Rowan declined, upon the ground of his recent election to Congress, declaring that he did not think it proper, under such conditions, to engage as a party in a controversy which might involve fidelity to the General Government. This excuse Burr accepted for the time, but upon a subsequent occasion reopened the question, and began an argument concerning the objections, which that gentleman had expressed, to appearing as his attorney. His remarks, however, were cut short by Rowan's statement that "he had been taught from early childhood not to reason on subjects which his feeling in the first instance condemned." This troubled Mr. Clay, also a Member-elect of the Federal Congress, and he asked Rowan's advice as to whether he should not also withdraw from the case, upon the same excuse. Rowan suggested that, in view of the fact of Clay's having already undertaken the case, it would be a better course to demand of his client, 'a declaration upon his honor, that he was engaged in no enterprise hostile to the peace or union of the country.' And well it was for the 'Great Commoner' that this precaution was taken, as otherwise his defense of Burr might have seriously injured his reputation as a patriot. To Clay's demand, Burr responded in the following words dated December 1, 1806:

"I have no design, nor have I taken any measure to promote a dissolution of the Union, or a separation of any one or more States from the residue. I have neither published a line on this subject, nor has anyone, through my agency, or with my knowledge. I have no design to intermeddle with the Government, or to disturb the tranquillity of the United States, nor of its Territories,

or any part of them. I have neither issued, nor signed, or promised a commission to any person, for any purpose. I do not own a musket, nor a bayonet, nor any single article of military stores, nor does any person for me, by my authority, or my knowledge. My views have been explained to, and approved by several of the principal officers of the Government, and, I believe are well understood by the administration, and seen by it with complacency; they are such as every man of honor and every good citizen must approve. Considering the high station you now fill in our national councils, I have thought these explanations proper, as well to counteract the chimerical tales, which malevolent persons have industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws, the Government, or the interests of his country.'

"'AARON BURR.'

"This daring falsehood completely deceived Clay, and he entered upon plans for Burr's defense with the enthusiasm and ability which later made him such a power in the affairs of the Nation."

I have not disputed Clay's rights to defend Burr. He had a perfect legal right to defend a man who murdered his own father in cold blood, but does he have the moral right to do so? Emphatically no! Had he a legal right to defend Burr at his trial for treason in Richmond but did he have a moral right to do so? After taking his oath of office as United States Senator, viz: "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; * * * I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." Knowing that the President of the United States had filed charges against Burr for treason in a message of approximately 2,800 words sent to both branches of Congress, containing irrefutable evidence proving him guilty, I doubt if he had the legal right to do so but if he had defended Burr, it would have been the last of Henry Clay in public life and perhaps he would and should have been expelled from the Senate for his action in defending a man indicted for treason, which means the overthrow of the Government, the destruction of the Constitution, after he takes a solemn oath as Senator of the United States to support and defend the Constitution. I wonder if Mr. Brannon really believes that Henry Clay had either a legal or moral right to defend Aaron Burr in his trial for treason as he vehemently avers.

You state, Rhody, that "South Trimble, Clerk of the House of Representatives in Congress, read the article (Brannon's) and immediately rushed to Clay's defense." I did not rush to Clay's defense because it was Henry Clay but because he was a Kentuckian, and I would rush to the defense of any other Kentuckian in national public life who was maligned; but of all Kentuckians, Henry Clay, who is one of the few men other than Presidents of the United States that has lived in history, both national and international. Henry Clay, in his native State, Virginia, was dubbed in his youth "the mill boy of the slashes," and in his adopted State, Kentucky, "Harry of the West," whose simple sentence, "I would rather be right than President," rings like sacred music in every true American soul. Three times he failed to reach the Presidency, but he lived and died an independent American sovereign. Few can recall the names of all the Presidents, but the name Henry Clay rushes to the lips and fills the heart like a song learned at our mother's knee. Fate decreed that he should never be President, but Almighty God made him a prince among the people, living in history as

one of the outstanding intellectuals, statesmen, and orators of all time.

Had Brannon's article been printed only in a local paper or any Kentucky paper, I would not have challenged it, but when it was printed in the magazine *In Kentucky* (which has an official status), and has a circulation in every State in the Union, I felt it my duty, as a Kentuckian, to have the true history of this famous trial that happened 136 years ago chronicled in the imperishable Record of Congress in order to save the name and fame of Henry Clay, and to inform the present and future generations that the article in the magazine *In Kentucky* was not a fact wherein it stated that Henry Clay defended Aaron Burr in his trial for treason, and to that end I had Mr. Kennedy, who writes historical articles, to come to my office. I explained the controversy that I had gotten into relative to the Aaron Burr trial for treason in which Henry Clay was brought into the discussion because he was the counsel for Burr to circumvent his indictment for the crime, high misdemeanor, filed against him (Burr) by Col. John H. Daviess, United States District Attorney for Kentucky. I gave the five clippings from your *This and That* column to Mr. Kennedy, who became greatly interested and gladly agreed to write this story, which he did, and it was printed in the *CONGRESSIONAL RECORD* by Congressman PLUMLEY, of Vermont.

Rhody, after you received the Brannon letter, your column came out with this caption: "Clay controversy flares—a raging controversy over whether or not Henry Clay, famed Kentucky statesman, defended Aaron Burr in the latter's trial for treason against the United States." The above boldface excerpt from your column is absolutely correct as the basis of this controversy. Burr was never tried in Frankfort for any crime, and Clay did not defend him in Frankfort for any crime, because he was never indicted and Clay because of his great popularity succeeded in circumventing Burr being indicted by the grand jury, the purpose for which he was engaged. Judge Innes, the presiding Federal judge, assisted Clay in accomplishing his purpose by permitting Burr, the culprit, and an outstanding lawyer and orator, Clay and Allen, his attorneys, to make political speeches, ostensibly addressing the court, but intended for the crowded court room including the grand jury. When Daviess, the United States district attorney, asked permission to go before the grand jury and explain his charges, the Federal judge refused to permit him to do so because the attorneys for Burr objected. This was probably the most disgraceful scene that ever occurred in a Federal court up to the present time in history and if a Federal judge were to permit such conduct today there is no doubt that he would and should be impeached. I note here for the record that Judge Sebastian was investigated by the legislature and forced to resign, Judge Innes, General Wilkinson, of the United States Army, Senator Brown, of Frankfort, and many other prominent men were all publicly implicated with Burr in his nefarious designs.

I will now pay my respects to Assistant Attorney General Keller. I am surprised at the Attorney General, being a lawyer of note, stating that Burr was tried for treason in Frankfort. It seems that you were having an interview with him when he said, seemingly with much gusto: "I'm with Paul Brannon. He's right." Then he produced Bernard Mayo's book on Henry Clay and said: "Let 'em read that and note how well Mayo has documented every statement he made." I quote from Mayo's history: "Joseph Hamilton Daviess was still the United States Attorney for Kentucky." Continuing, Mayo added: "On Wednesday, November 6, 1806, before the Federal Court at Frankfort, Daviess moved that a compulsory process be issued for Aaron Burr's immediate apprehension, charging him with preparing a warlike expe-

dition against a friendly power." I looked up this quotation in Bernard Mayo's book on Henry Clay, chapter 7 entitled "Counsel for Aaron Burr." Rhody, I want to call your special attention to the reference of General Keller where he quoted Mayo's history of Henry Clay, viz: "On Wednesday, November 6, 1806, before the Federal Court * * * against a friendly power." This is the caption to Daviess' charge before the court, but the Attorney General does not finish that quotation of Mayo's on page 7, which reads as follows: "This, he asserted, can and will be fully substantiated. Proof equally conclusive could also be obtained for Burr's treasonable project for separating the West from the Union, he added. But at present he would confine himself to the formal charge of high misdemeanor." Why didn't Keller finish Mayo's quotation? What he quoted does not prove anything but the last paragraph in Mayo's above quotation (ch. 7) is the closing of the 350-word charge made by Daviess, which says Burr was guilty, not of treason, but of high misdemeanor. The reason that Mr. Keller did not finish Mayo's quotation is because it would have nullified his and Mr. Brannon's contention that Clay was defending Burr for treason when the District Attorney designated the crime as high misdemeanor. Now, Rhody, go on and read the balance of Keller's reference and see if you can find a single word or sentence stating that Henry Clay defended Aaron Burr for treason.

Attorney General Keller refers to a letter written by Clay to Dr. Pindell nearly 22 years after the Clay-Burr episode in Frankfort simply to prove that Clay was Burr's attorney without fee. No one disputes that and I cannot understand why he brings such irrelevant matter into this discussion except to confuse. I am sending you a copy of this letter which I am going to analyze for the record. Dr. Pindell must have been a very prominent man and intimate friend of Clay's for Clay to answer a letter relative to happenings 22 years previous. It seems that Pindell was asking Clay to explain to him certain charges that were made by his opponents in his second candidacy for the legislature after he had served in the Senate about 4 months (Colonel Adair's unexpired term ending March 4, 1807). Under normal conditions, Clay would not have had any opposition to be elected to the legislature but Senator Humphrey Marshall, the Federalist, and his cohorts thought that they could defeat Clay because of his questionable association with Aaron Burr; therefore, they brought out a candidate against him. Clay's enemies and the *Western World*, Federalist mouthpiece, viciously anti-Burr and Clay, charged him with everything possible barring libel, all of which was printed in the *Western World* but no one dared to charge him with defending Aaron Burr for treason. Clay's answer to Dr. Pindell's letter is one of apology and explanation. I will quote from Clay's letter: "Both Colonel Allen and myself believed that there was no ground for the prosecutions * * * when he (Burr) sent us a considerable fee, we resolved to decline accepting it and accordingly returned it * * * The first prosecution entirely failed. A second was shortly afterward instituted. Between the two I was appointed a Senator of the United States. In consequence to that relation to the general Government, Colonel Burr, who still wished me to appear for him, addressed a note to me, a copy of which is herewith transmitted."

AN EXCERPT FROM THE WORKS OF HENRY CLAY, VOLUME III, PRIVATE CORRESPONDENCE, PART 1, 1801-32

Aaron Burr to Mr. Clay

LOUISVILLE, November 27, 1806.

"DEAR SIR: Information has this morning been given to me that Mr. Daviess has recommenced his prosecution and inquiry. I must

entreat your professional aid in this business. It would be disagreeable to me to form a new connection, and various considerations will, it is hoped, induce you, even at some personal inconvenience, to acquiesce in my request. I shall, however, insist on making a liberal pecuniary compensation. The delay of your journey to Washington for a few days cannot be very material. No business is done in Congress till after New Years. I pray you to repair to Frankfort on receipt of this."

Clay further states to Dr. Pindell: "It is not true that the professional services of either Colonel Allen or myself were volunteered * * *. The affidavit of a Mr. John Downing has been procured and published, to prove that I advised him to enlist with Colonel Burr, and that I told him I was going with him myself. There is not a word of truth in it so far as it relates to me. * * * I have no doubt that it was obtained upon false pretenses. * * * So far from my having sent any message to Mr. Downing when I was last in Lexington, I did not then ever dream that the malignity of party spirit could fabricate such a charge as has been since put forth against me. It is not true that I was at the ball given to Colonel Burr in Frankfort. I was at the time in Lexington. It is not true that he ever partook of the hospitality of my house. * * * He never was in my house, according to my recollection, but once and that was the night before I started to this city (Washington, D. C.) when being myself a stranger in this place, he delivered me some letters of introduction which I never presented. On my arrival here in December 1806, I became satisfied from the letter in cypher of Colonel Burr to General Wilkinson, and from other information communicated to me by Mr. Jefferson." I presume he meant satisfied with Burr's guilt as a potential traitor and then Mr. Clay concludes his letter to Dr. Pindell as follows: "This my dear doctor, is a true and faithful account of my connection with Colonel Burr."

At this juncture of the raging controversy in Mr. Rhody's *This'n That* column, the discussion is diverted from the afore-mentioned column to the open pages of the *State Journal*, and the editor of the *State Journal* publishes in its columns the following:

"HENRY CLAY'S DEFENSE OF AARON BURR IS AFFIRMED VIA PAGES OF FRANKFORT PAPER—JILLSON QUOTES FROM WESTERN WORLD'S REPORT OF TRIAL

"(EDITOR'S NOTE.—Being advised that some attempt had recently been made in Washington to rewrite certain phases of early Kentucky history, particularly the incidental association of Henry Clay with the Frankfort trial of Aaron Burr, we have asked Dr. Jillson to prepare a factual statement of the events as they occurred.)

"(By Willard Rouse Jillson)

"One hundred and thirty-six years ago the *Western World*, a newspaper issued weekly in Frankfort, announced in its issue of September 13 that Col. Aaron Burr, late Vice President of the United States, had arrived in the Commonwealth. Editors Street and Wood said: "This extraordinary character arrived at Frankfort from Cincinnati on Tuesday evening last (September 9) about an hour after sunset. He took his lodgings at Major Love's tavern."

"John Bradford, editor of the *Kentucky Gazette*, taking notice of Burr's appearance in the capitol and Lexington in his issue of Monday, November 10, 1806, lifted the following item from the *Western World* and spread it across page 3 of the *Gazette*: "Motion in the Federal Court of Kentucky District against Aaron Burr, Esq., late Vice President of the United States, for crimes of high misdemeanor."

"Charge filed November 5, 1806

"On Wednesday, about noon, on the 5th instant, J. H. Daviess, Esq., attorney of the

United States for the above district, rose and, addressing the court, said that he had a motion to make of the utmost magnitude and extraordinary nature and which regarded the welfare of the Union at large.

"Colonel Daveiss then uttered his historic charge to the court, Judge Harry Innes, presiding, that it was his firm conviction and belief that Colonel Burr had been and was engaged in the matter of providing the means for a military expedition and enterprise within this district for the purpose of descending the Ohio and Mississippi therewith, and making war upon the subjects of the King of Spain, to wit: On the Provinces of Mexico, on the westwardly side of Louisiana, which appertains and belongs to the King of Spain, a European prince, with whom these United States are at peace."

"And further, Colonel Daveiss stated: 'I have information on which I can rely, that all the western territories are the next object of the scheme—and finally all the region of the Ohio is calculated as falling into the vortex of the new revolution. What the practicability of the scheme is, I will not say; but certainly any program in it might cost our country much blood and treasure.'"

GRAND JURY ASSEMBLED

Having made his motion for the caption and examination of Aaron Burr, the United States attorney rested while Judge Harry Innes debated as to a proper method of procedure. At length a grand jury was called and the Western World of November 15 states on page 2: "Colonel Burr before the Federal court, Wednesday, November 12." Details of the procedure are then given in which it developed that a certain witness desired by Mr. Daveiss was not present making it impossible to present the evidence desired by the United States attorney. The judge then discharged the jury, and the Western World goes on to say: "A few minutes after their discharge Colonel Burr entered, attended by Henry and John Allen, Esqs., his counsel."

On Thursday, December 18, the Western World, carrying the story of the Burr case in detail somewhat, further said that "Mr. Clay, who appeared in conjunction with Mr. Allen as counsel for Colonel Burr, rose and in reply (to arguments and charges made in the court) observed that Colonel Burr was only apprehensive of delay, etc."

On Wednesday, December 3, this Frankfort newspaper reported that "Mr. Daveiss saw nothing novel, nothing out of the common mode of procedure, except the conduct of Mr. Clay." Replying, Mr. Clay stated he "cared not in what attitude he should be considered as standing, but he would instantly renounce Colonel Burr and his cause did he entertain the slightest idea of his guilt as to the charges exhibited against him by Mr. Davless. "You have heard of inquisitions in Europe," said Mr. Clay; "you have heard of the screws and tortures made use of in the dens of despotism to extort confession. Is not the project of the attorney for the United States a similar object of terror?"

CLAY'S TRIUMPH TEMPORARY

At the close of these words the grand jury brought in its verdict, in favor of Aaron Burr, and "not only declared him not guilty but clear of suspicion." It was a notable but temporary triumph for Mr. Clay, whose good intentions had been imposed upon by the crafty Burr. Not many months later Henry Clay in Washington became unpleasantly aware that Burr was guilty of all that Colonel Daveiss had charged.

On May 22, 1807, Aaron Burr was tried for treason in Richmond, Va., and the stigma of his treacherous acts against his country was hung upon him for all time. Meeting Clay

in Washington on one occasion, Aaron Burr, with his accustomed friendly manner, reached forward to shake hands with the Representative of the Ashland District of Kentucky in the Congress, but Henry Clay, then aware of the perfidy of the former Vice President, drew back and refused to speak or have anything to do with him and, passing on, ignored Burr completely.

Mr. Editor, you state that you were advised that some attempt has been recently made in Washington to rewrite certain phases of the early Kentucky history, particularly the incidental association of Henry Clay in the Frankfort trial of Aaron Burr, and you asked Dr. Jillson to prepare a factual statement of the events as they occurred. Dr. Jillson's factual statement of the events as they occurred is a quotation from the Western World's column, with the exception of the last paragraph. I don't think that statement justifies the caption "Henry Clay's defense of Aaron Burr is affirmed via pages of the Frankfort paper," and it certainly is very misleading and confusing; also, in your note, you state "being advised that some attempt has recently been made in Washington to rewrite certain phases of early Kentucky history, particularly the incidental association of Henry Clay with the Frankfort trial of Aaron Burr." Mr. Editor, you were badly advised by your adviser. I challenge your adviser to refer to a single sentence or word to prove that anyone in Washington was attempting to rewrite the history of the alleged Frankfort trial of Aaron Burr. I presume you referred to Dr. Kennedy, whom I called into my office and furnished with all the excerpts from the This'n That column that appeared in the State Journal. I requested him to write the history of Aaron Burr's trial for treason, which he did, and the same was published in the CONGRESSIONAL RECORD of December 14, 1942, a copy of which I am sending you. I want to call your attention to the fact that neither Congressman PLUMLEY, in his request to have Dr. Kennedy's history printed in the CONGRESSIONAL RECORD, nor Dr. Kennedy, in his history of the trial of Aaron Burr, referred either directly or indirectly to the Frankfort episode of the alleged trial of Aaron Burr in Frankfort. As for myself, when I challenged the statement of Mr. Brannan, who stated in substance that Henry Clay was Aaron Burr's attorney when he was charged with treason, I can truthfully say that I was not aware of the alleged trial in Frankfort, and therefore you cannot charge me with an attempt to rewrite Kentucky history. I reiterate that Aaron Burr was never indicted for any crime in Kentucky; therefore, Henry Clay could not have defended him for treason or any other crime.

Subsequently, Dr. Jillson wrote in pamphlet form in the spring of 1943 a very brief, terse summary of the Burr-Clay episode in Frankfort. It is a concise history of this court travesty and I advise anyone interested to read it; however, I have a few mild criticisms to make. On page 5 in Dr. Jillson's pamphlet captioned "Clay apprehensive," I quote: "Undismayed by his inability to get indictment for Burr for high misdemeanor"—the legal equivalent of treason—I have to take issue with Dr. Jillson on his definition of high misdemeanor, the legal equivalent of treason, as it puts me on the spot, having previously stated in this communication that Colonel Daveiss never charged Burr with treason, but high misdemeanor; therefore, if Dr. Jillson is right in defining high misdemeanor as the legal equivalent of treason I am wrong. Consequently, it behooved me to find the legal definition of high misdemeanor as a Federal crime. To that end I had the legal department of the Congressional Library investigate this legal term with the report that no Federal crime was ever designated as high

misdemeanor. I then wrote a letter to the United States Attorney General asking if there was a Federal crime of high misdemeanor and his reply in part is as follows:

"DEAR SIR: Reference is made to your letter of March 15 in which you ask for a definition of the crime of high misdemeanor, and whether any Federal or State statute makes provision for such crime. * * * Federal law does not term any crime a high misdemeanor, though offenses less than felony are divided into misdemeanors and petty offenses. * * * All offenses which may be punished by death or imprisonment for a term exceeding 1 year shall be deemed felonies. All other offenses shall be deemed misdemeanors: *Provided*, That all offenses, the penalty for which does not exceed confinement in common jail, without hard labor for a period of 6 months, or a fine of not more than \$500, both shall be deemed to be petty offenses; and all such petty offenses may be prosecuted upon information and complaint." Then his communication mentions one-half dozen States that designate a crime high misdemeanor but not equal to treason. I am enclosing a copy of the Attorney General's letter.

In the meantime awaiting a reply from the Attorney General, someone suggested that I make a request of the American Antiquarian Society, a national library of American history in Worcester, Mass., and their reply to my request is as follows: High misdemeanor is defined in old English law books as a heinous offense, next in importance to high treason. There must be references to it in Murray's Dictionary, under the word "misdemeanor."

The above information justifies my position that high misdemeanor is not treason.

In the lower paragraph on page 7 of Dr. Jillson's pamphlet captioned "Burr cleared"—I think the caption is not only a misnomer but misleading as the implication is that he was tried for some offense and cleared, but how can a man be tried and cleared if he was never indicted?

I have thumbed through histories, asked questions, and written letters about this controversy in order to combat my critics when I could have proved that they were absolutely wrong and that I am right by quoting the fifth amendment of the Constitution containing the Bill of Rights and also giving the legal definition of grand jury, viz: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury. * * * Nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb * * * (fifth amendment to the Constitution)."

Grand jury, viz: "A jury of inquiry who are summoned and returned by the sheriff to each session of the criminal courts, and whose duty is to receive complaints and accusation in criminal cases, hear the evidence adduced on the part of the State, and find bills of indictment in cases where they are satisfied a trial ought to be had."

All references by my critics to different histories in this discussion by implication impresses the casual reader that there was a trial of Aaron Burr in the Federal court in Frankfort. Aaron Burr was never tried for any crime in Frankfort as the Bill of Rights quoted above states that no person shall be held to answer for a capital, or otherwise infamous crime unless on a presentment or indictment of a grand jury. The grand jury never indicted Aaron Burr; therefore, he could not be tried. It looks like this should forever settle the trial references. It is true that Judge Innes permitted Aaron Burr, the culprit, Clay and Allen, his attorneys, to harangue before the judge and a crowded court room with the grand jury present eulogizing Burr as a patriotic American citi-

zen imposed upon by his political enemies and when Col. Hamilton Daveiss, the United States district attorney, asked the privilege of going before the grand jury to explain the legal phases of the charges he filed, the attorneys for the culprit Burr objected and the judge refused him the privilege of going before the grand jury.

This record would not be complete if I did not define the word "treason." Each history of the futile attempt to indict Aaron Burr for the crime of misdemeanor in the Federal court at Frankfort in the fall of 1806 carelessly misuses the word treason. What is treason? It is a very common, much abused word defined by Webster, "betrayal of any trust or confidence; treachery; perfidy." Treason may be committed a hundred times and not be a crime. You may be a traitor to a friend, your family, religion, fraternal, social, or political organization, etc. There is one outstanding exception—a traitor to the United States—the most heinous of all crimes, the extreme penalty, death, is defined by the Constitution, viz: By the third section, article 3 of the Constitution of the United States, "treason against the United States shall consist only in levying war against them, or in adhering to their enemies; giving them aid and comfort . . . no person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court."

United States District Attorney Daveiss, although greatly disappointed but not discouraged because of his dismal failure on account of absent witnesses to present his charge to the first grand jury asking for the indictment of Burr, called a second grand jury to assemble on the 3d day of December, at which time he presented his famous charge asking for an indictment of the notorious Burr for a misdemeanor in the following words:

"United States of America, Kentucky district, to wit: The grand jury of the United States in and for the body of the said district, do on their oaths present, that a certain Aaron Burr, late of the city of New York, and Vice President of the said United States, did with force and arms, at the County of Fayette, in said district, on the 25th day of November last past, willfully and unlawfully, and from evil premeditation, then and there set on foot, and prepare for a military expedition against the dominions of the King of Spain, who is an European prince, at peace with the said United States, to wit: against the provinces of said King, in North America, contrary to the laws of the said United States, in such cases provided, and against the peace and dignity thereof.

"And the jurors aforesaid, upon their oath aforesaid, do further present, that the said Burr did at said district, to wit: At the County of Jefferson, on the day and in the year aforesaid, then and there, willfully and unlawfully, with force and arms, prepare and provide the means for carrying on a military expedition and enterprise against the dominions of the King of Spain aforesaid, who is at peace with the said United States, to wit: the provinces in North America, which are of the dominions of the said King of Spain, contrary to the laws of the United States, in such cases provided, and against the peace and dignity of the said United States.

"And so the jurors aforesaid, upon their oath aforesaid, do say that the said Aaron Burr, is guilty of the misdemeanors aforesaid, contrary to the laws of the United States, and against the peace and dignity thereof.

"J. H. DAVEISS,
"For United States."

The indictment having been read, the grand jury retired to examine the witnesses and frame their verdict in private. In a comparatively short time the grand jury re-

ported: "Not a true bill" and went out of their way to extol Burr and absolve him from all blame, thanks to the popularity and influence of Henry Clay, who subsequently realized that his association with Burr was the mistake of his life.

Rhody, this is a voluminous communication. In the very nature of this discussion it could not be otherwise. I have had to combat an array of brilliant minds and almost a unanimous misguided public opinion and in doing so, I have tried to be meticulously circumspect. I am enclosing with this communication the five clippings from your "This'n That" column and the State Journal in order that you may conveniently analyze my reply.

The next time I am in Frankfort, which I hope will be soon, I will look you up.

Sincerely yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

EXTENSION OF REMARKS

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to extend my own remarks at two separate places in the CONGRESSIONAL RECORD and include therein two editorials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. BUSBEY] is recognized for 30 minutes.

CIVIL SERVICE COMMISSION INVESTIGATIONS

Mr. BUSBEY. Mr. Speaker, the United States Civil Service Commission, acting under what seems to be the hush-hush policy of the bureaucrats, on November 3, 1943, issued instructions to regional directors and their investigators regarding loyalty investigations. These instructions were withheld until after they were exposed in the press. They were finally made available late Monday afternoon, November 29, 1943, with an attached press release written by the Commission.

Mr. Speaker, in order to save time I ask unanimous consent to insert at this point in the record these instructions and the press release issued by the Civil Service Commission.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The matter referred to follows:

[Press release of U. S. Civil Service Commission, Washington, D. C., November 29, 1943]

The Commission's attention has been called to a story being distributed today by the Scripps-Howard Newspaper Alliance relative to certain instructions issued by the Commission to its investigators.

With two or three minor exceptions, these instructions constitute a reaffirmation of the policy which the Commission has followed on these matters since August 1942.

Within the past few weeks, the Commission's attention has been called to the fact that some of its investigators have allegedly, in carrying on investigations, deviated somewhat from the Commission's policies. Recognizing that during the past year there has been a very high rate of turn-over within the Commission's investigating staff as a result

of persons entering the armed forces, the Commission felt that it would be wise once again to call its policies to the attention of all investigators.

The Commission believes that adequate evidence relative to the qualifications of persons seeking employment in the Government can be obtained without, in any way, violating the civil liberties of American citizens. The results of the Commission's investigatory activities bear out this belief.

From July 1, 1940, up until August 23, 1943, the cases of 166,915 persons who had been investigated were decided by the Commission. Out of this total, 27,842 were rated ineligible because the Commission found, as a result of the investigations, that they were not suitable for Government employment. Of the total of 27,842 who were rated ineligible, 774 persons were rated ineligible solely on loyalty grounds. Of the 774 rated ineligible solely on loyalty grounds, 461 were found to be members of the Communist Party or active in support of those basic principles of the Communist Party which gave evidence of adherence to the Communist Party line, and 313 were found to be pro-Fascist, pro-Nazi, or pro-Japanese.

A copy of the Commission's instructions referred to in the Scripps-Howard Newspaper Alliance release follows:

UNITED STATES CIVIL SERVICE COMMISSION,

Washington, D. C., November 3, 1943.

Regional Directors:

The Manual of Instructions on Loyalty Investigations, which was fully discussed with regional directors and a copy of which was placed in the hands of every regional director and investigator in charge for the guidance of investigators, contained detailed information regarding methods of investigation and questions to be avoided. Previously definite instructions had been issued that no questions should be asked regarding union membership or activities. It has recently come to the attention of the Commission that investigators have been asking persons under investigation, and witnesses, questions which the Commission had specifically directed should not be asked. In order that such offenses be not repeated there is set forth below a list of the things investigators should continually have in mind. Copies of these instructions should be immediately placed in the hands of every investigator.

1. Under no circumstances should any question be asked of an applicant or a witness involving union membership, union associations, or union activities. Not only should the applicant not be asked about membership in a union but any question should be avoided which might elicit from the applicant or from a witness union membership or activities.

2. If in the course of the investigation witnesses say that a certain person is a Communist because he has associated with certain persons in a union known or said to be Communists, the investigator should not ask the applicant about his association with these particular individuals, since the asking of such questions would expose the Commission to the charge that this is an indirect way of connecting the applicant with union activities. In other words, the question of unionism should not be brought up in any way in an investigation, either directly or indirectly.

3. Do not ask any question whatever involving the applicant's sympathy with Loyalists in Spain. This means that the investigator should avoid not only asking about the applicant's sympathy in the Spanish War but no reference should be made to any such organizations as the Abraham Lincoln Brigade or any other of the many Spanish relief groups. The whole matter of the war in Spain should be scrupulously avoided by the

investigator as having any bearing on pro-communism.

4. Do not ask any question about membership in the Washington Bookshop or any bookshop in any city similar to the Washington Bookshop.

5. In asking an applicant whether he knows a certain individual, that individual should not be characterized in any way so as to show the individual's views or leanings. For illustration, an applicant should not be asked, "Do you know John Jones, reputed to be a Communist?" The question, if at all necessary, should be, "Do you know John Jones, and what has been the nature of your association with him?"

6. Do not ask a husband, who is an applicant, questions about his wife, and do not ask a wife, who is an applicant, questions about her husband. Ask the applicant only as to matters having to do with himself, but not with members of his family or others.

7. During the special interview never argue with the applicant or indicate that you think he is evasive. Simply ask the question and record the answer. If it is your opinion that the applicant is evasive or untruthful, you may say so in your report and give the basis for your statement.

8. In speaking to the applicant or to a witness do not characterize an organization as communistic or fascist. Do not characterize it at all. Do not say, "We have information that you have been active in the International Labor Defense, a Communist organization." Say rather, "We have information that you have been connected with the International Labor Defense. Have you been associated with this organization and what has been the nature of such association?"

9. Do not ask a witness any question in such form that the witness may derive information regarding the applicant which he otherwise would not have. Remember that your task is to obtain information and not give information. Do not ask a witness whether John Jones, the applicant, is a Communist unless you immediately follow with the question whether John Jones is a Fascist or pro-Nazi. The same applies with respect to the questioning of the applicant.

10. Under no circumstances ask any question or make any statement to the applicant or to a witness relating directly or indirectly to the color, race, creed, or religion of an applicant or witness.

11. Obtain all available information from witnesses which will help establish whether the applicant was a Communist Party line conformist. Do not discuss the party line with the applicant or with witnesses. Familiarize yourself thoroughly with the party line test and ask questions which will specifically bring out whether the applicant changed his views at certain periods, but do not mention party line unless the witness offers the information that the applicant did follow the Communist Party line. In that event ask the witness specifically what statement or actions on the part of the applicant he has in mind or knows about which leads him to the conclusion that the applicant was a party line follower. Again, have in mind it is not your function to argue or give information, but merely to elicit information. Attached hereto you will find a statement which will help you to understand what is meant by the Communist Party line.

12. Do not ask any question regarding the type of reading matter read by the applicant. This includes especially the Daily Worker and all radical and liberal publications. Remember that the mere fact that a person reads a certain publication is no indication that he believes in the principles advocated by such publication. Citizens are free to read anything they like.

13. Do not ask any questions as to so-called mixed parties, that is to say, whether

the applicant associates with Negroes or has had Negroes in his home.

14. Do not ask regarding membership or interest in the Lawyers Guild, the American Civil Liberties Union, the Socialist Party, the League of Women Shoppers, or the Harry Bridges Defense Committee. This is not a complete list of organizations about which no questions should be asked, but investigators should avoid asking any questions regarding any organization unless it has been authoritatively designated as subversive. If the investigator is in doubt the best policy is not to ask the question.

15. Do not ask general questions regarding the political philosophy of the applicant, such as, whether he believes in capitalism or what his opinion is regarding certain events of a current or historical nature.

16. Do not ask intimate personal questions. Do not ask such questions as come under the category of "snooping."

17. Exercise intelligence. Keep in mind what you are looking for. Remember that you are investigating the loyalty of the applicant to the United States. You are not investigating whether his views are unorthodox or do not conform with those of the majority of the people. What you are looking for is to determine whether there is evidence that the applicant's interest in the welfare of another country transcends his interest in the welfare of the United States. Remember that a question of an improper nature will result in criticism of, and embarrassment to, the Commission. Do not ask any question which is immaterial and has no bearing on the ultimate issue involved.

18. The investigator conducting a loyalty investigation should also conduct any special hearing which may be required. However, newly employed investigators or investigators without experience in loyalty cases should discuss the questions to be asked during the special hearing with their supervisors. Where feasible an investigator thoroughly experienced in loyalty matters should sit in on all special hearings in which derogatory information relative to loyalty is to be discussed.

From time to time you will receive additional instructions as to what to do and what not to do in the course of investigation of loyalty cases. The foregoing instructions are to be rigidly observed and any deviation therefrom will be cause for disciplinary action.

L. A. MOYER,

Executive Director and Chief Examiner.

COMMUNIST PARTY LINE

The Commission, on the basis of its experience in handling thousands of these cases, has developed certain policy standards. It is of primary importance to record the fact that the Civil Service Commission will not consider charges against persons who are found merely to possess a progressive interest in seeking changes in the country's economic and political structure but who adhere firmly to the principle that such changes are only to be brought about through orderly democratic processes.

On the other side of the picture, there have evolved certain fairly well-defined categories, where, assuming adequate evidence, a negative conclusion follows. Typical of these latter categories are the following:

Persons who have advocated revolution or the use of force, if necessary, in order to bring about political or economic changes.

Persons whose association with organizations in agreement with the attitudes and policies of the Nazis, Fascists, or Communists, has been such as to indicate sympathy with the programs of the Nazis, Fascists, or Communists.

Persons who have expressed a desire to see the Axis Nations emerge as the victor in the present conflict.

Persons whose record shows that they are more concerned with the success or failure of a foreign government or a foreign political system than with the welfare of the United States Government.

It is clear, of course, that tied up with the last point mentioned above is the whole question of communism. In connection with the handling of these cases, the Commission has issued the following instructions to its staff:

THE COMMUNIST PARTY LINE

A good definition of a Communist is "one who has followed the Communist Party line through one or more changes." The Communist Party line is the policy advocated by the various factions of the Komintern. It is the policy of preserving and protecting the Soviet Union by whatever means are determined by its leaders.

It is not of great importance that the line during the first 10 years of the existence of the Communist Party be intimately known. It is, however, imperative that any person investigating Communist activity should know the last three major line changes. These are set forth below.

REVOLUTIONARY PERIOD 1929 TO 1934

On May 6, 1929, a Communist Party spokesman said: "I think the moment is not far off when a revolutionary crisis will develop in America." From that time on all Communist activity in this country was actively directed toward violent overthrow of this Government. The literature of the party constantly promised the members that the day of reckoning had arrived; "that the shackles of capitalism were to be thrown off and that the decadent capitalist government was to be replaced by a proletarian dictatorship." In order to reduce the masses to the depth of despair necessary to reduce their resistance to armed revolution, it was essential, in the opinion of the Communists, that the capitalist government refrain from any social changes which might "drug the masses into continued acceptance of the capitalistic system." For this reason the Communists sought to wreck and destroy attempts by the New Deal to pass social legislation. Any person daring to advance such legislation was violently hated by them and branded with the term of contempt "Social Fascist." They included in this category President Roosevelt and the New Deal, John L. Lewis, Norman Thomas and his Socialist Party, and most liberals. They harassed the Socialist Party in its attempt to set up social security and unemployed workers' benefit organizations, and generally attempted to keep the United States in economic chaos. It must be remembered that this period included the worst years of the depression.

COLLECTIVE SECURITY PERIOD DECEMBER 1934 TO AUGUST 1939

In December 1934 Earl Browder returned from a trip to Russia and immediately called a halt to the revolutionary program, and at the same time launched the most effective period of Communist infiltration in this country. This was the Popular Front period. The party made a complete about face. They ceased to apply the term "Social Fascist" to such persons as President Roosevelt, Thomas, and Lewis. They adopted the heroes of the American Revolution as forerunners of American communism. The picture of Abraham Lincoln took its place beside that of Stalin. Where they had previously attacked attempts at social reform they now created a multiplicity of "front" organizations to further such causes. Where they had previously chosen to ignore the rise of fascism in Germany, they now bitterly attacked Hitler and called for a united front of the great democracies—Soviet Russia, Great Britain, China, and the United States—to stop the Mad Dog of Europe. The Daily Worker demanded puni-

tive action against Japan and boycotting of other Axis countries. Where they had previously expressed nothing but hatred toward liberals and other radicals, they now courted these persons assiduously even to the extent of giving a testimonial dinner for Norman Thomas, the arch foe of communism in the years gone by.

COMMUNAZI PERIOD AUGUST 1939 TO JUNE 1941

In August 1939 Russia signed a nonaggression pact with Germany and the Communist Party line made a complete about face. Immediately all preparations for defense were termed by the Communists as warmongering. The British war effort was reviled in the columns of the Daily Worker as an imperialistic war for the perpetuation of capitalist rule.

Communists, through their stooges in the party front organization, violently opposed such defense measures as the conscription bill and the lend-lease bill and extensions of the Monroe Doctrine to the Western Hemisphere as a whole. The Communists allied themselves with other radical peace groups in an attempt to keep America from defending itself and from fighting against Hitler. They spread anti-Yankee imperialist propaganda throughout South America in an effort to divide the Americas. President Roosevelt was denounced as a warmonger. His defense program was termed an effort to drag the American people into an imperialistic war. All of the familiar and time-worn anti-war arguments were adopted by the Communists. In the youth faction the expression "The Yanks are not coming" became extremely popular. Their war cry became, "No A. E. F., no convoys." While the Communists in America did not openly support Adolf Hitler and the Axis, they revived every device for drawing attention away from the injustice perpetrated by that regime. American Communists and fellow travelers sided with Russia in the war with Finland.

COLLECTIVE SECURITY PERIOD (REVIVED) JUNE 22, 1941, TO DATE

With the attack of Russia by Germany on this date, the Communist Party line overnight reverted again to the collective-security phase. Communists began to vie with patriotic Americans in purchasing Defense bonds and volunteering for civilian defense duties. The slogan "The Yanks are not coming," was changed over night to "Stop Hitler Now," and "The Yanks are not coming too late." This is perhaps the most difficult period in which to detect an American Communist.

An earmark of an American Communist today is an advanced degree of patriotism. It is, therefore, difficult to distinguish friend from foe, but it must be remembered that this cloak of patriotism was not donned until June 23, 1941. However, it must also be remembered that many loyal Americans were sincerely isolationist in viewpoint until the necessity of our participation in the war became increasingly evident. The Communist will try to lead one to think that he is of that category. The fact which gives him away is the suddenness of his switch.

It must be made clear that to identify one as a Communist or a Fellow Traveler (or a sympathizer), it will be necessary to show a following of the above line through one or more changes. Many liberals were taken in by the Communists in the first collective-security period but became aware of the true situation with the change in line occasioned by the signing of the communazi pact in August 1939.

Mr. BUSBEY. Mr. Speaker, many of my colleagues must have wondered who were the pressure groups that could exert such influence on the Civil Service Commission as to cause them to issue such instructions. These instructions in my

opinion open the door to let unlimited subversive elements in to join those already on the Federal pay roll, to undermine and destroy our Government.

In order that the Members of the House of Representatives be kept in suspense no longer, I will read a communication addressed to all locals of the United Federal Workers, which is only one of three Federal employees' unions, entitled "U. F. W. A. Clarifies Investigation Procedure," and signed by Eleanor Nelson, secretary-treasurer, U. F. W. A.

**U. F. W. A. CLARIFIES INVESTIGATION PROCEDURE
To All Locals of the United Federal Workers:**

Tuesday morning a committee from the United Federal Workers met with the full Civil Service Commission to obtain clarity in regard to their investigatory policies. Representing the United Federal Workers of America were myself; Arthur Stein; Milton Freeman of our legal committee; Louis Gerard, business agent for Local 203; Robert Sherman, business agent for Local 1; and Helen Shonick, business agent for Local 10. Present at the interview for the Commission were the Commissioners, Harry B. Mitchell, President, Mrs. Lucille Foster McMillin, and Arthur S. Fleming; William H. McMillen, Chief of the Investigations Division; and Chief Counsel Alfred Klein.

The United Federal Workers' representatives pointed out that in recent cases civil-service investigators had shown antiumion sentiments, racial intolerance, and improper inquiry into the political views of applicants. In regard to these cases, the Civil Service Commission stated: "We are making an investigation of all the cases to which you refer. The first reports show that in at least three of the four instances presented the allegations are well grounded, and not only the investigators, but their immediate supervisors, definitely violated the Commission's policies and instructions. These employees are now being given the opportunity of presenting their side of the case. If, after all the evidence is in, our tentative conclusion becomes our final conclusion, we will take appropriate disciplinary action."

The national office believes this clarification of policy, coupled with the quick and clear action by the Commissioners in dealing with the investigators who had violated the policy, is of great importance to Federal workers.

The Civil Service Commission further clarified their policy in regard to investigations. Under no circumstances, they maintained, are their investigators allowed to ask questions concerning union activity, racial tolerance, sympathy for the Spanish Loyalists, membership in the Bookshop, and religious matters. On our request, they also agreed to reconsider their policy of questioning married persons concerning the activities of their husbands or wives, and indicated that this type of question would be stopped. They further agreed to reconsider questions concerning personal friends and social acquaintances. They thanked the United Federal Workers for bringing the cases discussed to their attention and urged that we continue reporting to them any similar instances. It is extremely important that every local inform its members of the official position of the Civil Service Commission as described above, so that they are fully prepared in case they are investigated by the Commission. Also, any instance in which the above policies are violated in any way by any representative of the Civil Service Commission should be reported at once to the national office.

U. F. W. A. representatives urged that the Commission stop all questioning concerning membership in so-called front organiza-

tions and that such membership be neither a cause for investigation or a subject of questioning. The Civil Service Commission did not agree with our position on this, but promised to send us a clarifying statement on their policy in dealing with membership in these organizations. When this statement is received, the national office will discuss it further with the Commission and other representatives of the administration.

Fraternally yours,

ELEANOR NELSON,
Secretary-Treasurer, U. F. W. A.

This letter is not dated, which happens to be important. It is also significant that out of the thousands of cases investigated by the Commission, even the officers of the U. F. W. A., according to this letter, could find only four cases to bring to the attention of the Commission. Three or four cases are hardly enough to warrant the Commission issuing instructions that nullify probably the most important part of their work.

In the press release of the Civil Service Commission dated November 29, 1943, referred to a moment ago, it is stated:

With two or three minor exceptions, these instructions constitute a reaffirmation of the policy which the Commission has followed on these matters since August 1942.

But in Eleanor Nelson's letter she claims:

On our request they (the Commission) also agreed to reconsider their policy of questioning married persons concerning the activities of their husbands or wives and indicated that this type of question would be stopped.

Eleanor Nelson also stated in her letter:

U. F. W. A. representatives urged that the Commission stop all questioning concerning membership in so-called front organizations and that such membership be neither a cause for investigation or a subject of questioning.

If the Members will read the instructions of November 3, 1943 issued by the Civil Service Commission, previously inserted in these remarks, they will appreciate how effective was the work of this U. F. W. A. pressure group, which follows so closely the Communist party line. It cannot be denied that people who follow the Communist line have only one purpose in mind, which is to destroy our form of government.

**UNITED FEDERAL WORKERS OF AMERICA FOLLOW
COMMUNIST LINE**

Although the United Federal Workers of America claims that it is a bona fide union seeking to advance the interests of Federal workers, it is actually an organization which has as its primary purpose the advancement of the policies and organizations supported by the Communist Party. Its alleged interest in the conditions of Federal employees is purely a device for gaining contact with such employees for its primary propaganda purposes. While this charge cannot be leveled at every single member of the U. F. W. A., since some have joined in their honest desire for a genuine union, nevertheless in my opinion the charge is well founded against those who actually decide the policies of the organization, the real leaders of the union.

As proof that the U. F. W. A. has faithfully followed the line of the Communist

Party in all its variations, let us look at the record. The Federal Record of December 26, 1933, official organ of the U. F. W. A., called for direct aid to the victims of Hitlerism, and in its September 17, 1933, issue, when the line of the Communist Party was for collective security among the democracies against the Fascist aggressors, for a world-wide fight against fascism.

After the signing of the Stalin-Hitler Pact on August 23, 1939, the line of the U. F. W. A. changed accordingly:

First. The Library of Congress Newsletter, a U. F. W. A. local union organ, in its issue of April 1940 opposed guns and bullets or loans to foreign governments and denounced all warlike expenditures.

Second. The Federal Worker of September 3, 1940, U. F. W. A. convention issue, published an article headed "Your Government job won't save you from the draft."

Third. Under the column of National News the mimeographed bulletin Revenues, organ of U. F. W. A. Revenue Local 147, declares:

Maritime unions protested bitterly as United States-subsidized shipowners planned to evade the neutrality-law program. * * * Labor and war: American labor wants no part in the European war, supports the neutrality program.

And criticized the attack on Earl Browder, which charged him with the falsification of passports.

Fourth. At this time the Federal Workers School arranged a course on War, Its Causes and Relationships.

Fifth. Union Newsletter, organ of W. P. A., Local 1, May 29, 1940, states:

Labor wants no war or any part of it, and while countries in Europe are engaged in their barbaric orgies of conquest and aggression as they have been doing for centuries, it must ever be the purpose of the United States to remain out of these wars.

This publication recommended affiliation with the Emergency Peace Committee, which was cooperating with the American Peace Mobilization, which conducted the picket line around the White House.

After June 22, 1941, when Hitler invaded Russia, the line of the U. F. W. A. changes accordingly. Heretofore the U. F. W. A. had supported Communist-led strikes in important defense industries during the Stalin-Hitler Pact. The last convention of the U. F. W. A., held in Philadelphia at the end of October 1942, went on record for immediate opening of a second front, passage of the teenage draft bill without restrictions, a break in diplomatic relations with Vichy France and Franco Spain; declaration of war on Finland.—Washington Post, October 27 and 30, 1942.

The conduct of meetings in the U. F. W. A. in putting over resolutions in support of the current Communist Party line has been arbitrary and undemocratic. Kenneth Decker, former president of the W. P. A. locals, and other officers and members resigned from the union in September 1940 following the adoption of a resolution opposing the draft law. They charged in their letter of resignation:

The forwarding of this resolution on which the full membership of the union was never given the opportunity to vote, is the latest of a series of instances in which a small official group has undertaken to commit the union to a stand on political questions without full consultation. * * * We have come to feel that as a result of the recent actions on political questions, this union now has become more of a liability than an asset. (Washington Daily News, September 17, 1940.)

It is an acknowledged principle that Government employees oppose the use of the strike weapon for the attainment of their ends. The U. F. W. A. does not recognize this principle. The U. F. W. A. conducted a strike at the Social Security Board in Baltimore a few years ago. At the 1942 convention they amalgamated with the United Cafeteria Workers—a thoroughly unsound step from a union viewpoint. This union has threatened to strike in the Government cafeterias in Washington.—Washington Daily News, October 29, 1942, page 26.

The U. F. W. A. has cooperated with the following Communist-controlled organizations: Workers' Alliance, Consumers' Union, Federated Press, Labor Research Association, the Washington Bookshop, Washington Friends of Spanish Democracy, Friday Magazine, the Washington Committee for Aid to China, and Washington Peace Mobilization, which participated in the White House picket line.—Washington Peace Council leaflet, meeting, December 4, 1940.

The U. F. W. A. has defended Federal employees dismissed for subversive activities. A case in point is that of Helen Miller, fired by the Department of Labor. Note leaflet advertising meeting for this purpose, held on July 25, 26, 1941, called by Local 10.

Donald Henderson, dismissed Columbia University instructor and avowed member of the Communist Party has been a speaker for the U. F. W. A.—circular, Federal Workers School, October 3 to December 12, 1939. Frank Rhylick, former editor of the Federal Record, is now the correspondent of the Daily Worker, official organ of the Communist Party.

Eleanor Nelson, secretary-treasurer of the U. F. W. A., has a record over a long period of years of being a devoted follower of the Communist Party line. Her full biography in a most laudatory vein appears in the Daily Worker of August 9, 1942. She was a speaker at the Communist-supported meeting to lift the embargo held in Washington.—Daily Worker, March 30, 1933, page 4. She is a member of the Washington Committee for Democratic Action, which was active in behalf of Earl Browder.

She was a speaker at the Communist-controlled National Negro Congress in October 1937, cited by Attorney General Biddle as subversive.

She was a speaker at a meeting held in Washington, supported by the Washington Committee to Aid Spanish Democracy and the Communist Party.—Daily Worker, March 30, 1933, page 4.

While I appreciate the Communist elements in the labor movement will attempt to smear me as being antilabor,

there cannot be one iota of justification for their statement.

As a matter of fact, the patriotic members of labor unions are as anxious as we all are to expose those organizations that are Communist-dominated for their own protection. In proof of this fact, let me read from yesterday's Washington Daily News the following:

The largest and oldest of the 3 organizations of this character is the National Federation of Federal Employees, which is credited with 80,000 members and is headed by Luther Steward, president, and Gertrude McNally, secretary-treasurer. It formerly was a part of the American Federation of Labor, but is now independent.

Mr. Steward said today, "The question of the good faith or patriotism of Federal employees has never been an issue in the National Federation of Federal Employees. We do not feel that Federal employees in general have any reason to fear any investigation, conducted in good faith, as to their antecedents or membership in outside organizations."

The third organization of this type is the American Federation of Government Employees, an A. F. of L. affiliate. Its president, James B. Burns, today deferred comment on the disclosure affecting the Civil Service Commission, and said he wished to study the documents.

I understand there is a quotation in the paper today from Mr. Burns. While I have not read it, yet, knowing that his organization is thoroughly patriotic, I have good reason to believe that statement will back me up in my contention.

Who in the name of heaven is running this country?

The duly elected representatives in Congress or the Communists and fellow travelers?

It is high time that we wake up and find out what is going on in our Government, and give evidence that we are ready and willing to do something tangible to keep our oath of office, to wit:

I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic.

Let us emulate the deeds of that great Russian army at Stalingrad, or those never-to-be-forgotten men of Gen. George Washington's army at Valley Forge, and stand steadfast for a benevolent, strong, and patriotic America whose cornerstone of liberty, freedom, and justice is our Constitution.

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

Mr. BUSBEY. I yield to the gentleman from Nebraska.

Mr. CURTIS. I think one of the sad commentaries on our people is the fact that they have grown so accustomed to the charge that there are Communists in the Government that it no longer shocks the American people. We take it as a matter of course, where a few years ago we were horrified.

The fact remains that communism has grown in the Government until we can hardly realize the extent to which Communists have control of the machinery of this administration. This morning a taxi driver I was riding with said, "If anyone doubts that the Communists are in control of a lot of things around here, they ought to run a taxi for a while.

They get in my cab and boast about the agencies they have taken over and their plans to take over other agencies."

Mr. BUSBEY. That is absolutely correct, and I have stated publicly from the platforms in this country for more than 20 years that the biggest danger we have is not the enemy from without but our enemies from within. The Communists of this country and their fellow travelers are taking every advantage of the apathy of the American people, who do not interest themselves in trying to find out what is going on in this country. Believe it or not, this infiltration of Communists is going to be the ruination of our republican form of government.

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

Mr. BUSBEY. Yes.

Mr. SCRIVNER. The gentleman said that he had not seen the statement by Mr. Burns as yet.

Mr. BUSBEY. I have not.

Mr. SCRIVNER. In today's edition of the Washington Daily News this quotation is credited to Mr. Burns, and I think the gentleman should have it in his record at this time:

While it may be true that improper questions have been asked by some inexperienced investigators when inquiring concerning the connections and antecedents of applicants for Government positions, it is likewise true that character investigations are a necessity, because there should never be any question about the loyalty and moral fitness of Government employees. If the (Civil Service Commission) order should operate to limit the scope of inquiry to an extent which would foreclose pertinent interrogation and defeat the purposes underlying character investigations, it should be rescinded.

* I might call attention to the headline covering this story which is: "First U. F. W. president reported picked by F. D."

Mr. BUSBEY. I thank the gentleman from Kansas for his contribution. May I also say that since the news comments in the Washington Daily News of last Monday, and the few remarks I was privileged to make on the floor of this House, I have received several letters from investigators stating that they hope that this thing will be cleaned up; that it is one thing that is giving them heartaches, and that this order of November 3 had really taken the heart out of them and their work.

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

Mr. BUSBEY. Yes.

Mr. ROWE. I said the other day when the gentleman was talking on this same subject, that the laxity may have permitted someone to get in who makes these rules, so that people of communistic and subversive natures will get into the Government, and that they have promulgated these rules for that purpose. I think it is important that we realize the possibility that some of that group may have gotten high enough to promulgate these rules, and they have done it for an ulterior purpose.

Mr. BUSBEY. Oh, this is not the only pressure group involved in this particular order of November 3. At a later date I shall name and go into some of the

others, and will also show how this whole picture ties up into a picture of the Office of War Information, and when that story ever gets told to the people of this country, there will really be some fireworks.

Mr. CURTIS. Mr. Speaker, will the gentleman yield further?

Mr. BUSBEY. Yes.

Mr. CURTIS. If I understand the news from Kentucky accurately, there is no apathy on the part of the American people condoning this sort of thing.

Mr. BUSBEY. The Dies committee investigation of this situation, which is already assured, will uncover some facts to startle the country. If the people will follow this investigation very closely they will get an insight into how the Communists have infiltrated into key Government positions.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Indiana [Mr. LANDIS] is recognized for 15 minutes.

CANNERS AND THE O. P. A.

Mr. LANDIS. Mr. Speaker, I was surprised to learn that Judge Vinson applied Galbraith's profit theories in repudiating Government's pledges to canners. At this point I wish to quote from the Washington Food Report, published by the American Institute of Food Distribution:

In the letter accompanying the directive, Judge Vinson explains the repudiation in about this manner: "I am aware of the promises and commitments of O. P. A. officials and have taken them into consideration but these were commitments of minor officials. In my opinion they are without standing or authority, particularly when the Commander in Chief directs otherwise."

It is difficult to understand this announcement at this time when the administration is concerned about promoting a large pack of canned goods for 1944. Those canners who lost on particular packs this year will be hard to convince that they should repeat their performance next year.

Based upon an order issued by the O. P. A. on March 24, 1943, the canners proceeded upon the assumption that adjustments of maximum prices will be made to reflect the increased cost of labor. In fact, the O. P. A. reaffirmed this agreement again on March 27 and April 7. Now, months after the industry, in good faith, attempted to carry out its part of the agreement, it is summarily scrapped by the direction of the President of the United States through a directive from Judge Vinson to the War Food Administration and Office of Price Administration. The canners, their faith in the Government shattered, are left holding the bag.

If the Chief Executive is to continue to interfere with agreements entered into by his principal food agency, then it becomes obvious that we are wasting millions of dollars of the taxpayers' money to maintain the Office of Price Administration as an instrument to solve the Nation's food problem.

The effect of the repudiation will probably have a more adverse effect on the production of canned goods next year than almost anything that could happen. It forces canners to justify their claims for the promised subsidy by furnishing a complete accounting of their financial situation; prohibits the payment of the subsidy to any company making more than 6 percent on their net worth or more than 4 percent on their net sales in 1943, thus penalizing instead of rewarding efficiency. It makes payment of the subsidy

contingent on the over-all operations in 1943; interprets the so-called hardship clause to the effect that there is no hardship if the canner's profits were above the specified percentages, and rules that the maximum amount of the subsidy a canner may collect is the difference between his actual earnings and specified percentages.

This lays the foundation for Government regulation of profits of all industries and is a return to the philosophy of the New Deal satellites in the early days of the O. P. A., a philosophy which stirred the anger of the Emergency Court, causing it to tersely comment that no person can be expected to operate an unprofitable business at a loss.

Certainly the administration cannot expect the canners to continue operation at a financial loss; certainly it cannot expect them to go into all-out production in the face of the Government's record of broken promises.

The behind-the-scenes activities of the Chief Executive and his "palace guard" have reduced the total production of canned foods in 1943 to the danger point. The estimates of the 1943 pack that are being used currently by various agencies working on canned foods show a reduction of 27,000,000 cases from the 1942 pack. What we want is an increase in the 1944 pack, not a reduction. The entire canned-food program should be published not later than January 1 for canners to do full-scale planning of maximum production.

Last year the canners sought definite information on raw-material costs, price ceilings, and wages. But by the middle of June, with the packing season under way, very little was done to solve these problems. I hope the canners will not have to go through the red tape and delays they had to contend with last year.

Last year on July 8 I received the following telegram from Indiana:

Future of canning industry up to you. Socialistic government bungling and strangling entire industry. Pea pack completed. Cost dollar seven. Government ceiling dollar. Cannot survive such loss. Our patience exhausted. Canners will not sell until subsidy removed and fair price set. Food shortage definitely coming. Congress supposedly makes laws. Do something.

Mr. MURRAY of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. LANDIS. I yield to my distinguished colleague from Wisconsin.

Mr. MURRAY of Wisconsin. I wish to say to the gentleman that last spring representatives of the canning industry came to the Committee on Agriculture and the impression that I think every member received from those hearings was that at that time Dr. Galbraith and other O. P. A. men were more interested in arriving at a way of controlling the profits of the canner than he was in the amount of the goods that were going to be produced in 1943. I would just like to ask the gentleman from Indiana from his exhaustive study of this canning industry in the last year, if that is the right picture to get, that there are so many forces that seem to be much more interested in control than they are in the production of food. Now, is that right or is it wrong?

Mr. LANDIS. I think they are more interested in control than they are in more production.

Mr. BUFFETT. Will the gentleman yield to me?

Mr. LANDIS. I yield.

Mr. BUFFETT. I would like to make this observation, that G. D. Cole, one of the great Socialists of England, said many years ago, the best way to bring about socialism was to destroy the possibility of sustained profits and make those in private industries give up any hope of making money and socialism would follow of its own accord.

Mr. LANDIS. I thank the gentleman for his contribution.

Mr. PHILLIPS. Will the gentleman yield?

Mr. LANDIS. I yield.

Mr. PHILLIPS. In those cases you are giving as an example this afternoon, is it not a fact that the canners were looking back to the similar period after the last war, and is it not a fact that 70 percent of the canners failed; that is, were compelled, because of the conditions then, to go into very difficult conditions approaching failure? Is it not a fact that they were meeting with the supposedly accredited representatives of the O. P. A. to work out those problems as they apply at the present time and did they not think, will not the gentleman agree with me, that the canners were given the right to think they were dealing with responsible representatives of the O. P. A.?

Mr. LANDIS. There is no question about that. They have spent many days and many weeks down here in Washington conferring with these O. P. A. officials, and they expected their promises to be good, and if Mr. Vinson, as agent for the President of the United States, can revoke any promise they made, the canners are wasting time, and any other businessmen are wasting time in coming to Washington and talking to the so-called minor officials.

Mr. HORAN. Will the gentleman yield?

Mr. LANDIS. I yield to the gentleman from Washington.

Mr. HORAN. I am surprised to hear this statement coming from Judge Vinson, because I know right now as they lay plans for next year's pack, canners are looking for not only a positive, but an encouraging and a helpful operation of these agencies, and they need it at this time. I wonder if anything is shaping up at all looking toward a responsible and authoritative single head for the Food Administration?

Mr. LANDIS. That is what we have been claiming all the time, that we need a single food agency, to have somebody to go to where there is some authority. We have to deal with too many agencies. We go to the Department of Agriculture, to the War Food Administration, to the O. P. A., and then to Judge Vinson, and finally to the White House. There is no one who seems to be in authority.

Mr. HORAN. Will the gentleman yield further?

Mr. LANDIS. I yield further.

Mr. HORAN. Apparently if it suits their purpose they can repudiate the authority of any other Department?

Mr. LANDIS. That is true.

Mr. HORAN. According to the statement it would seem that way.

Mr. LANDIS. According to this report, what the canners ought to do or any businessmen, when they come to Washington next time, is to go to Judge Vinson and not deal with anyone else. He should handle the situation.

On June 11, I received the following report from Salem, Oreg.:

We can give you very little information of a definite nature, and what little we can tell you is not at all favorable or encouraging. At present, it looks as though we shall not be packing very many of the fruit items this year.

In the first place, we have been endeavoring for months to get approval from the War Labor Board on our petition to increase wages in the cannery. Ever since Messrs. Lewis and Roosevelt tangled in their well-known free-for-all, and the Commander in Chief issued his hold-the-line edict of April 8, we have gotten nowhere fast on our petition for wage increases. Even if this is ironed out and we are allowed to pay what we desire, we have been told indirectly that we shall not be allowed to include any of this advance in wages in our ceiling prices for commodities packed this year. Our pay roll for the 1942 season was approximately \$500,000. The wage increase which we have applied for and which we believe will ultimately be approved, reflects an increase of 25 percent. Gentlemen, a little quick arithmetic will give you \$125,000. We are sorry to state that our operations of last year did not show us a margin which will allow us to absorb wage increases totaling \$125,000.

The other problem we face, which is just as serious, is the fact that in spite of numerous promises from O. P. A. officials at various times during the past several months to the effect that a ceiling would be placed on all fruit items for fresh shipping, we nevertheless have no ceilings for fresh shipping and now have a runaway market.

Gentlemen, this is not a very optimistic letter, but some of you have asked for this information, and you certainly are entitled to get a picture of the northwest canners' problems as they are today. Right at the moment, we know not where we are going or what we are doing.

You can rest assured that we are going to do our utmost to pack everything that we possibly can when we can see that we are able to at least break even by so doing. We are not looking for any large profits, want to do everything we possibly can to furnish processed foods for civilian trade, as well as for the Army, but we cannot afford to pack our heads off when by so doing we would take such a loss that we would not be able to continue operating.

I received the following message from Ohio on April 22:

I want to be patriotic. I have a son in the service. The canning company wants to be patriotic. The labor situation is such that if we cannot get relief on wages, we cannot operate. Ohio, as you know, is an industrial center. Last year we paid 40 cents for women and 45 and 50 cents for men, and at no time last year was I able to run over one tomato line. I run a two-line tomato plant. The people who worked for me last year and who normally only wanted seasonal work, are now working steady in defense plants, making two or three times as much as they could make in a canning plant.

This country needs tomatoes and needs them badly. The shortage of tomatoes is indicated by the high rationing points put on a can of tomatoes and if we are going to be compelled to curtail our canned tomato pack 30 to 40 percent, God help the civilian users of canned tomatoes.

Another letter from Indianapolis reports:

The application itself may be too lengthy for you to read and study, but we wish to point out that if canned or processed foods are to be had in anything like sufficient quantities in 1943, relief from the wage freeze order must be had at once. It is also necessary that whatever wage increases are granted, that they may be given proper recognition by the O. P. A. and added to our present price ceilings, which were established on the basis of 1942 wage rates.

These are just a sample of communications I have received describing some of the things the canners had to contend with last year. No wonder they did not put out a record pack in 1943.

If we are to feed the world we will have to give the canners an early program and eliminate the delays and confusion so they can put out a record pack in 1944.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. BREHM. Mr. Speaker, just a few days ago I received the following information from the gentleman's own State of Indiana. A gentleman in that State now has 700 acres of corn standing in the field. He cannot get the labor to husk by hand and therefore applied to the harvester dealer for the lease of a corn picker. The dealer informed this gentleman that he had an idle picker, but it was short the tires. It so happens, however, that this man who has the 700 acres of corn is also a catsup manufacturer, and the season being over, has several trucks that are not being used at the moment. He offered to take the tires off his trucks and turn them over to the dealer to put on the corn picker until his crop was harvested and then return his tires. The dealer informed him he would like very much to do it, but was sorry, but the Government would not permit same. Therefore he still has the 700 acres of corn unharvested and at the same time you hear on the radio every 15 minutes somebody speaking for the Government and requesting that everybody make an effort to produce food. The question, therefore, is, Should this gentleman defy the ruling and put the tires from one of his trucks on the corn picker and thus save 700 acres of corn which is so badly needed, or should he comply with this unreasonable order and permit the 700 acres of corn to rot in the field? It is this type of edict which is gradually driving the American people insane.

EXTENSION OF REMARKS

Mr. MILLER of Connecticut. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include extracts from the report of the Committee on Foreign Relations adopted by the execu-

tive committee of the American Legion in Indianapolis, Ind., on November 18.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. MURRAY of Wisconsin. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and include therein an article from the Wisconsin Medical Society.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. KENNEDY] is recognized for 15 minutes.

THE BALFOUR DECLARATION AND PALESTINE

Mr. KENNEDY. Mr. Speaker, early in November 1917, that terrible year 26 years ago when mankind was enveloped in the flames of a world war, even as we are today; when the forces of tyranny and oppression were still in the ascendant, and the nations of the world who represented human freedom and human decency were engaged in mortal combat against these forces, a truly marvelous flash of light broke through the gloom. We must remember that the fall of 1917 held some of the darkest hours of the First World War. The situation of the Allied Nations was much worse than that of the United Nations today. Russia, instead of resisting the Hunnish hordes with the magnificent heroism and efficient dispatch of today, had been forced out of the fight by the crushing blow of the Battle of Tannenberg. England and France still fought on, but they were war weary. The young strength of America had not yet made itself invincible.

The truly marvelous flash of light was a purely humanitarian movement which culminated in a statement issued by the British Government; a statement addressed primarily to the Jewish people, but a statement also which held tremendous meaning for the world at large. This statement was signed by Arthur James Balfour in his capacity as Foreign Secretary, and it has become known to history as the Balfour Declaration. It contains few words, but behind it lie 20 centuries of hope and longing, the longing of a homeless and oppressed people for a home of their own and a free and democratic government.

These are the words of the Balfour Declaration:

His Majesty's Government view with favor the establishment in Palestine of a national home for the Jewish people and will use their best endeavors to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine or the rights and political status enjoyed by Jews in any other country.

The Balfour Declaration was hailed by all men who looked ahead to a better world after the war, by all those who believed that the victory of democracy

over tyranny would see many ancient sorrows removed and many ancient wrongs righted. Coming at a critical moment, the declaration lifted up the spirits of the Jews, and, indeed, of all forward-looking men. It was a true demonstration of the Allied purpose to avenge and to honor the claims of justice and humanity. For then, just as today, the strength of us who resist aggression lies not only in our tanks and guns and planes and ships, and in our valiant fighting men, but in the untrammelled justice of our cause.

Before issuing the Balfour Declaration, the British consulted not only with the Allied Nations, not only with the Jewish and Arab leaders, but also with the Government of the United States—so soon to enter the Allied cause. President Woodrow Wilson was deeply interested in the declaration and gave it his blessing before it was published to the world. To make the attitude of the American people and Government plainer still, a joint resolution was adopted unanimously by the House and Senate of the United States on June 20, 1922, and was signed by President Warren G. Harding in November of that same year. The resolution stated that—

The United States of America favors the establishment in Palestine of the national home for the Jewish people.

Twenty-six years have passed since the Balfour Declaration was issued, and the outward face of the world, and especially the map of Europe, has considerably changed. Behind these changes lie many hopes and ambitions—some good, some evil. This old earth has suffered many grievous and heart-breaking disappointments. But some gains have been made, and among them one of the most inspiring is the progress in reestablishing Palestine as the Jewish national home.

The Balfour Declaration and the Palestine Mandate of which it became a part represent a milestone in history, simply as documentary evidence of the progress of humanitarianism. They might be called the Magna Carta of the Jews. But even more important a milestone is the tangible evidence of the development of Palestine during the past quarter century.

It is easy to speak of growth of population, and to point out that the Jewish communities of Palestine have increased tenfold, and now number some 580,000 souls, of whom more than half are refugees from persecution under the swastika. The exiles of today have found a haven in the ancient land of their fathers, in a strip of semitropical greenery along the coast of Palestine, in this spiritual homeland of the Jew who for 2,000 years has said at Passover: "Next year, in Jerusalem."

But what these 580,000 people, most of them from cities where pioneering in a new and semiagricultural life was undreamed of, where such matters as farming and carpentering and draining swampland and planting orchards belonged only to the traditional tales of the

Old Testament; many of them from cities where they were hounded into cramped and noisome quarters, and, at the end, hounded from them to death or frightened exile, have accomplished with this land, which for centuries has lain waste and neglected, is the real miracle, and the real milestone for our history books. Something over \$5,000,000 has poured into the Jewish homeland from Jewry all over the world. Bit by bit, the Jews have purchased from the Arabs nearly 400,000 acres along the coast of Palestine. Of this acreage, something over 150,000 acres is owned by the Jewish National Fund and leased to the workers. Palestine Jews have their own legislature and council, under the supervision of the executive board of the Jewish Agency for Palestine.

The Jews of Palestine are pioneers, as truly as were the bold and energetic men and women who found a new land and new customs in the Western Hemisphere, and drove westward over the great plains to find not only gold but rich farm lands on the Pacific slope of America, and who remained there to build prosperous cities and thriving villages which in the space of less than 100 years have become centers of culture.

Here are a few of the accomplishments of the Jewish homeland. I feel that even a cursory listing will show something of their significance. Large areas of land have been cleared. Marshes that were infected with malaria have been drained and made fit for the habitation and labor and pleasant works of mankind. Regions along the seacoast that lay buried under sand dunes are now dotted with towns and villages. There are flourishing groves of oranges and other citrus fruits—notable among them an extremely large new variety of seedless grapefruit which has been widely exported—of olives and dates. The vineyards are extensive and are rapidly becoming world famous. Scores of agricultural colonies have been planted in the hills and valleys. Fifty out of every hundred people are farmers or workers. Last year these people produced \$120,000,000 in industrial products, 200,000 tons of grain, and half a million tons of citrus fruit. The cedars of Lebanon have been replanted. The Biblical hills of Judea terraced. Today there are 2,300 thriving factories in Palestine and a rapidly growing export production of potash, toluol, and bromine. The water power of the ancient River Jordan has been harnessed and transformed into electric light and power, and the enormous mineral resources of the Dead Sea are being extracted. There are scientists and inventors, and word comes to us of a great development in photography, a discovery not to be released to the world until after the war. There are schools, universities, libraries, and theaters. The young generation is healthy and handsome, sun-tanned from hours spent on the beautiful bathing beaches of Tel Aviv, active and eager-eyed for a good life in a good world.

The pioneers and refugees of Palestine have taken the Balfour Declaration at

its word. They have staked their hopes, their possessions, their energies, their very lives, on the integrity of the solemn promise of Great Britain, of the democratic governments of the world, and of men of good will everywhere.

Nor are the blessings that have come to Palestine the exclusive possession of those who have had the good fortune to find a haven and a home there. Jewish enterprise has contributed to the Arab standard of living and has brought health and healing to Arabs as well as Jews. Petty irritations spring up, as we all know, but on the whole most of the Jews get along with most of the Arabs. Arab children can go to Jewish schools and medical centers. Arab and Jewish merchants trade side by side without rancor. Arabs are welcome in Jewish theaters, hotels, and places of entertainment. In general, no sharp racial lines are drawn.

Now, mankind is in the throes of another world war. Again, the causes of justice and humanity face a crisis. The victims of the new catastrophe are to be found all over the earth, but the first and most tragic victims, as everyone knows, are the Jews. Hundreds of thousands of them have been killed or imprisoned in concentration camps; other hundreds of thousands, their homes and possessions and dear ones torn from them, have become wanderers upon the face of the earth.

The homeless Jewish multitudes of Europe look to the Jewish national home in Palestine for salvation. On this twenty-sixth anniversary year of the Balfour Declaration, that pledge and promise mean more to the Jewish people than ever before. From the concentration camps in Germany, from the walled ghettos of Poland, from the forests and hills where they seek refuge from persecution and terror, rise up their silent prayers. They pray that the gates of Palestine may open wide for them, that they may continue and complete the work of civilization and restoration which the pioneers who preceded them have so nobly advanced.

To that prayer, men of humanity and good will in America and all other free lands, will say "Amen."

EXTENSION OF REMARKS

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the Record, in two instances; in one, to include a column by Walter Lippmann, and in the other, an article by our colleague, the gentleman from Texas [Mr. PATMAN].

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. ROLPH. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and to include therein an editorial written by Mr. Henry F. Budde, of San Francisco, in his paper *Marina Progress*.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LT. GEN. THOMAS HOLCOMB

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to ad-

dress the House for 5 minutes and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have touched before upon the extremely gallant and efficient record of General Holcomb, who has just retired from the Marine Corps.

Lieutenant General Holcomb worked apparently so easily, so effortlessly that it is hard to realize that since he took over the command of the Marine Corps he increased the size of the corps 18 times without weakening or diluting the spirit of the marines as the deep devotion of the marines at Tarawa bears witness.

Mr. Speaker, the great courage and bravery of the marines at Tarawa thrills the country today, even at a time when heroic action is hourly and daily taking place by those who serve in our armed forces in this great global war. The marines landed at Tarawa under tremendous difficulties. They had to wade to shore among coral reefs, in water up to their necks. They were constantly being shot down as they went forward. Toward the end it was the enlisted men who were going forward almost alone because they had lost so many of their officers. Every one of the Allied countries today must pay grateful tribute to the marines at Tarawa.

I would like to add also my appreciation of the Marine Corps generals who have preceded General Holcomb, and the officers and enlisted men under them. In all of my years in Washington, I have never failed to receive the utmost courtesy, consideration, and cooperation from the Marine Corps. They have always told me the truth. It is a very remarkable record for any department of the Government. It deserves praise.

The anxiety of the marines to be of service and their wish for cooperation are the reasons they have done so remarkably in their fighting throughout all history. Courage and alert and immediate action are instilled into the minds of the marines from the instant they enter the service. To give their best is the spirit of the marines.

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

Mrs. ROGERS of Massachusetts. I yield.

Mr. ROLPH. The gentleman from Massachusetts has herself made a tremendous contribution to this Nation in sponsoring the legislation which created the Women's Army Corps or the WAC's. I would like to bring out the fact that the Marine Corps, about which the gentleman has spoken so beautifully, is the oldest military organization of continuous service in the United States.

Mrs. ROGERS of Massachusetts. I know what the gentleman has done in furthering appropriations and legislation that would help the armed services of the country.

As the gentleman knows, the Marine Corps has a very fine group of women marines who are serving with the Marine Corps. I hear nothing but praise of them.

Recently I have been going through Government hospitals and I find that the disabled men speak with appreciation of the women in the service because many of them will not be able to go back even for limited service. It relieves their minds to know they are not so much needed. These men know the horror of war and realize the value of large military forces at once. The WAC's take the place in many noncombat jobs and thereby release men for combat duty.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has expired.

EXTENSION OF REMARKS

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks and to include therein an address delivered by a representative of the Chinese Government at a recent food conference.

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

There was no objection.

INDIAN SCHOOLS NOT TO CLOSE

Mr. JOHNSON of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

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

There was no objection.

Mr. JOHNSON of Oklahoma. Mr. Speaker, within the past several days, I have received many communications from chambers of commerce and others interested in Indian boarding schools throughout the country, asking if there is any serious probability of such schools being closed in the near future. These communications have come to me as Chairman of the Interior Department Subcommittee on Appropriations having jurisdiction over all Indian schools, and other activities of the Interior Department.

Such communications have been provoked because of a printed report of a legislative subcommittee of the United States Senate, which report has had a wide circulation in Oklahoma and other States having considerable Indian population. It is pointed out that, among other things, this committee recommends the discontinuance of all Indian boarding schools at the end of the present fiscal year.

I merely rise, Mr. Speaker, to say once and for all, and I think I can speak with some authority on this particular subject, that there is not the remotest possibility of the wholesale closing of Indian schools in the near future. Each Indian school, as well as every other Indian institution or agency under the Department of the Interior, must stand on its own merits. Any such school that cannot justify its existence ought to be abolished and abandoned, but certainly there are few, if any, such schools in the Indian Service.

The Interior Subcommittee on Appropriations I feel safe in saying will continue to cut and slash nondefense expenditures if and when it is possible and practical to do so. Moreover, we feel that sizeable cuts can and must be made,

but certainly there are more practical and humane ways of doing so than by closing the school doors to Indian boys and girls, many of whom are orphans and others who are poor and utterly dependent.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. D'ALESSANDRO, indefinitely, on account of illness.

ADJOURNMENT

Mr. KENNEDY. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, Friday, December 3, 1943, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Petroleum Subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Friday, December 3, 1943. Business to be considered: To resume petroleum hearings.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be an open meeting of the Committee on the Post Office and Post Roads on Tuesday, December 7, 1943, at 10:30 a. m., for consideration of H. R. 2001, relating to penalty mail, at which time the Postmaster General and the Director of the Bureau of the Budget, or their representatives, will be heard.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

947. A letter from the Archivist of the United States, transmitting report on records proposed for disposal by various Government agencies; to the Committee on the Disposition of Executive Papers.

948. A letter from the Secretary of the Interior, transmitting a recommendation that S. 981 be amended; to the Committee on Insular Affairs.

949. A letter from the Postmaster General, transmitting copy of a letter addressed to Hon. Harold D. Smith, Director, Bureau of the Budget, certifying that the Post Office Department is within the quota set by that Bureau under date of November 16, 1943, for each of the appropriation units involved; to the Committee on the Civil Service.

950. A letter from the Secretary of the Interior, transmitting a draft of a proposed bill to amend section 1, act of June 29, 1940 (54 Stat. 703), for the acquisition of Indian lands for the Grand Coulee Dam and Reservoir, and for other purposes; to the Committee on Indian Affairs.

951. A letter from the Secretary of the Interior, transmitting a draft of a proposed bill to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California; to the Committee on Indian Affairs.

952. A letter from the Attorney General, transmitting a report stating all of the facts and pertinent provisions of law in the cases of 316 individuals whose deportation has

been suspended for more than 6 months under the authority vested in him, together with a statement of the reason for such suspension; to the Committee on Immigration and Naturalization.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. REED of New York: Committee on Ways and Means. House Joint Resolution 171. Joint resolution to permit the importation from foreign countries free of duty, during a period of 90 days, of certain grains and other products to be used for livestock and poultry feed; with amendment (Rept. No. 921). Referred to the Committee of the Whole House on the state of the Union.

Mr. VINSON of Georgia: Committee on Naval Affairs. H. R. 3715. A bill authorizing the acquisition and conversion or construction of certain auxiliary vessels, landing craft, and district craft for the United States Navy, and for other purposes; without amendment (Rept. No. 922). Referred to the Committee of the Whole House on the State of the Union.

Mr. CARSON of Ohio: Committee on Claims. H. R. 2908. A bill to amend Public Law 537, Seventy-seventh Congress, approved May 2, 1942; without amendment (Rept. No. 923). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. KEOGH: Committee on Claims. H. R. 610. A bill for the relief of Pacific Dry Dock & Repair Co., Inc.; without amendment (Rept. No. 925). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 929. A bill for the relief of Irving L. Jones; with amendment (Rept. No. 926). Referred to the Committee of the Whole House.

Mr. JENNINGS: Committee on Claims. H. R. 1519. A bill conferring jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of the McCullough Coal Corporation against the United States; without amendment (Rept. No. 927). Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. H. R. 2183. A bill for the relief of Mathilde B. Meister; with amendment (Rept. No. 928). Referred to the Committee of the Whole House.

Mr. SCRIVNER: Committee on Claims. H. R. 2639. A bill for the relief of William M. Tucker and Nelda M. Tucker; with amendment (Rept. No. 929). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 2880. A bill for the relief of H. G. Tooley; without amendment (Rept. No. 930). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIMOND:
H. R. 3768. A bill to provide for the admission of Alaska, the forty-ninth State; to the Committee on the Territories.

By Mr. BEALL:

H. R. 3769. A bill relating to the authority of courts other than the Emergency Court of Appeals to determine the validity of regulations, orders and price schedules under the Emergency Price Control Act of 1942; to the Committee on Banking and Currency.

By Mr. O'CONNOR:

H. R. 3770. A bill to provide support prices for cattle and sheep, and for other purposes; to the Committee on Banking and Currency.

By Mr. KENNEDY:

H. J. Res. 200. Joint resolution extending greetings of the season to the armed forces; to the Committee on the Judiciary.

By Mr. SMITH of Wisconsin:

H. Con. Res. 59. Concurrent resolution to express the policy of Congress with respect to the distribution of protein meal; to the Committee on Banking and Currency.

By Mr. VINSON of Georgia:

H. Res. 371. Resolution providing for the consideration of H. R. 3715, a bill authorizing the acquisition and conversion or construction of certain auxiliary vessels, landing craft and district craft for the United States Navy, and for other purposes; 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. CALVIN D. JOHNSON:

H. R. 3771. A bill for the relief of Mrs. Fannie Basler; to the Committee on Claims.

By Mr. McCORMACK:

H. R. 3772. A bill for the relief of Edward Woolf; to the Committee on Claims.

By Mr. McGEHEE:

H. R. 3773. A bill for the relief of Staff Sergeant Marion Johnson, United States Marine Corps, and Sgt. George B. Kress, United States Marine Corps Reserve; to the Committee on Claims.

PETITIONS, ETC.

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

3839. By Mr. THOMAS of New Jersey: Resolution adopted by the mayor and members of the council of the Borough of Lodi, N. J., under date of November 22, 1943: (1) That all Federal agencies be required to lease rather than purchase property when the same is acquired for only temporary use so that local governments may preserve their necessary revenues. (2) That Congress be urged to enact legislation authorizing the taxation of the following Federal-owned property: (a) Property withdrawn from local tax rolls for temporary uses, whether the same be military or otherwise; (b) property used for housing and resettlement projects; and (c) real and personal property used for manufacturing and industrial purposes. (3) That in providing for the taxation of Federal-owned property Congress enable local governments to levy taxes to the same extent and in the same manner as property owned privately; to the Committee on Ways and Means.

3840. By Mr. MICHENER: Petition submitted by Julia A. Gorman, secretary, Dexter (Mich.) Methodist Temperance Committee, and 23 other residents of the community, urging enactment of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3841. By Mr. KING: Petition of Claude W. Young, minister, the First Methodist Church of Redondo Beach, Calif., and signed by members of that church, urging passage of the Bryson bill, H. R. 2082, which would prohibit the manufacture, sale, or transportation of alcoholic liquor in the United States for the

duration of the war and until the termination of demobilization; to the Committee on the Judiciary.

3842. By Mr. HART: Memorial of the Board of City Commissioners of the City of Newark, N. J., recommending the appropriation of additional funds for war housing projects; to the Committee on Appropriations.

3843. By Mr. VOORHIS of California: Petition of Mrs. W. C. Akin, of South Pasadena, Calif., and 134 others urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3844. Also, petition of June Emmons, of Pomona, Calif., and 14 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3845. Also, petition of J. J. Winkler, of San Dimas, Calif., and 22 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3846. Also, petition of Nova B. Stone, of Pomona, Calif., and 22 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3847. Also, petition of H. C. Whiteman, Jr., of San Gabriel, Calif., and 19 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3848. Also, petition of Mary E. Bond, of Monrovia, Calif., and 24 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3849. Also, petition of Dr. J. Thurman Pugh, of Monrovia, Calif., and 15 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3850. Also, petition of Leslie Charterson, of Monrovia, Calif., and 14 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3851. Also, petition of Nina Logan, of Monrovia, Calif., and 15 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3852. Also, petition of Herbert Moore, of Monrovia, Calif., and 15 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3853. Also, petition of Olis Haynes, of Pomona, Calif., and 13 others, urging the passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3854. Also, petition of Dr. Wilmer S. Lehman, of South Pasadena, Calif., and 19 others, urging passage of the Bryson bill (H. R. 2082); to the Committee on the Judiciary.

3855. By Mr. COCHRAN: Petition of P. S. Preusch and 40 other citizens, protesting against the passage of House bill 2082, which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3856. Also, petition of the Cyrus Crane Willmore Organization, Inc., and signed by 23 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3857. Also, petition of the E. R. Hensel Co. and 12 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the War; to the Committee on the Judiciary.

3858. Also, petition of Louis A. Meyer and 32 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

3859. Also, petition of Lawrence Gottschamer and 69 other St. Louis citizens, protesting against the passage of House bill 2082 which seeks to enact prohibition for the period of the war; to the Committee on the Judiciary.

SENATE

FRIDAY, DECEMBER 3, 1943

(Legislative day of Thursday, November 18, 1943)

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

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

Our Father God, with the deep desire that all our deliberations on this high hill of the Nation's life should be begun, continued, and ended in Thee, as those set apart to the solemn ministry of public service we would enter this forum of the people's hopes through the gateway of prayer. Here may our faulty perspectives be corrected by vast horizons. Here may mistaken magnitudes be revealed in the long sweep of Thine eternal purpose as our thoughts and hopes are lifted above the strident distresses of our immediate times.

In this hour of testing we crave Thy guidance. Lead our leaders, teach our teachers, inspire our people for all virtuous endeavor. Strengthen the arm of our might to beat down even at staggering cost the cruel iniquities that torture the martyrs of freedom and twist truth into a crooked cross. Give us, above all, grace and endurance to plant Thy kingdom in the world, following with fearless feet the bright star of Thy holy will. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. WALLGREN, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, December 2, 1943, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. WALLGREN. 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	Guffey	Revercomb
Andrews	Hatch	Robertson
Austin	Hawkes	Russell
Bailey	Hayden	Scringham
Bankhead	Hill	Shipstead
Barkley	Holman	Smith
Bilbo	Johnson, Colo.	Stewart
Bone	Kilgore	Taft
Bridges	Langer	Thomas, Idaho
Brooks	Lodge	Thomas, Utah
Buck	Lucas	Tobey
Burton	McCarran	Truman
Butler	McClellan	Tunnell
Byrd	McFarland	Tydings
Capper	McKellar	Vandenberg
Caraway	Maloney	Van Nuys
Chandler	Maybank	Wagner
Chavez	Mead	Wallgren
Clark, Idaho	Millikin	Walsh, Mass.
Clark, Mo.	Moore	Walsh, N. J.
Danaher	Murray	Wheeler
Davis	Nye	Wherry
Eastland	O'Daniel	White
Ellender	O'Mahoney	Wiley
Ferguson	Overton	Willis
Gerry	Pepper	Wilson
Gillette	Radcliffe	
Green	Reed	

Mr. HILL. I announce that the Senator from Georgia [Mr. GEORGE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Texas [Mr. CONNALLY] and the Senator from California [Mr. DOWNEY] are detained on public business.

The Senator from Utah [Mr. MURDOCK] and the Senator from Oklahoma [Mr. THOMAS] are absent on official business.

Mr. WHITE. The Senator from Oregon [Mr. McNARY] and the Senator from Minnesota [Mr. BALL] are absent because of illness.

The Senator from Wisconsin [Mr. LA FOLLETTE] is confined to his home with a cold.

The Senator from South Dakota [Mr. GURNEY] is absent because of a death in his family.

The Senator from Maine [Mr. BREWSTER] is necessarily absent.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3309) to suspend during the present war the application of sections 3114 and 3115 of the Revised Statutes, as amended.

The message also announced that the House had passed a joint resolution (H. J. Res. 186) to provide for the proper observance of the one hundred and fifty-second anniversary of the adoption of the first 10 amendments to the Constitution, known as the Bill of Rights, in which it requested the concurrence of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

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

SUSPENSION OF DEPORTATION OF CERTAIN ALIENS

A letter from the Attorney General, transmitting, pursuant to law, a report stating all of the facts and pertinent provisions of law in the cases of 316 individuals whose deportation has been suspended for more than 6 months under authority vested in the Attorney General, together with a statement of the reason for such suspension (with accompanying papers); to the Committee on Immigration.

DISPOSITION OF LANDS ACQUIRED FOR THE INDIAN BOARDING SCHOOL, SHERMAN INSTITUTE, CALIFORNIA

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to dispose of certain lands heretofore acquired for the nonreservation Indian boarding school known as Sherman Institute, California (with an accompanying paper); to the Committee on Indian Affairs.

ACQUISITION OF LANDS FOR GRAND COULEE DAM AND RESERVOIR

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to amend section 1, act of June 29, 1940 (54